Best Practices in Franchise Arbitration

March 24, 2015 - 1:00 p.m. to 2:30 p.m. ET

PROGRAM SUMMARY

Speakers: Julianne Lusthaus, Esq. and Quentin Wittrock, Esq.

During this webinar, experienced advocates in franchise disputes will discuss best practices for handling franchise arbitration from beginning to end, including arbitration selection and qualifications, preliminary hearings conferences, information exchange and discovery, motion practice and franchise specific issues.

AGENDA

1:00 p.m. Welcome and Introduction of Speakers (5 minutes)

1:05 p.m. Definition of a Franchise Dispute (75 Minutes)

Arbitrator selection and qualifications
- 1 vs. 3 arbitrators
- Due diligence

Preliminary hearing management conferences
- Addressing timelines and scheduling
- Expediting the arbitration process where necessary

Information exchange and discovery
- Scope/necessity
- Dealing with violations

Motion Practice
- Dispositive motions

Franchise specific issues

2:20 p.m. Conclusion and Questions (10 minutes)

2:30 p.m. Evaluation (5 minutes)

2:35 p.m. Adjourn
Faculty

Julianne Lusthaus is a member of Einbinder & Dunn, LLP and has been practicing law since 1996. Ms. Lusthaus has extensive experience and a comprehensive understanding of both sides of the franchisee/franchisor relationship. She frequently counsels franchisee clients including franchisee associations in negotiations concerning disputes with franchisors and in litigation and arbitration. She also assists franchisee clients in connection with the acquisition of franchises and the negotiation of franchise agreements including renewal agreements. Ms. Lusthaus also represents start-up and established franchisors in the preparation of their franchise disclosure documents and franchise agreements and counsels franchisor clients in the structuring and development of franchise businesses, franchise law compliance and trademark registration. She is an active member of the American Bar Association Forum on Franchising; the New York State Bar Association Committee on Franchise, Distribution and Licensing Law; the International Franchise Association; the American Bar Association Law Practice Management Section; the Westchester Women’s Bar Association; the Brooklyn Women’s Bar Association; and Flex-Time Lawyers, LLC. Ms. Lusthaus has spoken at legal and industry events on franchising and has authored papers on franchising issues.

Quentin Wittrock is a principal at Gray Plant Mooty where he practices in the area of franchise and distribution litigation and arbitration, with a special emphasis on cases between business competitors. He joined the firm in 1987 after serving as a law clerk to the late Honorable Donald P. Lay, Chief Judge of the United States Court of Appeals for the Eighth Circuit. Quentin is a trial attorney who represents businesses in preventing or resolving problems involving antitrust and distribution issues, as well as many other types of disputes. He has coordinated and tried franchise, distribution, non-compete, and employment cases throughout the Untied States. Recently, Quentin has been defending franchisors, product manufacturers, and other companies against fundamental challenges to their businesses in courts and in arbitration proceedings. This has included representing a franchisor in a battle between competitors in the Hawaii market, representation of a franchisor in defending a class action antitrust challenge and three arbitrations involving the franchisors’ product supply practices, and representing other franchisors and businesses in arbitrations to resolve significant contractual disputes. Quentin writes and speaks frequently on arbitration, antitrust, franchising, and related issues.
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