

# BARRAN LIEBMAN<sup>LLP</sup>

A T T O R N E Y S

Employment | Labor | Benefits | Higher Education  
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## JOSH M. GOLDBERG

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Josh Goldberg counsels employers and defends them in litigation and in front of administrative agencies. He provides representation for a full array of employment and education matters, including discrimination, retaliation, pay equity, wage and hour compliance, employee classification, accommodation, leave, non-compete agreements, non-solicitation agreements, Title IX, and licensing issues. With his solution-oriented approach, he helps clients navigate all stages of litigation, including discovery, motion practice, mediation, trial, and appeal. Josh's trial experience includes clerking and externing with multiple judges for the U.S. District Court for the District Court of Oregon and Multnomah County Circuit Court.

Josh takes a personal and proactive approach to advising clients on workplace policies, and has extensive experience drafting confidentiality, non-solicitation, and non-competition agreements to advance clients' unique business objectives. He also frequently works with colleges, universities, and other educational institutions on issues of Title IX compliance, student privacy, disability accommodation, and discrimination.

Josh graduated with a B.A. in Political Science from Williams College and received his J.D. from Lewis & Clark Law School. Throughout his legal education and to present, Josh remains steadfastly committed to community service. Josh co-founded Lewis & Clark Law School's Law Student Diversity Action Committee and was inducted into the Cornelius Honor Society in recognition of his distinguished scholarship, leadership, and contributions. He also serves on the Board of Directors for the LGBT Bar Association of Oregon, and is the Chair of the Oregon State Bar Civil Rights Section.

Prior to law school, Josh developed a knack for anticipating risk and crafting creative solutions that advanced the policy initiatives of Secretary of State Kate Brown, now Oregon's Governor. These initiatives include drafting the nation's first law to automate voter registration.

### **Representative Matters**

Counsel for Non-Profit Organization: Obtained speedy dismissal of Ninth Circuit appeal over claims of racial and religious discrimination nine days after oral argument

Counsel for Regional Healthcare Organization: Successfully responded to BOLI charge for unpaid overtime, resulting in a quick and voluntary dismissal by the complainant

Counsel for Private College: Negotiated favorable resolution of employment and shareholder oppression claims that included a share buy-back

Counsel for Large Private Sector Employer: Successfully defended Equal Pay Act and hostile work environment claims, and negotiated favorable settlement

**Representative Matters (continued)**

- Counsel for Law Firm: Obtained dismissal of BOLI charge by an independent contractor alleging whistleblower retaliation
- Counsel for Private College: Defended client when high-profile Title IX and breach of contract claims were made by a former student
- Counsel for Public University Professor: Drafted a motion to dismiss employment and education discrimination claims that brought a quick and voluntary dismissal of the client
- Counsel for Private College: Defended against a claim of gender discrimination in the Title IX disciplinary process
- Counsel for Small, Medium & Large-Sized Employers: Drafted and sought enforcement of non-competition, non-solicitation, and non-disclosure agreements
- Counsel for National Retailer: Briefed novel issues regarding the enforcement of non-compete agreements in front of the Oregon Court of Appeals
- Counsel for Private Employer: Guided client through an Oregon Department of Employment audit to prove that workers were properly classified as independent contactors
- Counsel for Global Shoe Company: Obtained dismissal of BOLI charge alleging discrimination and retaliation
- Counsel for Restaurant Chain: Defended against sexual discrimination, pay equity, and retaliation claims
- Counsel for Global Software Company: Defended against a claim for breach of a non-competition agreement and other business torts
- Counsel for Local Private Company: Defended against wage and breach of contract claims and achieved favorable result in mediation
- Counsel for Local Physical Therapy Provider: Defended a separate corporate entity that was allegedly a joint employer against claims of discrimination and retaliation
- Counsel for National Non-Profit Organization: Advised on whether employees are classified as exempt or non-exempt from overtime wages
- Counsel for Public University: Defended against claims of racial and national origin discrimination and retaliation

**Areas of Practice**

- Appellate Law
- Compliance Advice
- Employee Handbooks
- Employment Law Advice & Litigation
- FERPA Compliance
- Higher Education Representation
- Trade Secrets & Non-Competition Agreements
- Title IX Compliance Advice & Training
- Complex Employment-Related Commercial Litigation
- On-Site Employment Law Training
- Social Media
- Wage & Hour
- Workplace Investigations

**Honors**

- Graduate of the 21<sup>st</sup> Annual Oregon Trial Advocacy College (2019)

**Professional Experience & Affiliations**

University Risk Management & Insurance Association (URMIA): Affiliate Member (2021-present)  
 LGBT Bar Association of Oregon (OGALLA) Board of Directors: Member (2019-present)  
 Oregon State Bar Civil Rights Section: Chair (2019-present); Member (2018-present)  
 Gus J. Solomon Inns of Court: Member (2018-present)  
 Judicial Clerk to the Honorable Jerome LaBarre & Andrew Lavin (2017-2018)  
 U.S. District Court of Oregon: Judicial Extern to the Honorable Ann Aiken (2017)  
 Western Resources Legal Clinic: Practicum (2016)  
 U.S. District Court of Oregon: Judicial Extern to the Honorable Mark Clarke (2015)  
 Oregon Secretary of State Kate Brown: Policy Advisor & Voter Engagement Advocate (2013-2014);  
 Policy Assistant (2010-2013)

**Civic Activities**

Rotary Club of Portland: Member (2019-2020)  
 The Portland Opera's Young Patron Society: Member (2018-present)  
 The Bus Project: Board of Directors (2013-2015)

**Representative Presentations**

National Electrical Contractors Association (NECA) Lunch & Learn: "Oregon Employment Update," Presenter (11/18/21)  
 National Business Institute (NBI) Human Resource Law Boot Camp: "Hiring & Firing: Legal Do's & Don'ts for Crucial HR Functions; "Drugs & Alcohol in the Workplace: Marijuana & Other Considerations," Presenter (10/18/21)  
 Portland Human Resource Management Association (PHRMA): "Workforce Management," Presenter (10/5/21)  
 American Payroll Association (APA) Heart of Oregon Chapter: Oregon Legislative Session: 2021 Update," Presenter (8/12/21)  
 Portland Human Resource Management Association (PHRMA) Spring Study Group: "Workforce Management," Presenter (3/23/21)  
 Yamhill County Human Resource Association: "HR Basics Webinar: Federal & State Law Updates, Restrictive Covenants, & Lessons from the Department of Education," Presenter (1/14/21; 1/15/21)  
 Portland Human Resource Management Association (PHRMA) Certification Study Group: "Workforce Management," Instructor (10/27/20)  
 National Business Institute (NBI) Employment Law & HR Update: "Top Reasonable Accommodation Mistakes HR Pros Make," Presenter (10/26/20)  
 Oregon Alliance of Independent Colleges & Universities: "Final Title IX Rule: Supportive Measures, Mandatory Dismissals, Informal Resolution & Training Requirements," Presenter (6/11/20)  
 Lorman Webinar: Non-Compete Agreements in the Sale of a Business," Presenter (6/5/20)  
 Oregon Alliance of Independent College & Universities: "What Expanded Unemployment Benefits Means for Oregon Colleges & Universities," Presenter (4/29/20)  
 Portland Human Resource Management Association (PHRMA): "Workforce Management," Presenter (4/7/20)  
 National Electrical Contractors Association (NECA): "2020 Legislative Update: Before & After," Presenter (3/12/20)  
 Portland Metro Payroll Association: "2020 Legislative Update: Before & After," Presenter (2/19/20)

**Representative Publications (continued)**

- National Business Institute (NBI) HR Law Boot Camp: “Drugs & Alcohol in the Workplace: Marijuana & Other Considerations,” Presenter (10/16/19)
- Yamhill County Human Resource Association: “HR Must Knows & Employment Law Best Practices for 2019,” Presenter (5/9/19)
- Portland Metro Payroll Association: “Washington’s Paid Sick Leave Law,” Presenter (2/20/19)
- National Business Institute (NBI) Fall Conference: “Leave Compliance in the Workplace: OFLA, FMLA, ADA & Other Leave,” Presenter (11/13/18)
- “U.S. Supreme Court Concludes NCAA Violated Anti-Trust Law by Restricting Education-Related Benefits,” Barran Liebman E-Alert, June 23, 2021
- “COVID-19 Vaccine Mandate Withstands First Legal Challenge,” Barran Liebman E-Alert, June 15, 2021
- “New Changes to Oregon’s Statute on Employee Noncompetition Agreements,” Barran Liebman Electronic Alert, June 3, 2021
- “Accommodating Anxiety & Other Mental Illnesses in the Workplace,” *Oregon Business* magazine, May 4, 2021
- “EEOC Releases EEO-1 Reporting Form & Sets Deadline for EEO-1 Reporting,” Barran Liebman Electronic Alert, April 29, 2021
- “Federal Contractors, Are You Up to Speed on Your Compliance Obligations? President Biden Enacts \$15.00 Minimum Wage,” Barran Liebman Electronic Alert, April 28, 2021
- “What Employers Need to Know About Oregon’s New Proposed Restrictions on Non-Compete Agreements,” *Cascade Business News*, April 21, 2021
- “Details: The American Rescue Plan Act 2021,” *Oregon Business Report*, March 17, 2021
- “What Employers Need to Know About the American Rescue Plan Act of 2021,” Barran Liebman Electronic Alert, March 11, 2021
- “New Year, New Classification Rules: Department of Labor Updates Economic Realities Test for Wage Claims,” Barran Liebman Electronic Alert, January 8, 2021
- “Hiring in the Time of COVID: Best Practices for Employer Re-Opening Plans,” *Cascade Business News*, May 20, 2020
- “EEOC Offers Reprieve to Employers from Employee Reporting Requirements Due to COVID-19,” Barran Liebman Electronic Alert, May 11, 2020
- “New Temporary Exemptions From Maximum Working Hour Requirements,” Barran Liebman Electronic Alert, April 7, 2020
- “New Federal Rules Aim to Provide Clarification for Employers,” *Daily Journal of Commerce*, January 24, 2020
- “U.S. Department of Labor Issues New ‘Joint Employer’ Rules under FLSA,” Barran Liebman Electronic Alert, January 14, 2020
- “Oregon Court of Appeals: Employers are Strictly Liable for Employees Who Do Not Take Full Meal Breaks,” Barran Liebman Electronic Alert, December 3, 2019
- “The New School Year Brings New Opportunity to Use FMLA Leave for a Child’s IEP Meetings,” Barran Liebman Electronic Alert, August 12, 2019
- “Guidance for Preparing EEO-1 Component 2 Compensation Reporting,” Barran Liebman Electronic Alert, July 18, 2019
- “Employers Prepare The Most Significant Legislative Changes Coming to Oregon Employers,” *Cascade Business News*, July 17, 2019
- “Judge Sets September 30, 2019 Deadline for Employers to Submit EEO-1 Compensation Reports,” Barran Liebman Electronic Alert, April 4, 2019

**Representative Publications (continued)**

“Top Tips for Employers: Handling Protected Sick Leave Requests During The Holidays,” *Cascade Business News*, November 21, 2018

“The Department of Labor Issues Flurry of New Opinions,” Barran Liebman Electronic Alert, August 30, 2018

“Significant New Licensing Requirements for the Janitorial Cleaning Services Industry,” Barran Liebman Electronic Alert, May 2, 2018

“DOL Reverts to ‘Opinionated’ Ways – Maybe a Good Thing,” *Daily Journal of Commerce*, April 27, 2018

**Admitted to Practice**

Oregon

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Oregon

**Academics**

Lewis & Clark Law School (J.D., 2017): Cornelius Honor Society; *Environmental Law Review*: Associate Editor; Law Student Diversity Action Committee: Co-Founder; Student Bar Association: Faculty Committee Member; Research Assistant to Professors Edward Brunet, Samir Parikh & John Parry

Williams College (B.A. Political Science and Women’s & Gender Studies, 2009): Dively Committee; Queer Student Union; Dance Dhmake