STATEMENT OF IDENTIFICATION

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This issue marks the fortieth anniversary of the *Franchise Law Journal*. For forty years, the *Journal* has been the preeminent source of academic scholarship on franchising. To celebrate the occasion, we felt it appropriate to prepare a special symposium edition dedicated to the *Journal’s* long-standing mission of excellence.

Unfortunately, the lead up to this edition also happens to coincide with the most serious global pandemic that the world has seen in more than a century. As such, many of you have undoubtedly spent the last several months working from home, caring for loved ones, or learning to be a teacher to your young children. While this edition of the *Journal* was intended to be a triumphant celebration of this venerated periodical, I must admit that my own enthusiasm has been tempered by the plight of everyone dealing with the fallout of COVID-19. It is at times like these that I find comfort in the words of Tolkien:

‘I wish it need not have happened in my time.’ said Frodo.

‘So do I,’ said Gandalf, ‘and so do all who live to see such times. But that is not for them to decide. All we have to decide is what to do with the time that is given us.’

In the spirit of these words, we therefore bring to you this edition of the *Journal*. It is altogether fitting and proper that we should do this. For while our present is imbued with a great sense of fear and trepidation, it is only from reflecting on our past that we will remember the promise of our

1. J.R.R. Tolkien, *The Fellowship of the Ring* 82 (Ballentine Books, 1965); see also Marcus Aurelius, *Meditations* 27 (Dover Thrift ed. 1997) (161) (“‘I am unhappy, because this has happened to me.’ Not so: say, ‘I am happy, though this has happened to me, because I continue free from pain, neither crushed by the present nor fearing the future . . . . Remember, too, on every occasion that leads you to vexation to apply this principle: not that this is a misfortune, but that to bear it nobly is good fortune.’”) (emphasis added).

2. Abraham Lincoln, Gettysburg Address (Nov. 19, 1863).

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future. For this edition of the Journal, we have assembled an unrivaled collection of authors: every living former Editor-in-Chief of the Journal. They have each agreed to author an article, tailored to their own personal interest and experience. As you will see as you read this edition, it is an eclectic mix of interviews, reflections, historical developments, and substantive legal analysis.

In keeping with the more serious tone of this editorial, I would be remiss if I failed to discuss the enormous absence from our roster of authors. Unfortunately, by the will of fate, we are missing one person: Edward Wood “Jack” Dunham, who passed away on May 1, 2015. Sadly, I never had the opportunity to get to know Jack beyond mere acquaintance.

Jack was the Editor-in-Chief of the Franchise Law Journal from 1997 to 2000. Consistent with his nationwide stature as a titan of franchising, his work as EIC was exemplary, and his editorials were frankly humbling. He was a member of the Governing Committee from 2000 until 2007, and Chair of the Forum from 2007 until 2009.

Although I never had the pleasure of getting to know Jack, all of my Forum colleagues that knew him hold him in the highest regard. This includes his friends, his colleagues, and his adversaries. It is a rare person who can earn the respect and admiration of his opponents. Jack was just such a person. Ron Gardner, a similar titan of the plaintiff’s franchise bar, gave one of the eulogies at his funeral. The chair of the Franchise, Distribution and Dealer Law Section of the Connecticut Bar Association, Nicole Liguori Micklich (another frequent adversary of Jack), prepared and filed a formal memorial resolution with Connecticut Bar Association recognizing Jack as “an icon, one of the best litigators, and he was a gentleman.”

3. H. Stephen Brown (Editor-in-Chief from 1980 to 1982); Sally Lee Foley (Editor-in-Chief from 1982 to 1984); Bret Lowell (Editor-in-Chief from 1984 to 1988); W. Michael Garner (Editor-in-Chief from 1988 to 1993); Ann Hurwitz (Editor-in-Chief from 1993 to 1997); Jonathan Solish (Editor-in-Chief from 1997 to 2000); William Killion (Editor-in-Chief from 2003 to 2006); Deborah Coldwell (Editor-in-Chief from 2006 to 2009); Christopher Bussert (Editor-in-Chief from 2009 to 2012); Bethany Appleby (Editor-in-Chief from 2012 to 2015); and Gary Batenhorst (Editor-in-Chief from 2015 to 2018).

4. Each editorial was a clinic on how to substantively address a serious question of franchise law. See, e.g., Edward Wood Dunham, Federal Franchise Legislation and Congress’ Own Duty of Competence and Due Care, 21 FRanchise L.J. 67 (2001); Edward Wood Dunham, Jury Trials for Franchisors: “… a delusion, a mockery and a snare”? , 21 FRanchise L.J. 115 (2002); Edward Wood Dunham, A Rare but Scary Thing: More on Franchise Jury Trials, 21 FRanchise L.J. 179 (2002); Edward Wood Dunham, Are There Due Process Limits on Arbitral Punitive Damage Awards?, 23 FRanchise L.J. 3 (2003); Edward Wood Dunham, Some Thoughts on Settling Franchise Disputes, 22 FRanchise L.J. 147 (2003). Effectively, these editorials were a law review article every quarter. I’m told that Jack was an avid Yankees fan. Jack is the Derek Jeter of EICs. The other venerable authors of this edition similarly represent a pantheon of hall of famers. With the zany Batman and The Oregon Trail references, this Editor-in-Chief can, at best, be considered the Bobby Valentine of EICs. See, e.g., Jack Curry, N.L. Gives Valentine Fine and Suspension, N.Y. Times, June 12, 1999 at D4 (discussing the infamous ejection/mustache disguise incident). I will nonetheless do my best to honor their contributions to the legacy of this publication.

5. Nicole Liguori Micklich, Memorial Resolution of the Franchise, Distribution and Dealer Law Section of the Connecticut Bar Association upon the Death of Edward Wood “Jack” Dunham (Nov. 2015).
grief and sadness from his colleagues and former adversaries in response to his untimely passing, I can safely say: “It’s true. All of it.”

We should all strive to be so well respected by our peers and adversaries, and hope for such kind words upon our passing. It is also comforting to know that the feeling was mutual. As expressed in his final editorial, Jack held the Forum and its members in equally high regard:

It is a pleasure to practice with other attorneys, including adversaries, who are thoughtful, fair, sincerely trying to do the right thing for their clients, and able zealously to advocate their client’s interests without demonizing their opponents. . . . I owe many of them a great debt of thanks for giving me the opportunity to serve in this position; for helping me identify authors, develop article topics, edit drafts, and otherwise try to ensure the quality of the publication; and, most important, for their friendship.

Although I have no authority to speak on behalf of my predecessors who have so graciously agreed to participate in this celebratory symposium anniversary edition, I think I can safely say that we all agree with this sentiment. It has been our privilege and honor to act as stewards of this publication, and we all look forward to the next forty years of kindness, respect, academic excellence, professional collegiality, and most important, friendship, that this Forum and Journal provide.

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