

Wednesday, April 12, 2017

ICLE: State Bar Series

ADVANCED TOPICS IN FRANCHISING AND DISTRIBUTION

3 CLE Hours, Including
1 Professionalism Hour | 2 Trial Practice Hours

Co-Sponsored By:
Franchise and Distribution Law Section
Institute of Continuing Legal Education

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FOREWORD

Dear ICLE Seminar Attendee,

Thank you for attending this seminar. We are grateful to the Chairperson(s) for organizing this program. Also, we would like to thank the volunteer speakers. Without the untiring dedication and efforts of the Chairperson(s) and speakers, this seminar would not have been possible. Their names are listed on the brochure, and their contributions to the success of this seminar are immeasurable.

We would be remiss if we did not extend a special thanks to each of you who are attending this seminar and for whom the program was planned. All of us at ICLE hope your attendance will be beneficial as well as enjoyable. We think that these program materials will provide a great initial resource and reference for you.

If you discover any substantial errors within this volume, please do not hesitate to inform us. Should you have a different legal interpretation/opinion from the speaker's, the appropriate way to address this is by contacting him/her directly.

Your comments and suggestions are always welcome.

Sincerely,

Your ICLE Staff

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AGENDA

Presiding:

Jason S. Adler, Program Chair; Vice President-General Counsel, Cellairis, Alpharetta

1:30 **REGISTRATION**

2:00 **WELCOME AND PROGRAM OVERVIEW**

Jason S. Adler

2:10 **A VIEW FROM THE BENCH**

This panel will feature judges and arbitrators sharing their insights into how to most effectively brief and try franchise disputes and business litigation generally.

John P. Jett, Kilpatrick Townsend & Stockton LLP, Atlanta

3:10 **WHAT YOU DON'T KNOW CAN HURT YOU:
RIGHT OF PUBLICITY CLAIMS IN THE DIGITAL AGE**

In today's digital world, a person's name, image or likeness can be instantly disseminated on the Internet and through social media. What happens when a franchisor or franchisee uses someone's identity (celebrity or non-celebrity) without their permission? This session provides an overview of right of publicity laws, including discussions of protectable aspects of identity, how to get permission if it is needed, the risks of not getting permission, and defending claims for violation of someone's right of publicity. The session will also discuss issues and challenges presented in drafting and negotiating agreements memorializing permission to use one's right of publicity and in dealing with problem celebrities.

Mark S. VanderBroek, Nelson Mullins Riley & Scarborough LLP, Atlanta

Jason S. Adler

4:10 **BREAK**

4:20 **WHAT FRANCHISE ATTORNEYS NEED TO KNOW ABOUT EMPLOYMENT LAW**

It turns out that employees are everywhere and across all industries. Employees (and accidental employees) bring with them an alphabet soup of responsibilities and potential liabilities. This session is designed to give franchise lawyers some nuts-and-bolts information about a few critical areas of employment law. These areas will include employee-independent contractor classification, the NLRB and protected activity, and franchisor guidance to franchisees on employment law issues.

Evan M. Rosen, Jackson Lewis P.C., Atlanta

Trishanda L. Treadwell, Parker, Hudson, Rainer & Dobbs LLP, Atlanta

5:20 **ADJOURN**

To Cocktail Social sponsored by the Franchise and Distribution Law Section

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