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**FN-1220176 MN-1220176 LN-1220176,  
Esq.**

**Boston, Massachusetts**



**Current Employer-Title** Arthur L. Pressman Dispute Resolution Services LLC - Principal

Boston University School of Law - Adjunct Law Professor

**Professional Summary**

Began as franchise lawyer in early 1980's in own small firm with representation of Dunkin' Donuts in state and federal courts in PA, NJ and NYS. Grew franchise practice through the 1990s by representation of McDonalds, Subway, 7-Eleven, Huntington Learning Centers, Wyndham Hotels (then known as HFS) and multiple other franchisors and franchisees in litigation and arbitration. Mediated first case in 1999 as advocate and became proponent and student of mediation. Continued to grow practice through 2000's with representation of Planet Fitness and multiple other franchise companies while continuing study of mediation. Retired from law practice in 2017. Have been full-time ADR neutral since 2017 and BU Law adjunct faculty since 2012.

**Profession**

Full-time neutral, Independent Arbitrator, Mediator; Adjunct Law Professor; Expert Witness

**Work History**

Principal, Arthur L. Pressman Dispute Resolution Services LLC, 2017 – Present; Adjunct Faculty, Boston University School of Law, 2012 – Present; Equity partner, Nixon Peabody LLP (BOS), 2003 – 2017; In person negotiation and mediation trainer, Translegal Institute (Shanghai, China), 2020; In person negotiation and mediation trainer, Chuo University Law School (Tokyo, Japan), 2018; Adjunct faculty, Babson College MBA Program, 2006 – 2008; Capital partner, Buchanan Ingersoll PC (PHL), 1998 – 2003; Adjunct faculty, Temple University School of Law, 1992; Founder and Partner, Abraham Pressman Bauer PC (PHL), 1973 – 1997; Associate, Pepper Hamilton & Scheetz (now known as Troutman Pepper) (PHL), 1971 – 1973.

**Experience**

Full-time independent neutral Arbitrator and Mediator of franchise and related disputes involving individual franchisees, groups/classes of franchisees, franchise associations, private equity investors, and franchisors since 2017. Concentrates neutral practice on commercial disputes, including claims of contract breach, intellectual property claims, misclassification issues, breach of fiduciary duties, fraud, unfair trade practice and misrepresentation claims, fraudulent inducement, failure to support, accidental franchisee claims, partnership and LLC disputes, franchise and distribution-related disputes, and disputes between lawyers and clients. Am also a FINRA Public Arbitrator, Chair Eligible.

Arbitration philosophy is to provide parties and counsel efficient, fair, knowledgeable and final adjudication of disputes as promptly as possible. Works with counsel to streamline discovery, manage pre-hearing and dispositive motions, evidentiary hearings, issues final award in requested format within agreed time-table. Keenly aware of parties' interest in expeditious and cost effective resolution of their dispute. In favor of limited depositions when requested and pre-hearing motions that may substantially reduce the parties' time and expense if granted.

Mediated and arbitrated more than 200 cases since 2017, remote and in-person.

Has taught ADR, mediation, negotiation and professional responsibility at Boston University School of Law since 2012 in LLM in American Law program. Has taught the business of franchising at Babson College in MBA program (2006-2008). Has served as expert witness in lawyer malpractice cases involving franchising for lawyers, clients and insurers. Has served as arbitrator of disputes regarding regulated investments. Was a franchisee himself in 1990's.

In private practice before 2017, representing clients in prosecution and defense of broad range of commercial and tort matters, including disputes alleging breach of contract, fraud, misrepresentation, real estate disputes, partnership and LLC disputes, business divorces, trademark infringement, legal malpractice, unfair trade practices, lawyer-client disputes, intellectual property, food safety, system standards, wrongful death, serious personal injury, vicarious liability, employment claims, misclassification claims, equitable relief, termination, non-renewal, application of foreign law, in-term and post-term covenants, franchise, class actions, aggregate claims, breach of fiduciary duty.

## **Mediator Experience**

Full-time independent neutral since 2017. Mediated more than 200 cases in person and remotely throughout U.S, including large group and association claims. Cases include contract claims, partnership claims, real estate and LLC disputes, business divorces, valuation disputes, lost profits claims, claims by groups and associations, claims arising under franchise and distribution agreements, intellectual property claims, international franchise termination, breach of good faith covenants, fraud, partnership, claims between lawyers and clients, financial and related claims.

Certified by International Mediation Institute 2019 (approximately 125 IMI certified mediators in US) based on peer review of more than 25 mediations conducted in 2018, covering disputes involving franchises, IP, trademark infringement, breach of contract, fraudulent inducement, termination, food safety, breach of covenant of good faith and fair dealing, and related topics.

Distinguished Fellow, International Academy of Mediators, 2020. Fewer than 200 IAM Fellows worldwide. Peer-review, by invitation-only.

Member, National Academy of Distinguished Neutrals, arbitrators and neutrals chosen by peers for inclusion.

Teach mediation at Boston University School of Law in the American Law Program for international lawyers and law students, and have taught mediation and negotiation internationally at Chuyo Law School, Tokyo, Japan and Translegal Institute, Shanghai, China.

Have been expert mediation and mediator assessor at the IBA VIAC Mediation and Negotiation Competition in Vienna, the LEX INFINITUM Mediation Competition in Goa, India and the ICC Mediation Competition In Paris, France.

Regular contributor on mediation related topics to franchise and mediation focused media, including The Franchise Lawyer, published by American Bar Association, and the mediate.com website. Frequent faculty at International Franchise Association, American Bar Association Forum on Franchising programs on dispute resolution in franchising (most recent 2022 ad 2023). Regular attendee at educational programs of AAA, Dispute Resolution Section (most recent April 2024).

## **Representative Issues Handled as a Mediator**

Have mediated more than 200 franchisor/franchisee claims since becoming full-time mediator in 2017, including aggregate actions by groups of franchisees, fraudulent inducement claims by franchisees, claims of misclassification as franchisees and not employees, claims related to alleged misrepresentations in franchise sales process and FDDs; alleged breaches of restrictive in-term and post-term covenants; claims of failure of support; disputes between competing franchisees; unfair

trade practice, trademark infringement, fiduciary duty breaches, intellectual property disputes, breach of contract, breach of lease, breach of implied covenants, 93A, COVID related breaches, real estate disputes, business and LLC disputes, franchise disputes, contract termination, rescission, inadvertent/accidental franchise claims; sclosure deficiencies, breach of management duties, unraveling of relationship, advertising fund misappropriation; encroachment/proximity, and association claims.

In lawyer/client disputes, issues have included allegations of over-billing, lawyer malpractice, ethical issues.

## **Mediator Style & Process Preferences**

Approach to mediation is respectful, fair, honest, creative, persistent and encouraging. Evaluative when required. Keenly aware of parties' interest in expeditious and cost effective dispute resolution. Very interested in clients being heard and part of the process. Mediation offers the parties maximal flexibility to frame their own process and their own resolution, based on what's important to them. All parties deserve to be treated with respect, understanding and empathy. It's not the mediator's job to impose a suggested resolution on any party; he or she helps the parties realize what resolution is in their best interests, given all the alternatives. I like to begin work on resolution immediately upon engagement by calls with lawyers to identify issues, overcome discovery disputes and focus parties on principled and durable resolution asap. Am a graduate of EDR institute and a proponent of Early Dispute Resolution including risk analysis.

My mediation references include many lawyers against whom I litigated when I was in private practice, and many repeat lawyer customers (both franchisee and franchisor counsel). Their willingness to seek my assistance as a mediator shows their confidence in my fairness, impartiality, management of the process and knowledge of how disputes are resolved, and most importantly, their clients' satisfaction with my service.

## **Technology Proficiency**

Proficient in Zoom, Teams. Conducted multiple remote proceedings, mediations and arbitrations, and has used Zoom for remote teaching since February 2020 in Boston University School of Law classes.

## **Education**

Temple University (JD - 1971); University of Pennsylvania (BA - 1967).

## **Professional Licenses**

Admitted to the Bar: Massachusetts (1999), New York (1989), Pennsylvania (1971); U.S. Court of Appeals: First Circuit, Second Circuit, Third Circuit, Eighth Circuit, Eleventh Circuit; U.S. Supreme Court.

## **Professional Associations**

Fellow, Chartered Institute of Arbitrators (2019); Distinguished Fellow, International Academy of Mediators (2020); Member, Distinguished Academy of Neutrals (2021); Certified International Mediator, International Mediation Institute (2019); American Bar Association, Forum on Franchising, Governing Committee (1995-2002), First Chair, Litigation and Dispute Resolution Division (1995-1997); Officer, International Bar Association Mediation Committee.

## **Recent Publications & Speaking Engagements**

"Discovery Dilemmas and Opportunities: Ethical, Practical and Legal Issues in the Discovery Process," American Bar Association Forum on Franchising 2001

"How to Be Effective Advocate in Mediation," American Bar Association Forum on Franchising 2005

"Maximizing Insurance Benefits for Franchise Clients," American Bar Association Forum on Franchising 2007

"The Sometimes Blurry Line Between Independent Contractors, Franchisees and Employees," American Bar Association Forum on Franchising 2009

"The Strategy of Arbitration," American Bar Association Forum on Franchising 2012

"Franchise Law Demystified," Massachusetts Continuing Legal Education 2015

"Labor/Employment Law Collides with Franchise Law: Holy Cow! Where Are We Going'", International Franchise Association Annual Legal Symposium, Plenary Session, Moderator and program planner 2015

"Applicable Law and Jurisdiction in Franchising, Commercial Agency and Distribution Agreements," International Journal of Franchise Law, vol. 13, issue 6, 2015 (co-author)

"10 Things an Arbitrator Hates about Arbitration, with Apologies to William Shakespeare and Heath Ledger," Mass. Bar Assn., Jan/Feb 2023, reprinted from American Bar Association "The Franchise Lawyer," Summer 2022

International Franchise Association 2021 Legal Symposium, Plenary Panel, "Trail Blazers Perspective: Historical Perspective on Today's Challenges

International Franchise Association 2022 Legal Symposium, "Mediation of Franchise Disputes," moderated by Sherin Sakr, General Counsel, WellBiz Brands, Inc.

Complete list of articles at [arthurpressman.com](http://arthurpressman.com).

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| <b>Locations Where Parties Will Not be Charged for Travel Expenses</b> | Does not charge travel time for any engagement. Willing to serve at in-person proceedings throughout United States and internationally.<br><br>Available for remote assignments via Zoom or similar technology throughout the United States and internationally without any travel or technology charges. |
| <b>Mediation Rate</b>  | \$600 Per Hour  |
| <b>Languages</b>   | English   |
| <b>Citizenship</b>   | United States of America  |
| <b>Locale</b>  | Boston, MA  |

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.