Maisa Jean Frank

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PRACTICE AREAS

Franchise Litigation & Dispute Resolution

Investigations & White-Collar Defense

Franchise & Dealership Terminations

Franchise & Distribution Noncompete Agreements

Enforcing System Standards

Investigations

General Business & Complex Commercial Litigation

Franchise & Distribution

Litigation

International Law

INDUSTRIES

Restaurant, Food & Beverage

COURT MEMBERSHIPS

Maisa Frank represents clients in a variety of litigation matters. Whether conducting pre-dispute investigations, navigating litigation, or negotiating resolutions, Maisa's advice and strategy is vital to clients facing complex legal issues such as:

- **Franchise dispute resolution,** both domestic and international, including violations of the FTC Franchise Rule and state franchise relationship and disclosure laws, and enforcement of noncompete agreements
- **Commercial litigation,** including breaches of contract and business torts like fraud, misrepresentation, and interference with contract
- **Unfair competition and deceptive trade practices**, including claims under the Lanham Act and related state laws, and trademark infringement disputes
- **Investigations,** including conducting internal investigations and representing clients in government investigations
- **Foreign Corrupt Practices Act** compliance and advising

A dancer since the age of five, Maisa extends practice-honed precision to each aspect of her work. She prioritizes a relationship of trust with clients, often adopting roles as both legal and strategic advisor to alleviate the burden of ongoing litigation and allow clients to remain focused on their business goals. Maisa approaches each case with a panoramic perspective, acutely aware of the effect one action can have on a business's future. Maisa serves as editor of The Franchise Memorandum by Lathrop GPM, a monthly newsletter that summarizes recent legal developments of interest to franchisors.

- District of Columbia
- Virginia
- U.S. District Central District of Illinois
- U.S. District Eastern District of Virginia
- U.S. Supreme Court

EDUCATION

University of Minnesota Law School, J.D., 2010, *Minnesota Law Review,* managing research editor

Carleton College, B.A., *cum laude*, 2005, Economics

Prior to attending law school, Maisa worked for an educational nonprofit that taught social justice issues to college students and connected them with service-focused internships. Her commitment to social justice has continued through her legal career. Maisa currently serves as the Chair of the firm's Diverse Professionals Network.

Representative Experience

Franchise Litigation

- Negotiated on the franchisor's behalf a favorable settlement of claims involving the termination of a 20+ unit franchise network because the franchisee had a business partner who had been disapproved by the franchisor.
- Obtained dismissal of claims brought by third-party bank alleging tortious interference with business expectancy against a franchisor.
- Obtained numerous preliminary injunctions to enforce post-termination noncompetes against franchisees.
- Managed vicarious liability cases for a hotel brand.

Investigations & White-Collar Defense

- Created Foreign Corrupt Practices Act risk assessment and drafted multi-year compliance plan for a publicly traded company.
- Helped a company conduct an internal investigation
- Represented a defendant in a case in a Maryland state court alleging their involvement in a Ponzi scheme.
- Represented a defendant in the plea and sentencing phases of a case brought by the U.S. Attorney's Office for the Eastern District of Virginia related to an alleged mortgage fraud scheme.

Business Litigation

- Represented an advertising company, which was a subcontractor on a government contract to provide advertising services, in a breach of contract lawsuit brought by a television station related to advertisements purchased pursuant to the government contract.
- Defended a technology platform in a dispute related to a service mark brought in the federal court in Delaware and obtained a favorable settlement.

Events

- Franchise: 2023 Year in Review Webinar
  January 17, 2024
- Franchise: 2022 Year in Review Webinar
  January 12, 2023
- Franchise: 2021 Year in Review
  January 13, 2022
- Franchise Year in Review - 2020
  December 10, 2020
- State of Litigation Virtual Event Series
  Session 1 - Thursday, July 16; Session 2 - Thursday, July 23; Session 3 - Thursday, July 30
- The Most Interesting Franchise Law Developments of 2018
  December 4, 2018

Presentations

- Co-presenter, "W-6: Is a Little Competition Healthy?" 46th Annual ABA Forum on Franchising, November 2, 2023; November 3, 2023
- Co-presenter, "Basics Track: Franchise Litigation," IFA 2021 Legal Symposium, May 5, 2021
- Co-presenter, "Top Issues in Franchise Litigation," Association of Corporate Counsel, July 27, 2017
- 2015 MSBA Business Law Institute, April 22, 2015
- Co-presenter, "Is it a Franchise, and Why Does it Matter?," Maryland State Bar Association, Business Law Institute, April 22, 2015
- Co-presenter, "Data Ownership, Use, and Protection in Franchise Systems," Maryland State Bar Association, Franchise and Distribution Law Committee Meeting, May 28, 2014
- International Franchise Association Annual Convention 2014, February 22, 2014
- Roundtable Facilitator, "Business Solutions Roundtables: Evaluating and Learning from Franchise Terminations," IFA 54th Annual Convention, New Orleans, Louisiana, February 1, 2014

Publications

- Co-author, "LADR Case Notes (January 2023-March 2023) and FLJ Currents (2023)," *Franchise Law Journal*, Vol. 42, No. 4, Fall 2023

- Chapter Co-author, "Approaches to Resolving Cross-Border Disputes Between Franchisee and Franchisor," Lexology Getting The Deal Through, April 2019
-

Author, "Attorneys Run Down Most Interesting Cases of 2018," *Franchise Times*, December 7, 2018

- Co-author, "Vicarious Liability May Apply: TCPA-Compliant Text Message Advertising in Franchise Systems," Franchise Law Journal, Vol. 35, No. 3, January 2016
- Co-author, "Court Clarifies Enforceability Of Forum-Selection Clauses," The Franchise Lawyer, ABA Forum on Franchising, Vol. 17, No. 1, January 2014
-

"Emergence of State Initiatives Could Change Franchising," Law Journal Newsletters, Franchising Business & Law Alert, December 2013

- Co-author, "U.S.A.: Appellate Court Reverses Lower Court's Finding That Franchise Agreement Was Renewable In Perpetuity, " International Distribution Institute, October 2013
-

"Alumni Perspective: Maisa Frank," Franchise Law and Business Review, September 16, 2013

- Co-author, "Franchised Employees Might Be Employees of Franchisor," Law Journal Newsletters, Franchising Business & Law Alert, Volume 19, Number 6, March 2013
-

"Liberty Tax Ruled Vicariously Liable For Illegal Franchisee Advertising," Blue Mau Mau, February 15, 2013

- Co-author, "U.S.A.: Quick Service Pizza Franchisor Faces Class Action Lawsuit For Unsolicited Text Message Advertising, " International Distribution Institute, February 2013
- Co-author, "U.S.A.: Recent Decisions Find That Cleaning System Franchisees Should be Classified as Employees Under Massachusetts Law," International Distribution Institute, November 15, 2012

- Co-author, "U.S.A.: Lost future royalties recoverable following franchise termination," International Distribution Institute, April 18, 2012
- Co-author, "U.S.A.: Control Over National Advertising Strategy, " International Distribution Institute, January 1, 2012
- Co-author, "U.S.A.: State Challenges to Resale Price Controls, " International Distribution Institute, November 15, 2011
- Co-author, "USA: Enforcing Post-Termination Covenants Not to Compete," International Distribution Institute Newsletter, September 1, 2011
- Co-author, "U.S.A.: Enforcement of Noncompete Covenants in Internet Sales," International Distribution Institute, July 18, 2011
- "Note: Challenging Peremptories: Suggested Reforms to the Jury Selection Process Using Minnesota as a Case Study," 94 Minnesota Law Review 2075, January 1, 2010

Client Alerts And Blog Posts

- A Fee Charged by a Franchisor to a Designated Supplier, Which Is Passed Along by the Supplier in the Price It Charges Franchisees for Products, Is Not a Fee Imposed by the Franchisor on Franchisees
  October 12, 2017
- Addendum Replacing Liquidated Damages Provision Precludes Summary Judgment on Franchisor's Breach of Contract Claims
  July 13, 2017
- Actual Notice of Default Letter Overrides Franchisor's Failure to Comply Strictly With Notice Provision
  May 4, 2017
- Privacy Alert – Judge Backs FTC Authority in Data Breach Case Against Franchisor
  April 10, 2014
- "Warranty Cost Recovery Charge" Violates Illinois Act
  April 3, 2014
- Privacy Alert - Data Security Breach at Target is an Important Lesson for All Companies
  December 20, 2013
- A Rhode Island Court Rejects Wendy's Franchisee's Challenge to the Nearby Development of a McDonald's Franchise
  June 13, 2013

- White Collar Update: The Roger Clemens Trial: Double Jeopardy on Steroids?
  September 1, 2011

In The News

- Maisa Frank, Our Stories
  March 11, 2016

News Releases

- Ten Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
  April 1, 2024
- Lathrop GPM LLP Hosts Diverse Professionals Network Retreat
  June 21, 2023
- Nine Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
  April 3, 2023
- Eight Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
  April 1, 2022
- Lathrop GPM Partner Maisa Frank Joins Franchise Law Journal Editorial Board
  August 30, 2021
- 8 Lathrop GPM Attorneys Recognized as Franchise Legal Eagles
  April 1, 2021
- Eight Attorneys Named 2020 Washington, D.C. Super Lawyers and Rising Stars
  June 10, 2020
- 16 Lathrop GPM Attorneys Recognized as Franchise “Legal Eagles”
  April 1, 2020
- 11 Gray Plant Mooty Attorneys Named 2019 Washington, D.C. Super Lawyers and Rising Stars
  April 19, 2019
- 11 Gray Plant Mooty Attorneys Named 2018 Washington, D.C. Super Lawyers and Rising Stars
  April 23, 2018
- Gray Plant Mooty Elects New Shareholders for 2018
  December 20, 2017
- 11 Gray Plant Mooty Lawyers Named 2017 Washington, D.C. Super Lawyers and Rising Stars

April 24, 2017

- GPM Attorney Maisa Frank Named LCLD Fellow for 2017
  March 3, 2017
- Nine Gray Plant Mooty Attorneys Named 2014 DC Super Lawyers and Rising Stars
  April 25, 2014
- Gray Plant Mooty Attorneys Assist in the Publishing of The Franchise Law Review
  February 21, 2014
- Five Gray Plant Mooty Attorneys Named 2013 DC Super Lawyers and Rising Star
  April 30, 2013
- Gray Plant Mooty Welcomes Six New Associates
  November 15, 2010

Professional Affiliations

- Franchise Law Journal, Associate Editor, 2023-present; Topic & Article Editor, 2021-2022
- American Bar Association, Forum on Franchising, Diversity Caucus Steering Committee, 2018-2020
- International Franchise Association, Legal Symposium Task Force, 2019-2021
- Leadership Council on Legal Diversity, Fellows Program, 2017
- National Asian Pacific American Bar Association
- Asian Pacific American Bar Association Educational Fund, Board of Directors, 2013-2015

Community Involvement

- Council on Legal Education Opportunity scholar

Honors

- *Franchise Times*, "Legal Eagle," 2020-2024
- Washington, D.C. *Super Lawyers*, "Rising Star," 2013-2020
- Steven M. Block Prize for scholarship in civil rights or civil liberties