

COMMITMENT TO RESOLUTION | EXPERIENCE | DILIGENCE

Arthur's resume

Arthur L. Pressman Dispute Resolution Services LLC

- Independent Full-time Neutral serving as mediator, arbitrator, neutral evaluator, early dispute resolution consultant
- Expert witness in legal matters, including malpractice, involving franchise-related issues
- IMI Certified International Mediator based on peer-review of more than 25 mediations in 2018
- CPR Distinguished Neutral Panel Member
- Vienna CDRC IBA Mediation Competition Expert Assessor and Coach
- ICC International Mediation Competition Judge
- Arbitrator of Commercial, IP and Franchise Disputes, Large Complex Case Panel, American Arbitration Association
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Adjunct law professor, Boston University School of Law, since 2012/ ADR, Negotiation, Professional Responsibility, Representing Clients in Civil Litigation

Mediation Professional

I am a full-time independent dispute resolution neutral. Most of my cases come from lawyers and clients against whom I litigated in my prior career as a commercial litigator. Although based in Boston, in the last year I have had

mediation assignments in California, North Carolina, Illinois, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Minnesota and Texas. I am available for international assignments.

Mediation Experience

Arthur has mediated more than 150 commercial matters, including multi-party matters, intellectual property claims, trademark infringement, partnership claims, lawyer/client disputes, consumer and unfair trade practice claims, fraud claims, franchise, distributor and dealer claims, franchise association claims, business valuation disputes, franchisee claims against other franchisees, multi-party claims against franchisors, employment and misclassification class action claims, claims by franchisees arising from franchise system restructuring, international franchise agreement termination and non-renewal claims.

Work History

- Arthur L. Pressman Dispute Resolution Services, LLC (August 2019 forward)
- Boston University School of Law, adjunct faculty 2012 - present
- Equity Partner, Nixon Peabody LLP (BOS), February 2003 - February 2017
- Partner, Buchanan Ingersoll PC (PHL), 1998 - 2003
- Partner/Founder, Abraham Pressman & Bauer PC (PHL), 1973 - 1997
- Associate, Pepper Hamilton & Scheetz (now Troutman Sanders) (PHL), 1971 - 1973

Experience as a Lawyer

- For 40 years, Arthur helped to resolve business and tort matters, including disputes involving franchisors and franchisees, dealers, distributors, suppliers and manufacturers, customers and vendors, involving breach of contract, real estate and lease disputes, investment disputes, fiduciary duty claims, fraud, misrepresentation, trademark infringement and intellectual property, wrongful death, serious personal injury, vicarious liability, employment misclassification claims, insurance disputes, food safety claims, franchise and dealer terminations and non-renewals, equitable relief claims including in-term and post-term covenants, class, aggregate and association claims and other franchise, dealership and licensing matters with an emphasis on dispute resolution through negotiation, mediation, arbitration and trials.

- Experience includes first-chair jury trials, bench trials, arbitrations, mediations, and appellate arguments in more than 25 jurisdictions, including Puerto Rico and Hawaii and multiple U.S. Circuit Courts of Appeal. Cases have ranged in value from less than \$250,000 to more than \$600,000,000.
- Previously practiced in Philadelphia from 1971 to 2002, first as associate at large firm, then as founding partner of small firm with law school classmates, and then as capital partner at Buchanan Ingersoll, PC; moved to Massachusetts in 1997
- Expert witness in legal malpractice and other matters relating to franchise issues, including for law firms and insurers.
- Significant other matters not involving business or commercial issues:
 - In the Matter of F.A., Pennsylvania Supreme Court, 1972, Poverty Law Reporter para. 18,436 (counsel for abused child, established right of abused children to have independent counsel in neglect proceedings in Pennsylvania)
 - Fedorchick v. Massey-Ferguson, Inc., 577 F.2d 856 (3d. Cir. 1978) (counsel for injured plaintiff; case established application of strict liability in tort to bystander injured by defective product)
 - Adjunct Professor at Babson College, Wellesley, MA, Entrepreneurship Division MBA Program, co-teaching "Franchising: Pathway to Wealth Creation," 2006 - 2008.
 - Chair, South Coastal Counties Legal Services (SCCLS) from 2006 to 2016. SCCLS is a legal aid program serving 4000 poor, working poor, elderly and children in civil legal matters on Cape Cod and The Islands.

Representative Issues Handled as a Mediator

In franchise disputes, issues have included individual and multi-party claims of termination, rescission, fraud, inadvertent/accidental franchises, alleged disclosure deficiencies, breach of management duties, unraveling of relationship, advertising fund misappropriation, encroachment/proximity, contract breaches, trademark infringement and misuse and association claims. In commercial and attorney/client disputes, issues have included breach of partnership, breach of fiduciary duties, breach of contract, lawyer/client relationship, fees due, ethical issues including allegations of over-billing and lawyer malpractice.

Mediation Experience as an Advocate or Party

As advocate I have mediated more than 50 cases since 1997 — primarily franchise and distribution disputes (individual and group). Amounts involved ranged from \$250,000 to \$600,000,000. Appearances before mediators with different approaches and styles have lead me to conclude that a facilitative and interests based approach holds the most promise for resolution.

Mediation Philosophy

My mediation approach is respectful, facilitative, encouraging, persistent, supportive, creative, and evaluative when required. I am very interested in clients being heard and feeling that they are 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 and understanding. It's not the mediator's job to impose a suggested resolution on any party; I try to help the parties explore what resolution is in their best interests, given all the alternatives.

Alternative Dispute Resolution Training

- AAA ACE 19 Case Finances: What Arbitrators Need to Know, 2019; New York
- State Bar Association Dispute Resolution Section Annual Meeting, October 2019;
- New Frontiers of ADR: From Commercial and Investment Matters to Regulatory
- Violations, International Bar Association/ICDR, Montreal, 2018;
- 16th Annual ABA Advanced Mediator Skills Institute, Chicago, ABA
- Dispute Resolution Section, 2018; Arbitrator Performance and Demeanor ~ Meeting Participant
- Expectations, 2018; AAA Developments in Arbitration Law - Practice Focused
- Cases, 2018; ABA Section of Dispute Resolution Spring Conference, Washington,
- DC, 2018; AAA The Arbitration Hearing: What to Expect, 2016; AAA The
- Preliminary Hearing, 2016; AAA Preparing for and Attending the Preliminary
- Hearing, 2016; AAA The Nuts and Bolts of an Arbitration Hearing: Procedure

- Evidence and Practicalities, 2016; AAA Arbitration Fundamentals and Best
- Practices for New AAA Arbitrators, 2016; AAA
- Essential Mediation Skills for the New Mediator, 2016;
- Awards; Safeguarding, Deciding & Writing Awards, 2016

Professional Licenses

- Admitted to Bar, Pennsylvania (1971), New York (1989), Massachusetts (1999) -- all current
- Admitted to First Circuit, Second Circuit, Third Circuit, First Circuit, Eighth Circuit, Eleventh Circuit Courts of Appeal
- Admitted to U. S. S. Ct. 1987

Professional Associations

- American Bar Association, Forum on Franchising (First Chair, Litigation and Dispute Resolution Division 1993-1995; Governing Committee 1997-2001)
- American Bar Association, Litigation Section; Dispute Resolution Section
- Federal Bar Association, Boston Chapter, ADR Committee
- CPR Dispute Resolution Institute, mediator and arbitrator listed on distinguished neutral panels
- International Bar Association, Mediation and Franchising Committees
- Fellow, Chartered Institute of Arbitrators (FCIArb) (admitted 2020)
- International Mediation Institute (certified June 2019)
- Massachusetts Bar Association, Dispute Resolution Committee
- Massachusetts Bar Association, Fee Dispute Committee, Arbitration Panel

Education

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

Awards and Honors

1. International Mediation Institute (IMI) Certified International Mediator
2. International Bar Association, Mediation Committee Officer
3. Best Lawyers in America, 2019-2020, Franchise Lawyer of the Year, Chambers USA, Band 1, Notable Practitioner, Franchise Law and ADR
4. Massachusetts Super Lawyers 2019 for ADR, many prior years for franchising
5. Franchise Times Magazine "Legal Eagles Hall of Fame"
6. Mediate.com Senior Practitioner

Publications and Speaking Engagements

- Blog posts on mediation and related topics, www.arthurlpressman.com
- mediate.com and LinkedIn.
- Guest teaching, Negotiation program, March 2018, Chuo University, Tokyo, Japan
- Guest teaching, Negotiation program, January 2020, Translegal Institute, Shanghai, China
- "You Say You Want a Resolution," mediate.com, April 2019
- "Trusting the Mediator -- Why it Matters in Franchise and other Disputes," www.law.com, January 11, 2019
- "How the mediator gains the parties' trust," mediate.com, November 2018
- "The importance of trust in the mediator," Federal Bar Association Dispute Resolution Section, The Resolver, September 2018 and mediate.com, August 2018
- "A modest proposal," mediate.com May 2108
- "How I Spent my First Year as a Mediator, Arbitrator and Occasional Expert Witness," www.linkedin.com, January 2018
- "In search of strong mediator; other characteristics considered," American Bar Association, The Franchise Lawyer (2017) and mediate.com, November 2017
- "Gerry Spence, Marshall McLuhan and what lawyers do in mediation," mediate.com, September 2017
- "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)

Locations Where Parties Will Not be Charged for Travel Expenses

I am willing to serve without charge for time spent on travel throughout the continental United States; for travel time in excess of six hours from Boston, will negotiate appropriate rate. I do charge for reimbursement of travel expenses.