



Arthur L. Pressman, Esq.

Arthur L. Pressman Dispute Resolution Services LLC

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

Independent Full-time Neutral
IMI Certified International Mediator
CPR Distinguished Neutral Panel Member
Vienna CDRC IBA Mediation Competition Expert Assessor
ICC International Mediation Competition Expert Assessor

Arbitrator of Commercial, IP and Franchise Disputes,
Large Complex Case Panel

Member, Chartered Institute of Arbitrators

Adjunct law professor, Boston University School of Law.
ADR, Negotiation, Professional Responsibility

Mediation Profession 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 franchise and commercial litigator. Although based in Boston, in the last year I have had mediation assignments in California, North Carolina, Illinois, New York, Pennsylvania, Massachusetts, Rhode Island, Minnesota and Texas. I am available for international assignments. .

Work History Arthur L. Pressman Dispute Resolution Services, LLC (September 2019 forward)

Boston University School of Law, adjunct faculty 2012 - present

Senior Counsel, Nixon Peabody LLP (BOS)
February 2017 - August 2019

Partner, Nixon Peabody LLP (BOS), 2003 - February 2017

Partner, Buchanan Ingersoll PC (PHL), 1998 - 2003

Partner/Founder, Abraham Pressman & Bauer PC (PHL), 1973 - 1997

Associate, Pepper Hamilton & Scheetz (PHL), 1971 - 1973

Experience For 40 years, has helped to resolve business and tort matters, including disputes involving breach of contract, real estate, fraud, misrepresentation, trademark infringement and intellectual property, wrongful death, serious personal injury, vicarious liability, employment claims, mis-classification claims, equitable relief, in-term and post-term covenants, franchise, dealership and licensing matters with

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an emphasis on dispute resolution.

Experience includes first-chair jury trials, bench trials, arbitrations and mediations, and appellate arguments, in more than 25 jurisdictions, including Puerto Rico and Hawaii. Mediation experience as an advocate and in private mediations for more than 20 years in more than 25 jurisdictions, including Puerto Rico and Hawaii. 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 (20 lawyers) with law school classmates, and then as capital partner at Buchanan Ingersoll, PC; moved to Boston in 2003.

Equity partner, Nixon Peabody LLP 2003-2017

Senior counsel, Nixon Peabody LLP, 2017-August 2019

Adjunct law professor, Boston University School of Law, 2012-present, teaching Representing Clients in Civil Litigation, Professional Responsibility, Alternative Dispute Resolution, Negotiation

Expert witness in legal malpractice and other matters relating to franchise issues. Expert Assessor and Boston University School of Law Mediation Team Coach,, Vienna CDRC IBA Mediation competition, 2017, 2018, 2019

Serves as expert witness in legal malpractice matters for lawyers, law firms and insurers.

Representative matters include: breach of contract disputes; lease and real estate disputes; partnership disputes; investment disputes; fiduciary duty claims; franchise, distributorship and dealer disputes; indemnification disputes; trademark and intellectual property disputes; vendor/vendee disputes; insurance disputes; wrongful death and serious personal injury claims; employment mis-classification claims; food safety claims; distributor and dealer terminations and non-renewals; fraud and misrepresentation claims; bankruptcy disputes; debtor/creditor disputes; class and aggregate actions; consumer claims.

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 Law Professor at Boston University Law School from 2012 to present, teaching Representing Clients in Civil Litigation (2012-2014), Alternative Dispute

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Resolution (2015-2018), Professional Responsibility (2013-2016, 2019);
Negotiation (2017-2019).

Adjunct Professor at Babson College, Wellesley, MA from 2006-2008 in the Entrepreneurship Division of MBA Program, co-teaching "Franchising: Pathway to Wealth Creation."

Chairman of 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 in Bristol, Plymouth, Barnstable and Dukes counties.

Experience as a Mediator

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.

In 2019, have mediated multi-session large group disputes (20 or more) in California, New York and class action in California involving claims of employee misclassification in franchise context.

In 2019, mediated multiple matters between franchisor and master franchisees as part of restructuring of franchise program.

In 2018, mediated multi-million dollar resolution of claims between international master franchisees and international franchisor.

CPR Distinguished Panel of Neutrals

Full-time independent dispute resolution services.

Representative Issues Handled as a Mediator

In franchise disputes, issues have included 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, and association claims. In commercial disputes, issues have included lawyer/client relationship/ fees due and ethical issues, and partnership issues. In lawyer/client disputes, issues have included allegations of over-billing and lawyer malpractice. In commercial disputes, issues have included breach of partnership and fiduciary duties. In IP disputes, issues have included trademark infringement and misuse.

Multi-Party Dispute Resolution Experience

In the last 12 months I have mediated 2 large group matters. One was a claim by a franchisee association of a California franchise system against its franchisor. The second was a claim by 21 franchisees of a fitness franchisor against their franchisor. Both were multi-day (and in the second matter, multi-city) matters, very hotly contested, very complicated. In the second matter, I co-mediated for one day with a former federal bankruptcy judge who participated because of the issues presented by the various disputes and claims.

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Years of Practice as a Mediator	35 (full-time since 2016)
Total Number of Cases Mediated	50+
Mediation Experience as an Advocate or Party	As advocate 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	Philosophy is respectful, facilitative and encouraging. 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; he or she helps the parties realize what resolution is in their best interests, given all the alternatives.
Mediation References	<p>I have many references, including lawyers for plaintiffs, franchisees, franchisors, and defendants. Some of my references are:</p> <p>Rory A. Valas, Boston, MA, rav@franchiseelaw.com, 617 399 2200;</p> <p>Norman M. Leon, Chicago, IL DLA Piper, norman.leon@dlapiper.com, 312 368 2192;</p> <p>Harris Chernow, Philadelphia, PA, Reger Rizzo, hchernow@regerlaw.com, 215 495 6532;</p> <p>Adam Siegelheim, Stark & Stark, Lawrenceville, NJ, asiegelheim@stark-stark.com. 800 535 342</p> <p>Jeffrey Rosin, O'Hagan Meyer, Boston, MA; jrosin@ohaganmeyer.com; 617 843 6801</p> <p>Ari Stern, O'Hagan Meyer, Boston, MA; astern@ohaganmeyer.com, 617 843 6803</p> <p>Shannon Liss-Riordan, Boston, MA, sliss@llrlaw.com, 617 9 94 5800</p> <p>Gerry Williams, Atlanta, GA, DLA Piper, Gerry.williams@dlapiper.com, 404 736 7891;</p> <p>W, Michael Garner, Minneapolis/NYC, Garner & Ginsburg, wmgarner@yourfranchiselawyer.com, 612 259 4800;</p> <p>Robert Calihan, Rochester/NYC, NY,; Calihan Law; rcalihan@calihanlaw.com; 585 232 5291;</p>

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Rick Pedone, Nixon Peabody LLP, Boston, MA; 617 345 1405;
rpedone@nixonpeabody.com

Ronald K. Gardner, Minneapolis, MN, Dady & Gardner, PA,
Rkgardner@Dadygardner.com, 612 359 3501;

Richard L. Rosen, NYC, Richard L. Rosen Law Offices, rlr@rosenlawpllc.com,
212 644 6644;

Stephen M. Moran, Senior Vice-president/General Counsel, CAL/AMP, Inc.,
smoran@calamp.com, 949 600 5635;

Josh Escovedo, Weintraub Tobin, Sacramento, CA; 916 558 6181;
jescovedo@weintraub.com;

Steven D. Scherzer, Atlantic City, NJ, Cooper Levenson,
sscherzer@cooperlevenson.com, 609 572 7534;

Aaron-Michael Sapp, Cheng Cohen LLC, Chicago, IL, asapp@chengcohen.com,
312 243 1725;

Eric R. Hubbard, Ropes & Gray LLP, NYC, NY, eric.hubbard@ropes.com, 212
596 9146;

David Worthen, Plave Koch PLC, Reston, VA,, dworthen@plavekoch.com, 703
774 1200

Jason A. Levine, Hangley Aronchick Segal Pudlin Schiller, jlevine@hangley.com,
215-496-7038

James J. Long, Maslon LLP, James.long@maslon.com, 612-672-8390

Bryan R. Freeman, Maslon LLP, bryan.freeman@maslon.com, 612- 672-8375

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

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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 Appeals

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, Newsletter co-editor IBA Mediation Committee

International Mediation Institute (certified June 2019)

Massachusetts Bar Association, Dispute Resolution Committee

Massachusetts Bar Association, Fee Dispute Committee, Arbitrator

Member, Chartered Institute of Arbitrators

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

Awards and Honors International Mediation Institute (IMI) Certified International Mediator

International Bar Association, Mediation Committee Officer

Best Lawyers in America, 2019-2020, Franchise Lawyer of the year

Chambers USA, Band 1, Notable Practitioner, Franchise Law and ADR

Massachusetts Super Lawyers 2019 for ADR.

Franchise Times Magazine "Legal Eagles Hall of Fame"

Mediate.com Senior Practitioner

Publications and Speaking Engagements Blog posts on mediation and related topics, www.arthurlpressman.com, www.mediate.com and LinkedIn.

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Guest teaching, Negotiation program, March 2018, Chuo University, Tokyo, Japan

"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)

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Locations Where Parties Will Not be Charged for Travel Expenses I am willing to serve without charge for time spent on travel within six hours of Boston; for travel time in excess of six hours from Boston, will negotiate appropriate rate. I do charge for reimbursement of travel expenses.

Citizenship United States of America
Languages English
Locale Natick, Massachusetts, United States of America

Compensation

Hearing: \$550.00/Hr
Study: \$550.00/Hr
Travel: \$0.00/
Cancellation: \$0.00/Day
Cancellation Period: 0 Days
Comment: Available for nationwide/international appointments. No charge for travel time less than 6 hours each way. Travel time charge for more than 6 hours each way is subject to negotiation

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