

# ROBBINS

Litigation and Regulatory Law

Joshua tries business cases. Prior to joining the firm, he served for nine years as a senior trial counsel in the Enforcement Division of the SEC, where he tried numerous bench and jury trials to verdict while sitting in the first chair. He also represented the SEC during evidentiary hearings and oral arguments on emergency motions and other contested matters, and he prosecuted administrative proceedings before SEC ALJs and during appeals to the Commissioners. Joshua has deep experience working with staff of the SEC's Atlanta Regional Office and with the senior managers of the Division of Enforcement throughout the country. His cases and investigations have spanned the full range of the SEC's case load—from technical regulatory violations to alleged fraud of every stripe, including accounting fraud, insider trading, abusive trading practices, excessive or unearned fees collected by investment advisers, undisclosed conflicts of interest, and garden variety disclosure fraud. While at the SEC, Joshua won the prestigious Ellen B. Ross award, a national award given to two people annually in recognition of exemplary commitment, enthusiasm, and performance in working to fulfill the SEC's responsibilities for the fair and effective enforcement of the federal securities laws.



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Although he is an expert in the federal securities laws and the SEC enforcement process, prior to joining the SEC, Joshua tried cases involving a wide array of subject matters while in private practice at an Am Law 100 firm. His cases involved all manner of deals gone bad, representing clients large and small, plaintiffs and defendants, in cases involving real estate disputes, business divorces, acquisitions gone south, breaches of contract and thefts of trade secrets. Joshua also defended officers and directors of public companies in shareholder derivative suits and adversary proceedings, where his clients were alleged to have engaged in a variety of misconduct. He defended putative class actions on behalf of insurance companies, public companies, accounting firms, lenders, and other financial institutions in cases involving a wide range of subject matters. In addition to his more traditional litigation practices, Joshua also represented several state governments in billion-dollar educational funding lawsuits, and he represented local Georgia school districts and charter schools as both a counselor and in court.

## Education

- J.D., magna cum laude, Cornell Law School, 2003
- Order of the Coif
- Symposium Editor, Cornell Law Review
- B.A., cum laude, College of Charleston, 1999

## Clerkship

- The Honorable Karen J. Williams, United States Court of Appeals for the Fourth Circuit

## **Bar Memberships**

- Georgia
- Florida

## **Select SEC Enforcement Cases**

- *SEC v. World Tree Financial*, No. 6:16-cv-1229 (W.D. La.) (obtained a verdict in client's favor after a bench trial in a cherry-picking case)
- *SEC v. Doffing*, No. 1:12-cv-2984 (N.D. Ga.) (obtained a jury verdict in client's favor in a circumstantial insider trading case)
- *SEC v. Jacobs*, No. 1:13-cv-1289 (N.D. Oh.) (obtained a jury verdict in client's favor in a circumstantial insider trading case)
- *SEC v. Torchia*, 183 F. Supp. 3d (N.D. Ga.) (obtained a receiver following a contested evidentiary hearing in an offering fraud case)
- *SEC v. Bernath*, No. 3:15-cv-485 (W.D.N.C.) (obtained a judgment after a contested evidentiary hearing against an investment adviser in an undisclosed conflict-of-interest case)
- *SEC v. Detroit Memorial Partners*, No. 1:13-cv-1817 (N.D. Ga.) (obtained orders freezing assets and appointing a receiver following a contested evidentiary hearing in an offering fraud case)
- *SEC v. Kelly*, 1:18-cv-4939 (N.D. Ga.) (obtained a preliminary injunction and asset freeze in a case involving misappropriation by an investment adviser)
- *SEC v. Meyer*, No. 1:18-cv-5868 (N.D. Ga.) (obtained a receiver after a contested motion in a case against an investment adviser who took unearned fees)
- *SEC v. Watkins*, 317 F. Supp. 3d 1244 (N.D. Ga.) (obtained summary judgment against an individual who defrauded former NBA player Charles Barkley)
- *SEC v. Rand*, 1:09-cv-1780 (N.D. Ga.) (obtained summary judgment in an accounting fraud case involving earnings management by Beazer homes)
- *SEC v. Woods*, No. 1:21-cv-3413 (N.D. Ga.) (obtained an asset freeze, preliminary injunction, and receiver in a Ponzi scheme case)
- *SEC v. Hope Advisors*, No. 1:16-cv-1752 (N.D. Ga.) (secured favorable judgment in a case alleging that an investment advisor used a complicated options trading strategy to inflate fees)
- *In re Melvin*, No. 3-15659 (SEC) (obtained an order barring an accountant from practicing before the commission in a contested proceeding under SEC Rule 102(e))
- *In re Bernath*, No. 3-16943 (SEC) (obtained an order barring an investment adviser from the industry in a contested administrative proceeding)
- *In re Marwood Group Research, LLC*, No. 3-16790 (SEC) (obtained first enforcement order against a "political intelligence" investment adviser)
- *SEC v. Ray*, No. 1:19-cv-2789 (D. Col.) (obtained asset freezes and permanent injunctions against all defendants in a Ponzi scheme case)

## **Select Other Experience**

- Member of trial team that successfully defended the State of Missouri during an eight-week trial challenging the adequacy of the state's school funding system.
- Successfully prosecuted, as lead trial counsel, multiple commercial arbitrations resulting in six- and seven-figure awards in client's favor.
- Obtained, after a two-day evidentiary hearing, a preliminary injunction preventing a client's former business partner from competing with the client's business.
- Represented big-four accounting firms and Amlaw-100 law firms in malpractice and fraud cases.
- Represented officers and directors in shareholder derivative suits and adversary proceedings brought by bankruptcy trustees.
- Represented clients in antitrust investigations of mergers in various industries, including energy and building materials.
- Represented insurance companies, lenders, accounting firms, and other clients in fraud, securities, and antitrust class-action lawsuits.
- Represented the State of Georgia in a billion-dollar school funding lawsuit that the plaintiffs dismissed on the eve of trial.
- Represented Atlanta-area charter schools in a wide variety of matters, including filing suit against their authorizing school districts for illegally underfunding the schools.
- Represented a large metropolitan school district in a wide variety of matters related to charter schools, alleged corruption, open records act compliance, accreditation, and other special matters.