

FRANCHISE

Our Franchise Law attorneys represent individuals and organizations seeking to develop their business concepts through both franchising and licensing opportunities. Because of our decades of experience in guiding clients seeking to expand the distribution of their products or services, we understand that every client's situation is unique and approach each opportunity accordingly. Our attorneys protect our franchisor clients' interests in building a foundation for a successful and sustainable franchise system. When representing a prospective franchisee, we leverage that same knowledge and expertise in pursuing our dual objective: to educate and to protect a prospective franchisee from the negative effect of "boilerplate" or "non-negotiable" provisions. We work closely with each client to help them determine the growth option that best meets their needs, as well as lay out the critical path to get them there.

We assist clients with: identifying the ideal business formation and structure; completing state and federal franchise registration and disclosure documents; and evaluating, creating and negotiating franchise agreements such as Master Franchise Agreements (MFA) and Area Development Agreements (ADA). Our attorneys collaborate with other practice groups to provide clients with expertise in tangential areas that impact franchising or licensing, such as business, tax, finance and labor and employment. We assist clients with financing; leasing and real estate matters; positioning and protection of brand and other intellectual property; licensing, trademarks and copyrights; non-compete covenants; employment law counseling; and distribution agreements.

Should a conflict arise, we work to avoid costly litigation through mediation, arbitration and other forms of alternative dispute resolution to resolve disputes quickly, cost-efficiently and confidentially. When trial cannot be avoided, our extensive trial experience before state, federal and appellate courts, as well as before administrative agencies, enables us to effectively represent clients in all areas of civil and commercial litigation.

Representative Service

- Franchise Formation, Foundation and Structure,
- Franchise Finance, Leasing and Development
- Federal and State Registration, Disclosure Documentation and Compliance
- Franchising Mergers and Acquisitions
- Franchise and Distributorship Litigation, Mediation and Arbitration
- Trademark Licensing
- Termination and Post-Termination Issues

Representative Matters

- Represented expanding professional softball league and helped poise the league for future growth as outside counsel by handling a wide range of matters including franchising, contract negotiations with sponsors and suppliers, player contract review and working with the league commission.
- Represented owners of convenience stores in disputes arising under franchise agreements.
- Represented franchisee in food service industry seeking to establish first retail outlet in designated territory.

Attorneys

- Scott M. Lewis, Chair
- Peter B. Brosse
- David V. Croft
- Mario J. Fazio
- Anne L. Meyers
- Peter Turner