

**SPECIAL REPORT: SOUTH AMERICA TRADE MISSION**

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November/December 2012



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# There they go again...

**I** feel a bit like Jim Lehrer," said Tim Bryant, moderating a mock debate the day after the actual PBS newsmen did those honors for the first presidential contest.

Bryant is an attorney with Preti Flaherty in Portland, Maine, and with two colleagues he presented a workshop at the American Bar Association's 35th annual Forum on Franchising in October. They were Susan Grueneberg, of Snell & Wilmer in Los Angeles, and Jane LaFranchi, with Marriott International in Bethesda, Maryland.

Their topic was a mouthful: "Drafting a pragmatic franchise agreement against the backdrop of over fifty years of franchise law precedent."

Are you asleep yet?

Bryant didn't want the audience to be, so they decided to argue their points like a would-be Romney or Obama, but in this case representing the "legalese party" or the "plain English party." To spice things up, they switched positions after each topic.

"As Ronald Reagan once said, there you go again, another list," Bryant said in response to his legalese party opponent. "A clean and concise approach is better."

As moderator, Grueneberg brought up the L-FEWS, or the Litigator Full-Employment Words, "also known as words with as many meanings as there are people in the room," words like "material, materiality, reasonable, discretion," she said.

And Bryant chimed in: "Speaking as a litigator, I'm happy to see those words because I know it will be a long case. But speaking as a member of the plain English party, if you include words like 'material' and 'reasonable,' a judge, an arbitrator or a jury will decide, and that's not a good situation."

Who won? All three were feisty, armed with facts and kept strictly to time—a model for their counterparts on the national stage.

—Beth Ewen