

The Changing Face of the IFA Legal Symposium

By Lane Fisher

For those of you who are not aware, the International Franchise Association has changed dramatically over the past five years. Since 2000, IFA franchisor membership has grown from 800 to 1,150 systems and franchisee membership through the System-wide Membership Program has grown to more than 9,000 since its inception in 2000. In addition, IFA founded the Diversity Institute, and combined its diversity activities with the IFA Educational Foundation. The association is recognized as a powerful lobbying entity on Capitol Hill, with nearly 400 member lobbyists appearing at Franchise Appreciation Day. In 2000, the IFA Annual Convention drew 130 exhibitor booths and 1,350 attendees. In 2006, 230 exhibitor booths and 2,600 attendees attended the convention.



Moreover, the Certified Franchise Executives program, which granted certification to 50 individuals in 2000, certified another 262 individuals since that time, with 500 more people currently matriculating through the certification program. New CFEs are among the ranks of some of IFA's most qualified and soon-to-be discovered speakers.

Attendance at the IFA Legal Symposium has grown from just over 400 to 550 during the same period. The sheer growth in the number of people increases the universe of people with diverse knowledge about the sector to share in educational sessions and creates exponential opportunities for peer-to-peer networking.

With all of this new opportunity, it was time to reflect on prior legal symposia, and make sure IFA is delivering the most value at the program.

When asked to chair the Legal Symposium Task Force this year, I set out to understand what members perceived were the strengths and weaknesses of the existing program. I studied the reviews from prior years and



interviewed, mostly in-house attorneys, to determine any obstacles facing them internally to attending the symposium and obtain feedback on how to make the program more appealing to more professionals from member firms. With a high concentration of in-house attorneys and paralegals, it was believed that the outside firms would come. During the process it became apparent that in-house attorneys and their staff were under serious budgeting constraints and many were forced to choose between the symposium and the ABA Forum on Franchising, or other similar programs. The task force also learned that some non-lawyers were attending the symposium because of the large block of CFE credit available for attending. Another interesting point of feedback was that in-house lawyers wanted the subject matter to be less theoretical and more business-oriented.

In addition, the task force learned that the largest franchise companies, those that pay the most dues to IFA, had a resounding consensus that there needed to be more advanced topics for those mature franchise organizations that want to network and learn about more sophisticated issues. The same people who fill out evaluations demanding higher and more complex topics, are generally too busy to submit such topics in response to IFA's multiple solicitations for new topics. The fact is that the task force needed a mechanism to draw from the experience of in-house counsel, who are engaged in the educational process and were willing to potentially meet in person to propose and discuss topic submissions.

First, the performance of all prior task

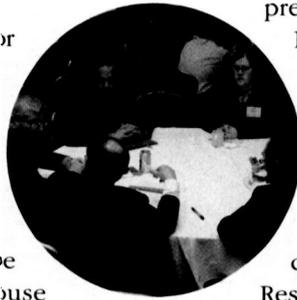


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force members is to be saluted for contributions to the program that has been raised to a new level since its inception four years ago. However, in order to secure the "brain trust" that the symposium needed to thrive, it became clear that the task force should be comprised of at least half in-house attorneys, from a diverse group of multi-branded, single-branded, internationally-transacting and domestically-awarding franchises through direct and outsourced services.

Joining the task force this year is Debra K. Abate, vice president and general counsel of the UPS Store; Mark Forseth, vice president and assistant general counsel of Marriott International; Will Jameson, vice president and general counsel of AAMCO Transmissions, Inc.; Dawn Diaz, general counsel of Planet Beach Franchising Corp.; Shelly O'Callaghan, general counsel of Carlson Hotels Worldwide; Kerry J. Olson, general counsel of Buffalo Wild Wings; Sandra Wall, managing counsel of McDonald's Corp.; Kathryn Rookes, vice



president of legal, Focus Brands, Inc.; Ted Pearce, vice president-general counsel of Meineke Car Care Centers; and Robert Sawyer, vice president and general counsel of Friendly's Restaurants. In addition,

the task force is also comprised of outside counsel from more than 15 member firms covering the gamut in terms of size, with people who have demonstrated a passion for franchise education and were willing to personally attend the required planning sessions.

The task force met in Washington, D.C. at IFA headquarters in July to discuss the proposed slate of sessions. The group reached an immediate consensus on the need to steer the programming toward being more "business-friendly," and to make every effort to identify business issues which are timely and relevant. Thereafter, the task force vetted each proposal and for the first year identified certain topics as business topics.

In the 2007 program, the business topics include exit strategies for franchisors; the legal challenges of contests, sweepstakes, gift cards, and customer loyalty programs; minimizing the risk associated with brokers; protecting privacy and data security and benchmarking performance. As another change, some non-lawyers will speak on the business panels to ensure that the discussion remains focused on business issues. The task force will also enlist speakers who have not presented on the forum program to further infuse new life into the 2007 event. In addition to the business topics, there will be topics geared to business transactions, litigation, the franchise relationship, registration disclosure, intellectual property and international topics and will include the acclaimed roundtable program.

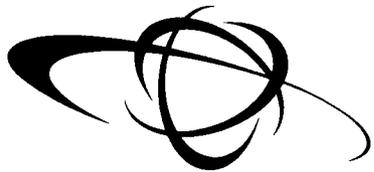
As to format, there are also some changes in store. The Judicial Update has been moved to the general session on May 8. On May 7, the welcome and general session, the task force has assembled a panel, which will include business people entitled "Getting the Deal Done: A Private Equity Case Study." The general session will be followed by eight concurrent sessions, the lunch program and then two consecutive concurrent sessions followed by a reception. After the Judicial Update, there is a block of concurrent sessions, and the box lunch roundtable program, followed by an additional block of concurrent sessions.

These changes have been deemed necessary to keep the IFA Legal Symposium fresh and vibrant and to attract the maximum number of attendees from a variety of backgrounds including in-house counsel, outside counsel, franchise CEOs, COOs, presidents and those in other management positions. ■



Lane Fisher is a partner of the Philadelphia-based law firm FisherZucker LLC. He can be reached at 215-545-5200 or lfisher@fisherzucker.com.

Complete program and registration details will be available on the IFA Web site, www.franchise.org.



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