

Joshua Burgener

Partner

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Industries

Finance

Practice Areas

Business & Commercial Litigation

Antitrust & Trade Regulation

Consumer Financial Services & Protection

Corporate Law

Outside General Counsel Services

Bar Memberships

Tennessee

Josh is an experienced trial lawyer who focuses his practice on complex commercial and business litigation, employment disputes, class action litigation, government enforcement actions, and real estate litigation. He routinely handles trade secret and non-compete suits, evaluates non-solicitation and other employment agreements, and litigates contract claims, lease disputes, and business torts. Beyond his courtroom practice, Josh advises clients on litigation assessment and avoidance. An enthusiastic problem solver, he prioritizes finding solutions for, and maximizing the opportunities of, his clients in whatever situation they face.

Josh currently serves on the Nashville Bar Association's Board of Directors after being elected by his peers in 2023. Prior to that, Josh chaired the NBA's Continuing Legal Education Committee from 2021-2024 and the Circuit and Chancery Court Committee from 2018-2020.

Other Info About Josh

Experience

Successfully defended out-of-state mass-marketing company in civil enforcement action alleging violations of the Tennessee Consumer Protection Act and Government Impostor Act resulting in a dismissal during a multi-day non-jury trial.

Defended multinational corporation in multi-million-dollar breach of contract suit wherein Plaintiff alleged breach of an outside manufacturing agreement for allegedly failing to deliver all products ordered after the client's production capabilities plummeted.

Defended consumer product company in class-action litigation involving claims of false advertising.

Defended multifamily housing provider in nationwide class action asserting antitrust claims regarding use of certain third-part software tools related to rental pricing.

Defended individuals and business entities in civil enforcement action involving alleged securities fraud related to cryptocurrency.

Defended property owners and management company in suit filed by short-term rental management company alleging breach of lease agreements and violations of the Tennessee Uniform Residential Landlord and Tenant Act.

Prosecuted trade secret, breach of fiduciary duty, and breach of contract action on behalf of regional company against competitor and the former executive it hired after he absconded with formulas and other sensitive proprietary and business information.

Represented Fortune 10 retail chain in condemnation, eminent domain, and related land use and development matters in Nashville/Davidson County, TN, and throughout Tennessee, including pre- and post- judicial procedure strategy, settlement negotiations and resolutions.

Advised partners in prominent local restaurant in dispute involving allegations of fraud, breach of fiduciary duty, and misappropriation that was resolved pre-suit.

Defended healthcare services company in multiple franchise disputes with franchisees that resulted in favorable settlement

terms after protracted litigation in state and federal court.

Litigated commercial lease disputes on behalf of national healthcare REIT that resulted in favorable judgments for the client.

Successfully represented publicly traded company in Sarbanes-Oxley (SOX) whistleblower retaliation suit resulting in federal district court granting summary judgment.

Successfully defended national health care company against Telephone Consumer Protection Act (TCPA) claim resulting in early dismissal.

Significant experience enforcing non-compete, non-solicitation, and other employment agreements in federal court.

Education

Vanderbilt University, J.D.

Vanderbilt University, B.A. *magna cum laude*

Courts

United States Court of Appeals for the Sixth Circuit

United States District Court – Eastern District of Tennessee

United States District Court – Middle District of Tennessee

United States District Court – Western District of Tennessee

United States District Court – District of Colorado

United States District Court – Northern District of Illinois

United States District Court – Western District of Arkansas

United States District Court – Eastern District of Michigan

Recognition

Best Lawyers in America®

- Labor & Employment Litigation, 2023-2027
- Commercial Litigation, 2026-2027

The Legal 500 United States

- Recommended Lawyer in Dispute Resolutions: General Litigation Disputes (2023)
- Recommended Lawyer in Labor & Employment Disputes (including Collective Actions): Defense (2023 and 2024)

Benchmark Litigation

- Future Star (2025)
- Local Labor & Employment Star (2020 – 2024)
- Under 40 Hot List (2019-2020)

Mid-South Super Lawyers®

- Business Litigation, 2023-2025
- "Rising Star," Business Litigation, 2016-2022

Nashville Business Journal, 40 Under 40, 2022

Professional Affiliations

Rule 31 Mediator, Tennessee

Nashville Bar Association, Board of Directors, 2024-2028

Nashville Bar Association, CLE Committee, Chair, 2021-2024

Nashville Bar Association, Co-Chair Circuit and Chancery Court Committee, 2018-2020

American Bar Association, Tort Trial & Insurance Practice (TIPS) Section, Leadership Academy – Class of 2024

Tennessee Bar Association

American Constitution Society

Member, Inaugural Class, Nashville Bar Foundation Leadership Forum, 2014-2015

Civic Activities

Former Board Member, Nashville Emerging Leaders, 2017-2018

Member, Nashville Emerging Leaders, Class of 2015

Legal Aid Society of Middle Tennessee

National Commodore Club

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