

People



Joshua D. Bernstein

Member, Executive Committee
Co-Chair, Hospitality Sector Team

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vCard

” He has very strong interpersonal skills and yet, at the same time, is a forceful advocate.

- *Chambers USA*

Joshua Bernstein serves as the co-chair of Akerman’s Hospitality Sector Team, a multidisciplinary group providing an extensive range of legal counsel and services to lodging and lifestyle companies. Josh’s clients include hotel owners and operators, commercial property owners, lenders, developers, commercial and restaurant tenants, general contractors and subcontractors, and high-net-worth individuals.

An experienced, *Chambers*-ranked litigator specializing in hospitality, real estate, and international disputes, Josh is regularly called upon to solve his clients’ most pressing legal issues. He works with real estate and hospitality investors, owners, and operators to protect their investments. Josh has obtained multimillion dollar judgments on behalf of his clients and many of his cases have had long-term legal and business implications, including shaping the law regarding the termination of hotel management, franchise, and operations contracts. Recognized nationally by *Chambers*, he is noted as being “incredibly knowledgeable and strategically aggressive, yet considerate of client cost concerns.”

With a national practice in federal and state courts, Josh litigates disputes in the wake of the acquisition and development of real property, the operation and management of hotels, complex real estate and hospitality financing, commercial leases, real estate joint

Areas of Experience

Real Estate Litigation
Hospitality
Litigation
Hospitality Dispute Resolution
Restaurant
Hospitality Regulatory Compliance
Distressed Property
Commercial Lease Dispute Resolution and Litigation
Sports and Entertainment Law

Education

J.D., Brooklyn Law School, 2001, cum laude
B.A., Hofstra University, 1998

Admissions

Bars

New York

Courts

U.S. Court of Appeals, Eleventh Circuit
U.S. Court of Appeals, Second Circuit

Related Content

Akerman Partner Joshua Bernstein Recognized Among *Crain’s New York Business*: 2025 Notable Litigators & Trial Attorneys
March 24, 2025

Leisure Law Insider (Vol. 5) – Winter 2025
Winter 2025

Akerman Lawyers Ranked in New York by *Super Lawyers Magazine*
November 04, 2024

ventures, and construction. He also represents clients in arbitrations and mediations in the United States and internationally.

Notable Work

Boutique Manager of Bowery Hotel: When the owner of a new, luxury hotel in the Bowery neighborhood of Manhattan used the pandemic to remove the hotel manager and convert the property into a homeless shelter, Josh successfully prosecuted the hotel manager's wrongful termination claims in an expedited proceeding before the International Chamber of Commerce, which awarded the hotel manager over \$10 million in damages, as well as injunctive relief barring the owner from continuing to use the hotel manager's trademarks.

Asset Purchase of Boutique Hotel Company: Represented a family-owned and operated nationwide, boutique hotel company in its acquisition by a global hotel conglomerate for nearly half a billion dollars. Josh advised the client of the litigation risks associated with the transaction, as well as developing the acquisition structure that was implemented to avoid triggering certain default and termination provisions in the client's myriad hotel management agreements, which would have devalued the purchase price of the acquisition.

Professional Sports Team: Represent a professional sports franchise in connection with the assertion of professional errors and omissions claims against the architect and construction manager retained to build the franchise's new stadium.

Eden Roc Hotel: Represent the owner of the Eden Roc hotel in Miami Beach in (i) asserting claims against Marriott International and its subsidiaries for mismanaging the hotel; and (ii) securing the vacatur of a preliminary injunction that had required the owner to permit the hotel management company to continue to manage all hotel operations against the owner's will, by successfully arguing that injunction inappropriately compelled performance of a personal services contract.

World Trade Center Litigation: Represented net lessees of the World Trade Center after 9/11 in a three-month trial and formal appraisal hearings concerning insurance coverage and the amount of the loss.

Summary Judgment Against The Gap, Inc.: Represented the owner of a 35,000 square foot corner retail unit on Lexington Avenue in enforcing its lease against The Gap, Inc., who made a corporate-wide decision to stop paying all rent in the face of the COVID-19 pandemic. In a first of its kind decision, the District Court of the Southern District of New York rejected the Gap's *force majeure* defense, holding Gap liable for holdover rent under the Lease.

Real Estate Investment Fraud: Successfully defended a large real estate owner and investor in Class A office and retail properties throughout the country in an expedited international arbitration brought by a group of "family and friends" investors claiming their investments were induced through a complex fraud and seeking rescission of their multi-million dollar investments. Not only was the case dismissed after an expedited, International Centre for Dispute Resolution arbitration hearing, but Josh's client was awarded all of its attorneys' fees incurred in defending the action.

Published Work and Lectures

- HOFTEL Americas Members' Summit, Speaker, "Key HMA Clauses – How a Transaction/Negotiation Lawyer and a Litigator May See Them Differently," September 24, 2024
- *Law360*, Real Estate Authority, Co-Author, "How Retail Tenants Can Avoid Paying Rent Prematurely," April 11, 2024
- New Jersey State Bar Association (NJSBA) CLE Program, Speaker, "The Comprehensive Guide to Hospitality Law," February 2, 2024
- HOFTEL Limited, Atlantic Ocean Hotel Investors' Summit (AOHIS), Speaker, "The Power of the Management/Franchise Companies in Contract Negotiations Has Increased, Is Increasing and Ought to Be Diminished," January 23, 2024
- *Bisnow*, Quoted, "Just Let Me Keep The Patio': Restaurants Face Uncertain Future Over Outdoor Dining Structure Ban," February 16, 2022
- *Law360*, Co-Author, "Terminating Hotel Management Contracts Amid COVID-19," March 30, 2021
- *Law360*, Quoted, "Hospitality Trends And Cases To Watch In 2021," January 3, 2021
- *Hotel Business*, Quoted, "COVID-19 And The Law: Legal Experts Weigh The Issues," May 15, 2020
- *Hotel Business*, Co-Author, "Hotel Closures Due to COVID-19: What to Consider," April 20, 2020
- *Law360*, Quoted, "Huge Hotel Job Losses Reported Due To COVID-19," March 23, 2020
- *The Real Deal: South Florida*, Quoted, "How Much Are Hotels Hurting?," September 20, 2019
- *Law360*, Quoted, "Hospitality Cases and Trends to Watch in 2019," January 1, 2019
- [2017 Akerman U.S. Real Estate Sector Report](#), Contributor
- *New York Law Journal*, Co-Author, "Closing Time: Protecting Your Interests When Your Hotel Purchase Fails to Close," August 2, 2017
- *New York Law Journal*, Co-Author, "Co-Branding a Boutique Hotel and Restaurant With a Celebrity Chef," May 9, 2017
- *New York Law Journal*, Co-Author, "The Removal of Unwanted Managers of Real Estate LLCs," March 13, 2017
- *New York Law Journal*, Co-Author, "Hotel Management Agreements and Enforcement of Forum Selection Clauses," March 13, 2017
- *New York Law Journal*, Co-Author, "Defending Against Revocation of §421-a Tax Benefits," December 21, 2016
- *New York Law Journal*, Co-Author, "Arbitration Provisions in Hotel Management Agreements," January 13, 2016
- *New York Law Journal*, Co-Author, "Using Self-Help to Remove Unwanted Hotel Management," August 19, 2015
- *New York Law Journal*, Co-Author, "Is Airbnb Workable in New York City," April 29, 2015
- *New York Law Journal*, Co-Author, "Indemnification Provisions in Hotel Management Agreements," January 14, 2015
- *New York Law Journal*, Co-Author, "Enforceability of Indefinite Terms in Real Estate Contracts," October 29, 2014
- *New York Law Journal*, Co-Author, "Protection of Hotel Guest Data and Personal Information," August 20, 2014
- *New York Law Journal*, Co-Author, "Ownership of Hotel Guest Data Upon New Management," April 30, 2014

- *New York Law Journal*, Co-Author, “The Enforceability of Letters of Intent,” January 29, 2014
- *New York Law Journal*, Co-Author, “Branded Residences and the Hotel Owner’s Rights of Termination,” August 21, 2013
- *New York Law Journal*, Co-Author, “The Termination of Hotel Management Agreements: Part II,” April 17, 2013

Affiliations

- Co-Author, “Marriott/Starwood Merger Good for Brands, Not Owners,” December 3, 2015
- New York City Bar Association
- American Bar Association, Real Estate Litigation Committee, Co-Chair; Mechanics Lien Subcommittee
- American Bar Association, Member; Forum on Construction Industry
- *Law360*, Member, Hospitality Law Advisory Board

Honors and Distinctions

- *Chambers USA*, 2021-2024, Ranked Nationwide for Leisure and Hospitality
- *Best Lawyers*, 2020-2025, Listed in New York for Litigation – Real Estate and Leisure and Hospitality Law
- *Crain’s New York Business*, 2025, Listed as One of New York’s “Notable Litigators & Trial Attorneys”
- *Benchmark Litigation*, 2025, Listed in New York as a “Litigation Star”
- *Benchmark Litigation*, 2022-2024, Listed in New York as a “Future Star”
- *Law360*, 2020, Hospitality Editorial Advisory Board
- The Burton Award for Legal Achievement, 2015
- *Super Lawyers Magazine*, 2019-2024, Listed in New York for Real Estate
- *Super Lawyers - New York Metro*, 2013-2015, Listed in New York as a “Rising Star” for Real Estate
- *Law360*, 2013, Named a “Rising Star” in Real Estate