

ABA FORUM ON FRANCHISING
Franchise Law Journal
CUMULATIVE INDEX
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Finding the Balance in Franchise Broker Regulation Among Franchisees, Franchisors, and Franchise Brokers	Ann Hurwitz; Michael Seid	23	2	88	2003
Franchise Advertising Funds: Structural, Tax, Operational, and Liability Issues	Neal D. Burton; Andrew A. Caffey; Sharon C. Casey	10	2	1	1990
Franchise Advertising in the Digital Age: Regulators Need to Contemporaneously Address Advancing Advertising Technologies or Step Aside	Mark J. Burzych	40	2	221	2020
Franchise Brokerage Relationships	L. Seth Stadfeld	4	4	1	1985
Issues in Growth by Multi-Unit Franchising	David B. Ramsey; Michelle Murray-Bertrand	38	3	359	2019
New Alberta Franchise Administrative Policies	Leonard M. Polsky	10	1	7	1990
Not Your Mama's Advertising Fund: Best Practices in the Use of Franchise System Advertising Funds	Lauren Smith Madden	38	3	379	2019
Permission-Based Marketing Under Canada's New Privacy Laws	Paul Jones	24	2	96	2004
Prospecting the Last Frontier: Legal Considerations for Franchisors Expanding into Inner Cities	Erik P. Dyhrkopp; Andrew H. Kim	19	3	89	2000
Using Franchisees as a Source of Referrals	Kim Lambert	13	2	71	1993
Vicarious Liability May Apply: TCPA-Compliant Text Message Advertising in Franchise Systems	Maisa Jean Frank; Julia C. Colarusso	35	3	421	2016
You Have Given the New Franchisor its UFOC: Now What?	Charles S. Modell	13	3	99	1994
Antitrust and Pricing					
A Widening Gap? An Overview of U.S. and EU Antitrust Rules for Franchisors	Alison C. McElroy; Philip Haleen	29	1	23	2009

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An Unheralded Stake Through the Heart of <i>Siegel v. Chicken Delight</i> and a New Climate for Franchise Tying Claims	Arthur I. Cantor; Peter J. Klarfeld	28	1	11	2008
Another Look at Rebates	Steven B. Feirman	24	3	169	2005
Antitrust and Franchising: Conspiracies Between Franchisors and Franchisees Under Section 1	Suzanne E. Wachsstock; Erika L. Amarante	23	1	7	2003
Antitrust Conspiracies in Franchise Systems After <i>American Needle</i>	Barry M. Block; Matthew D. Ridings	30	4	216	2011
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Antitrust Standards in Franchisor/Franchisee Electronic Marketplaces	F. Martin Dajani	21	4	198	2002
At Participating Locations Only: Legal Implications of Encouraging Franchisees to Participate in Discounting or Promotional Programs	Victor D. Vital; Sarah A. Walters; Brittany N. Davis	34	1	1	2014
Can Franchisors Control Franchisee Prices?	Quentin R. Wittrock; Jeremy L. Johnson	28	4	199	2009
Covenants Against Competition in Franchise Agreements	Peter J. Klarfeld; Kathleen D. Kennedy	2	2	3	1982
Disappointed Dealer Prevails on State Claim, Loses Federal Price Discrimination Issue	Rebecca A.D. Nelson; Arindam Kar	25	3	119	2006
Effect of Canada's New Competition Act on Franchising in Canada	Frank Zaid; Peter H.G. Franklyn	7	2	7	1987
Effects of <i>State Oil Co. v. Kahn</i> on Franchising	Steven Feirman; Bret Lowell; Dennis Wiczorek	17	3	95	1998
Employee "No-Poaching" Clauses in Franchise Agreements: An Assessment in Light of Recent Developments	Josh M. Piper & Erik Ruda	38	2	185	2018
Florida Clarifies Enforcement of Noncompetes	David Beyer	16	4	138	1997
Franchise Tying Claims: Revolution or Just a "Kodak Moment"?	Allan P. Hillman	21	1	1	2001
Franchise Relationship: Problem Areas for the 1980s Part I – Government Regulation	Lewis G. Rudnick	2	2	1	1982
Franchisee and Dealer Terminations and Antitrust Exposure: <i>Spray-Rite</i> and Evidentiary Standards in the Eighties	Peter A. Pease	3	4	1	1984
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Functional Discounts and the Robinson-Patman Act after <i>Texaco, Inc. v. Hasbrouck</i>	Robert T. Joseph	10	2	3	1990
Item 8 Rebate Disclosures for the Modern Supply chain	Robert G. Huelin; Sawan S. Patel	39	2	149	2019
<i>Kodak</i> Decision Revitalizes Tying Claims	Janet L. McDavid	12	1	3	1992
<i>Kubis</i> and the Changing Landscape of Forum Selection Clauses	Benjamin A. Levin; Richard S. Morrison	16	3	97	1997
<i>Leegin</i> , Ten Years Later: Did Vertical Agreements Remain Unlawful Per Se Where Adopted to Facilitate a Price-Fixing Horizontal Scheme?	James Mulcahy; Filemon Carrillo	38	1	119	2018
Legality of Rebates from Suppliers	Steven B. Feirman	23	2	71	2003
Market Power in Per Se Franchise Tying Claims: <i>Virtual Maintenance</i> Decision Addresses “Locked-in” Buyers	Jonathan Solish	13	3	73	1994
New Departures for Antitrust Law on Vertical Restraints	Harold Brown	2	3	1	1983
New EC Block Exemption: A Blurry Roadmap for Franchising in Europe	Erik B. Wulff; Christopher Nowalk	20	2	47	2000
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Open Price Agreements: Good Faith Pricing in the Franchise Relationship	Douglas C. Berry; David M. Byers; Daniel Oates	27	1	45	2007
Patent Misuse in Franchise Agreements	Craig J. Madson	20	3	107	2001
<i>Queen City Pizza</i> : Bad Law for Franchisees	Diane Green Smith	17	4	109	1998
Recent Developments in Canadian Franchise Class Actions	Evan Thomas	35	3	399	2016
Reducing the Risks of Antitrust Liability in National Account Pricing Programs	Richard A. Duncan; Andrew B. Coan	25	1	3	2005
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Retail Price Ceilings and the Rule of Reason	Jay Conison	8	1	1	1988
Revisiting the Robinson-Patman Act in the Franchise Supply Setting	Stuart Hershman	16	2	57	1996
Saying No: Franchisor Exposure for Franchisee Transfer Restrictions	Joel D. Siegel; Glenn J. Plattner	16	4	131	1997

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State Auto Dealer Regulation: One Man’s Preliminary Views	Thomas B. Leary	21	2	65	2001
The State of Washington’s Attempt to Ban Franchise Anti-Poaching Provisions Nationwide Violates Constitutional Limitations on State Power to Regulate National Commerce	Michael L. Sturm	39	2	169	2019
State Tying Claims: Do You Know What May Be Lurking?	James L. Petersen; Angela M. Fifelski	21	3	118	2002
Structuring a Franchise Relationship Part III	Lewis G. Rudnick	1	4	5	1981
Survey of Private Remedies	Harold Brown	1	1	1	1980
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Vertical Restraints Guidelines of the Antitrust Division	Harold Brown	5	2	1	1985
Waiting for the Other Shoe to Drop: Will State Courts Follow <i>Leegin</i> ?	Richard A. Duncan; Alison K. Guernsey	27	3	173	2008
What Price Uniformity? Securing Franchisee Compliance with Suggested Retail Prices	Michael J. Lockerby	15	3	73	1996
Arbitration and Other Nonjudicial Forms of Dispute Resolution					
AAA Releases Rules on the Administration of Class Actions	Lawrence J. Bracken; Caroline H. Dixon	23	4	215	2004
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An Informal Study of Arbitration Clauses Reveals Surprising Results	William L. Killion	22	2	79	2002
Arbitration: A Review of the Literature	Jonathan J. Toronto	22	2	128	2002
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Are There Due Process Limits on Arbitral Punitive Damage Awards?	Edward Wood Dunham	23	1	3	2003
Aspects of Systemwide Discontent: Learning to Live Together, Avoiding Divorce	Anthony G. Covatta	12	2	33	1992
Binding Nonsignatories to Arbitration Agreements	Dwayne E. Williams	25	4	175	2006
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Collateral Estoppel in Franchise Litigation	Jonathan Solish	10	4	1	1991
Companion Dispute Resolution: Three Dimensional Thinking and the Effective Use of Mediation with Traditional Litigation of Franchise Disputes	Timothy J. Bryant & Matthew E. Lane	33	2	261	2013
Comparative International Perspectives of Arbitration in the Franchising Context	Judy Rost; Robin Schachter; Andrew Dodd; Edgar Grajeda	31	3	124	2012
Compelling U.S. Discovery in International Franchise Arbitrations: The (F)utility of Section 1782 Applications	Matthew J. Soroky	39	2	185	2019
<i>DAI v. Downey</i> : Associational Standing and Arbitration	Edward Wood Dunham; Erika Amarante	27	1	16	2007
Dispute Resolution in the Twenty-First Century: The Challenge to Get ADR Right	W. Michael Garner	40	1	25	2020
Drafting an Enforceable Franchise Agreement Arbitration Clause	Kevin M. Kennedy	22	2	112	2002
Effect of Arbitration and Choice of Law Clauses on the Application of Puerto Rico's Dealers Act	Rossell Barrios-Amy	16	1	3	1996
Enforceability and Application of a Statute of Limitations in Arbitration	Craig P. Miller; Laura Danysh	32	1	26	2012
Enforceability of Choice of Law Clauses in Arbitration When Such Clauses Are Contrary to the Public Policy of the Puerto Rico Relationship Statutes	Rossell Barrios	37	3	435	2018
Enforcing Arbitration Awards in International Franchising	Ronald A. Giller; Sarah J. Wieselgren; Lynette Gladdis	34	3	351	2015

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Forty Years of the Franchise Law Journal	Deborah S. Coldwell	40	1	105	2020
Fundamentals of Alternative Dispute Resolution	Kim A. Lambert	11	4	99	1992
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How to Avoid the Impact of <i>Laxmi</i> and Unconscionability in Out-of-State Forum Selection Clauses	Charles G. Miller	22	2	117	2002
Injunctive Relief Pending Arbitration: The Evolving Role of Judicial Action	Cheryl L. Mullin; Alyson Conwell; Christopher Howard	38	4	547	2019
Interim Relief: Preserving Franchise Goodwill During Termination Arbitration Proceedings	Bethany L. Appleby	22	2	125	2002
International Arbitration and Franchising	Martin Mendelsohn; Tim Clark	11	4	115	1992
Must Arbitrators Follow the Law?	Thomas A. Telesca; Elizabeth S. Sy; Briana Enck	41	3	347	2022
Mutuality Doctrine in the Enforcement of Arbitration Agreements: The Elephant in the Road	Arthur M. Kaufman; Ross M. Babbit	22	2	101	2002
Negotiating with a Tribe or Tribal Entity: Practical Tips for Franchisors	Heidi McNeil Staudenmaier; Michael Coccaro	34	1	35	2014
Nuts and Bolts of Arbitration	Robert L. Ebe	22	2	85	2002
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Preliminary Agreements: How to Avoid Unintended Contractual Obligations	Kevin M. Shelley; Jonathan J. Toronto	25	2	47	2005
Prelitigation Dispute Resolution Clauses: Getting the Benefit of Your Bargain	Elizabeth M. Weldon; Patrick W. Kelly	31	1	28	2011
Procedural Decisions at the Threshold of Dispute Resolution	John F. Dienelt	12	3	95	1993
Protecting Franchisees from Abusive Arbitration Clauses	Jean R. Sternlight	20	2	45	2000

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State Efforts to Limit Arbitration	John F. Dienelt; Jerome D. Pinn	11	4	104	1992
Stolt-Nielsen SA: Prehearing Subpoenas on Third Parties Upheld by Arbitrators	Kevin M. Kennedy	25	3	122	2006
Stradivarius Revisited: Re-Tuning Your Franchise Arbitration Instrument	Jonathan Solish; David Harford	40	1	69	2020
Temporary Injunction Through Arbitration: The Franchisor's Weapon of Choice in Trademark Disputes	Michael E. Chionopoulos	20	1	15	2000
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Turning Your Arbitration Instrument into a Stradivarius	Jonathan Solish	11	4	135	1992
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Will California Become the Forum of Choice for Attacking Class Action Waivers?	Aaron C. Gundzik; Rebecca Gilbert Gundzik	25	2	56	2005
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Bankruptcy and Financially Troubled Franchisees/Franchisors					
A Franchisee's Guide to Franchisor Bankruptcy	Micheel Einbinder; Terrence M. Dunn	31	2	55	2011
Alternatives to Franchisee Bankruptcy: Workouts, Composition of Creditors, Assignments for the Benefit of Creditors, and Receiverships	Sharyn B. Zuch	33	3	359	2014
Assigning a Franchise Agreement Over the Franchisor's Objection	Jason Binford	32	2	71	2012
Bankruptcy and Assignment of Franchise Agreements over Franchisor's Objection: Response	Jason B. Binford	33	1	93	2013
Bankruptcy of the Franchisee: The Franchisor's Initial Strategy	Joyce G. Mazero	4	1	1	1984
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Drama in Three Acts: How the Takeout Taxi Franchisees Gained Their Independence	Ellen R. Lokker; Mark J. Loranger	25	1	11	2005
Enforcement of Noncompete Provisions Against a Franchisee After Bankruptcy	Alan M. Anderson; Renee L. Jackson	21	2	85	2001
Enforcing Restrictive Franchise Covenants in Bankruptcy and Beyond	Todd P. Leff	12	3	75	1993
Franchise Securitization Findings	David J. Kaufmann; David W. Oppenheim; Jordan E. Yarett	27	4	241	2008
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How Franchisors Can Benefit from UCC Revised Article 9	Daniel L. Wadell; Jim Phipps	21	2	74	2001
Impact of the Bankruptcy Abuse Prevention & Consumer Protection Act on Franchise Reorganizations Under Chapter 11	Valerie P. Morrison; Rebecca C. Saitta	27	2	125	2007
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May a Franchisor Veto a Franchisee's Assumption of a Franchise Agreement in Bankruptcy	Paul J. Battista; Nina Greene; Glenn D. Moses	28	1	16	2008
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Protecting the Franchisor's Interests When A Franchisee Files for Bankruptcy Protection	Daniel S. Kaplan	21	2	79	2001
Protecting the System: Ways that Franchisors Can Plan for Franchisee Financial Distress and Navigate Franchisee Receiverships and Bankruptcies	Matthew B. Gruenberg; John W. Mills; Suj. M. Pandya	33	3	377	2014
Saving the Ailing Franchisor: Work outs and Bankruptcy	Craig R. Tractenberg	11	3	61	1992
Securitization: An Overlooked Financing Vehicle for Franchisors	David J. Kaufmann; Jordan E. Yarett; Brian L. Schorr; Curtis S. Gimson	20	4	161	2001
The ABCs of Franchise Litigation: The Impact of Assignments for the Benefit of Creditors in Franchise Disputes	Aidan Nowak; Caitlin Conklin	41	1	77	2021

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The Early History of the ABA Form Committee on Franchising and Its Publications	Steve Brown	40	1	1	2020
Franchising Bookshelf – Building Franchise Relationships: A Guide to Anticipating Problems, Resolving Conflicts, and Representing Clients	Richard J. Hoskins	17	2	61	1997
Franchising Bookshelf – Canadian Franchise Guide	Harvey A. Shapiro; Arthur J. Trebilcock	3	3	9	1984
Franchising Bookshelf – CCH Product Distribution Law Guide	John R.F. Baer	19	4	165	2000
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Franchising Bookshelf – Establishing and Operating Under a Franchise Relationship	Ralph J. Koransky	6	4	17	1987
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Franchising Bookshelf – Franchise Deskbook: Selected State Laws, Commentary, and Annotations	Karen C. Marchiano	41	1	103	2021
Franchising Bookshelf – Franchise Fraud	Rupert M. Barkoff	14	3	62	1995

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Franchising Bookshelf – Franchise Trademark Handbook: Developing and Protecting Your Trademarks and Service Marks	Victoria A. Cundiff	16	3	111	1997
Franchising Bookshelf – Franchising – A Planning and Sales Compliance Guide	John W. Hatch; Don L. Weaver	7	3	20	1988
Franchising Bookshelf – Franchising: Cases, Materials & Problems	Allan Hillman	33	4	561	2014
Franchising Bookshelf – Franchising: Regulation of Buying and Selling a Franchise	Andrew A. Caffey	5	1	15	1985
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