



Jane Cohen, Esq.

Current Employer-Title	Law Offices of Jane Cohen LLC - Member
Profession	Attorney, Arbitrator and Mediator
Work History	Member, Law Offices of Jane Cohen LLC, 2002-present; Partner, Blackwell Sanders Peper Martin LLP, 1999-2002; Partner/Associate, Susman Schermer Rimmel & Shifrin, 1985-1999.
Experience	<p>General Business: Has handled numerous transactional matters involving business formation, agreements and disagreements among business owners, operating issues and liquidation/dissolution including receivership. Significant experience in the negotiation, drafting, and review of a variety of contracts involving employment (including but not limited to provisions related to noncompetition/nonsolicitation and commissions), financing, guaranties, licensing, the sale of goods, secured transactions, service agreements and worked for hire. Has litigated claims involving contract interpretation and enforcement, breach of the implied covenant of good faith and fair dealing, breach of fiduciary duty/duty of loyalty, breach of warranty, employment, equitable claims, financing, fraud, negligence, sales commissions, shareholder disputes, suit on account, tortious interference, TROs/injunctions and UCC (sale of goods/commercial paper/secured transactions).</p> <p>Franchise and Dealership: Has successfully represented all sides of the franchise and dealer relationship as an advocate since 1985. Significant experience representing franchisors/manufacturers/suppliers in breach and performance related matters, termination and unfair competition in a wide range of industries in court, arbitration, and mediation. Has equally extensive experience representing franchisees and dealers in pursuing claims such as breach of contract, breach of implied covenant of good faith and fair dealing, encroachment, fraud and misrepresentation, PMPA, unfair trade practices, as well as defending claims for breach, termination, tortious interference, and violations of covenants against the competition.</p> <p>Real Estate and Construction: Has extensive experience representing retail developers and other commercial and residential property owners in the drafting and negotiation of contracts for the purchase, sale, and lease of real estate and related documents such as REAs and easements. Significant representation of tenants in the review and negotiation of retail, industrial and office leases including build-out issues. Has been involved in all facets of residential sales contracts including but not limited to new construction, remodeling and repair. Has represented HOAs and unit owners in</p>

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connection with regular and special assessments, repairs, interpretation and enforcement of condominium and subdivision indentures. Has negotiated/drafted commercial/residential construction contracts and subcontracts on behalf of owners and contractors including new construction as well as remodeling.

Has successfully litigated a number of commercial/residential real estate cases pursuing and defending claims involving purchase and sale such as breach of contract, fraud, and specific performance as well as many lease disputes involving claims such as environmental, nonpayment, termination, holdover, use clauses, and waste.

Alternative Dispute Resolution Experience

Has served as an arbitrator for AAA since 2007. Serves on AAA Commercial, Consumer, Construction, Employment, and Large Complex Case Panels. Has served as a panel chair, panel member and sole arbitrator in cases nationwide.

Other ADR Affiliations:

- Lexitas Alternative Dispute Resolution, arbitrator and mediator
- DeMars Associates, Ltd., arbitrator and mediator
- FINRA, arbitrator
- United States District Court for the Eastern District of Missouri, court certified neutral
- United States District Court for the Southern District of Illinois, court certified neutral
- 11th Judicial Circuit (St. Charles County, MO), mediator
- 21st Judicial Circuit Court (St. Louis County, MO), mediator
- 22nd Judicial Circuit Court (City of St. Louis, MO), mediator
- Equal Employment Opportunity Commission (EEOC), pro bono mediator
- Third Judicial Circuit in Madison County, Illinois, civil mediator

Has resolved a number of disputes regarding arbitrability. Examples of other types of issues decided as an arbitrator or mediated include arbitrability, business owner disagreements, business dissolution, business valuation, fiduciary duty/duty of loyalty, choice of law/forum, construction, contract, equity, financing, franchise/dealer, fraud, defamation, duty of good faith and fair dealing, employment, intellectual property, Missouri Merchandising Practices Act, restrictive covenants, real estate, tortious interference, securities, TCPA, UCC, unfair competition and breach of warranty.

Alternative Dispute Resolution Training

14th Annual Arbitration Training Institute, ABA, Chicago, IL (2022); ACE 22 - Process Essentials for AAA Arbitrators (2022); ACE21 Impartiality: Do You Know Where Your Biases Are? (2021); Pro se: Managing Cases with Self-Represented Parties, American Arbitration Association (2021); ABA Section of Dispute Resolution Spring Conference, Virtual (2021); Best Practices for Arbitrators in Expedited/Fast Track Arbitrations, American Arbitration Association (2020); 13th Annual Arbitration Training Institute, ABA, Phoenix, AZ (2020) AAA ACE19 Case Finances: What Arbitrators Need to Know (2019); ACE20 -

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Cyber Security: A Shared Responsibility, (2019); ACE18 - Arbitrator Performance and Demeanor ~ Meeting Participant Expectations (2018); 10th Annual Arbitration Training Institute, ABA, Chicago, IL (2017); AAM Advanced Attorney-Mediator Training (2017); AAA Consolidation and Joinder Issues in Construction Arbitration (2016); BAMSL Securities Arbitration (2016); AAM Advanced Attorney-Mediator Training (2016); USDC EDMO ADR Court-Certified Neutrals Seminar (2016); AAA Arbitrators Conducting Legal Research - Good Idea or Bad? (2015); AAA Developments in Arbitration Law ~ Non-Signatories, Discovery and Vacatur (2015); AAA Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics (2014); ACE8 AAA Principled Deliberations - Decision-Making Skills for Arbitrators (2014); AAMSTL and SLU Law Mastering the Art of Mediation Advocacy (2013); AAA Best Practices in Franchise Arbitration (2013); ABA Forum on Franchising The Strategy of Arbitration (2012); USDC EDMO Advanced Mediation Training for Court Certified ADR Neutrals (2011); AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards (2009); AAA The Standard for Efficient and Cost Effective Arbitration (2008)

-Dedicates at least 15 hours each year to study and coursework involving ADR.

Initial ADR Training:

AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators (2007); Basic FINRA Arbitrator Training (2016); Mediation Training for Civil Cases, University of Missouri Law School (2007)

Professional Licenses

Admitted to the Bar: Missouri, 1985; Illinois, 1986; U.S. District Court: Eastern and Western Districts of Missouri, Southern District of Illinois.

Professional Associations

American Bar Association (Section of Dispute Resolution (active on Arbitration Committee; Women in Dispute Resolution Committee (WIDR), Missouri Regional Chair 2017- present); Forum on Franchising (Solo and Small Firm Task Force, 2004-2007; Women's Caucus Steering Committee, 2007-2010; Diversity Caucus Steering Committee, 2012-2015; Nominating Committee, 2013; The Missouri Bar (Alternative Dispute Resolution Committee; Real Estate Practice and Procedure Committee, Vice-Chair 2014-2018; Diversity Committee); Association of Attorney Mediators St. Louis Chapter (Secretary of St. Louis Chapter 2013-present); Association of Missouri Mediators; Bar Association of Metropolitan St. Louis (ADR Committee; Franchise Law, Past Chair; Small Business Committee, Past Chair; Commercial and Residential Real Estate Contract Forms and Fee Dispute Committees).

Education

University of Iowa (BBA, Finance-1982); St. Louis University (JD-1985).

Publications and Speaking Engagements

Franchise/Dealer:

- Author, Missouri Chapter, ABA Covenants Against Competition in Franchise Agreements, Missouri Chapter (Fourth Edition) (to be published)
- Presenter, "License or Franchise: What's the Difference - Legally Speaking," 16th Annual Missouri Bar Solo & Small Firm Conference (2011)

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- Co-Author, "Proposed Arbitration Fairness Act of 2009: Friend or Foe in Franchising," *The Franchise Lawyer*, Vol. 3 No. 2, Spring 2010
- Co-Author, "Trade Secrets, Trademarks, Copyrights, Trade Dress and Domain Names - The Protection of Intellectual Capital," *The St. Louis Bar Journal*, Fall 2006
- Presenter, "Substance over Form: Structuring a Business Relationship to Avoid becoming an Unintentional Franchisor," 24th Annual St. Louis Corporate Counsel Institute (2005)
- Author, "Do Your Homework: Some Things to Consider before Buying a Franchise," *St. Louis Small Business Monthly*, Vol. 17, Issue IV (2004)
- Co-Author, "Good Faith and Fair Dealing: A Primer on the Differences Between the United States and Canada" published in the *ABA Franchise Law Journal*, 22 *Franchise L.J.* 37 (2002)
- Presenter, "Franchise and Dealer Terminations," 21st Annual St. Louis Corporate Counsel Institute (2002)
- Co-Author, "Encroachment: The Hannibal Lecter of Franchising." *The St. Louis Bar Journal*, Spring 2001

General Business:

- Co-Presenter, "20 Business Tips in 70 Minutes: Information your Clients Need," 18th Annual Missouri Bar Solo & Small Firm Conference (2013)

ADR:

- Co-Presenter, "Diversity, Equity and Inclusion in ADR: Moving the Ball Forward," National Employment Lawyers Association, St. Louis Chapter (2022)
- Co-Author, Arbitration Chapter, *ABA Franchise Litigation Handbook* (Second Edition) (2021)
- Co-Presenter, "Diversity, Equity and Inclusion: How Can We Achieve It?," Bar Association of Metropolitan St. Louis (2021)
- Co-Presenter, "ADR Diversity in St. Louis and Beyond," AAMSTL (2021)
- Co-Author, guest column on ADR Diversity on The President's Page, *The St. Louis Bar Journal*, Spring 2021
- Presenter, "An Arbitration Clause Must be Well-Tailored to Suit Your Client's Needs," *Alaris Alternative Dispute Resolution* (2019)
- Panelist, "Ethics in ADR," 2018 Bench & Bar, Bar Association of Metropolitan St. Louis (Upcoming June 1, 2018)
- Panelist, "How to Become a Mediator," Women Lawyers Association of St. Louis (2018)
- Co-Presenter, Mediation Bootcamp, The Lawyers Association of St. Louis (2017)
- Co-Presenter, "Get the Biggest Bang for Your Mediation Buck: Strategies for Selecting Mediators & Effective use of Mediation," 20th Annual Missouri Bar Solo & Small Firm Conference (2015)
- Co-Presenter, "Mediation: A Candid Discussion of Things to Consider When Selecting a Mediator," Bar Association of Metropolitan St. Louis (2015)

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- Co-Presenter, "Mediator Bootcamp: Getting from Selection to Resolution," Bar Association of Metropolitan St. Louis/Association of Attorney Mediators (2014)
- Presenter, "What People Look for in Mediators, Mediator Neutrality, and Mediator Styles," Association of Attorney Mediators, St. Louis Chapter (2014)

Real Estate/Construction:

- Program Chair and Moderator, Annual Real Estate Institute, The Missouri Bar (2017)
- Program Chair and Moderator, Annual Real Estate Institute, The Missouri Bar (2016)
- Co-Presenter, "Residential Real Estate Closings and Drafting Beneficiary Deeds," The Missouri Bar (2014)
- Presenter, "The Ins and Outs of Commercial Leasing," Bar Association of Metropolitan St. Louis (2010)
- Moderator, How To Series, "Handling Real Estate Contracts," The Missouri Bar (2007)

Awards and Honors

Listed in The Best Lawyers in America since 1995. Named Franchise Lawyer of the Year in St. Louis in 2015 edition of The Best Lawyers in America. Recognized in Missouri & Kansas Super Lawyers Magazine for ten years and included in its lists of the top 50 Women lawyers in Missouri in 2010. Recognized in the St. Louis Business Journal's 40 under 40 list in 1998. AV Preeminent peer review rating in Martindale Hubbell.

Locations Where Parties Will Not be Charged for Travel Expenses

Does not charge for travel time for cases outside of St. Louis.

**Citizenship
Languages
Locale**

United States of America
English
St. Louis, Missouri, United States of America

Compensation

Cancellation Period: 0 Days
Comment: Compensation rates, established by the AAA, are set forth in the applicable Consumer Arbitration Rules.

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