



## Mark Kirsch

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### PRACTICE AREAS

Franchise & Distribution  
Noncompete Agreements

Franchise & Distribution

Mergers & Acquisitions

International Law

Franchise M&A

International Development

Start-Up Systems

Emerging & Mature Systems

Franchise Registration &  
Compliance

Multi-Unit Franchising

Franchising into the U.S. from  
Abroad

Enforcing System Standards

Franchise & Dealership  
Terminations

Distribution

Vicarious Liability/Risk  
Management

Mark Kirsch focuses his practice on domestic and international franchising and distribution matters. He counsels clients on various corporate, commercial, licensing, franchise, and business development matters. His work involves primarily transactional and regulatory matters, mergers and acquisitions, international franchising and distribution, as well as counseling on dispute resolution, and mediation of franchise-related disputes.

Mark enjoys working with a variety of clients, which range from large national and international chains to emerging systems, across a wide range of industries, including restaurants and food service, hotels and the hospitality industry, health care, equipment manufacturing and distribution, educational and training businesses, technology and telecommunications, car rental and automotive services, staffing personnel agencies, convenience stores, real estate, cosmetics and hair care, and various retail product and service businesses. This has given him extensive experience including developing and structuring franchise and distribution systems; drafting and negotiating franchise, licensing, and distribution agreements, asset purchase agreements and related commercial contracts and counseling clients on compliance with state and federal regulatory issues.

Mark has been involved in numerous corporate, commercial, and merger transactions, including many private equity backed deals, related to the acquisition, sale and/or combination of franchise systems.

Mark has served in the past as an informal advisor to Atlanta-based investment firm 10 Point Capital, where he leveraged his deep

## INDUSTRIES

Restaurant, Food & Beverage  
Wholesale & Retail Distribution  
Health Care

## COURT MEMBERSHIPS

- District of Columbia
- Maryland
- Virginia

## EDUCATION

George Washington University,  
J.D.

University of Rochester, B.A.,  
*cum laude*

knowledge of the franchise industry to identify investment opportunities for the firm's portfolio companies.

Mark is active in the franchise industry, including past service as chair of the International Franchise Association's Supplier Forum, and was a member of the IFA's Board of Directors.

Mark is also a guest lecturer at franchise classes for undergraduate and MBA students.

## Events

- Webinar Series: Increasing Diversity in Franchise Systems  
February 8, 2022
- Webinar Series: Diversity in Franchising - Where Are We & How Can We Improve?  
October 28, 2021
- Trademark Licensing: Avoiding the Accidental Franchise in Structuring Licenses  
October 13, 2016
- Legal Aspects of Bringing your Franchise to the U.S.: Myth vs. Reality  
October 27, 2015

## Presentations

Below, please find a curated list of Mark's presentations:

- Panelist, "Pathways to Franchising: The Road to Entrepreneurship - Franchisee Preparedness," Prince George's County Economic Development Corporation (PGC EDC), April 2, 2024
- Opening Remarks, "Emerging Franchisor Bootcamp," 2023 IFA Annual Convention, February 27, 2023
- Co-presenter, "W-13: The 2022 NASAA Statement of Policy and Other Regulatory Developments," ABA 45th Annual Forum on Franchising, November 2-4, 2022
- Presenter, "Trademark Licenses and Accidental Franchises: Navigating Differences Between Trademark Licenses and Franchises, Avoiding Naked Licenses," Strafford CLE, August 17, 2021
- Presenter, "The Role of Franchise Lawyers in Mergers & Acquisitions," ABA 43rd Annual Forum on Franchising, October 30,

2020

- Co-presenter, "Who You Gonna Call: The Role of Franchise Lawyers in Mergers & Acquisitions," American Bar Association, 43rd Annual Forum on Franchising, October 27, 2020
- Presenter, "Structuring Relationships: Avoiding Traps and the Accidental Franchise," AIPLA Annual Meeting, October 25, 2018
- Guest Lecturer, "Entrepreneurship and Franchising," University of Rochester Simon School of Business, May 1, 2014; April 28, 2017
- Presenter, "Data Privacy Protection & Cyber Security Concerns for Franchise Systems," Maryland State Bar Association, Franchise & Distribution Law Committee, April 1, 2015
- Presenter, "Franchising in the Health Care Industry," Colorado Health Law Symposium, March 13, 2015
- Moderator, "Cyber Security & Data Privacy Protection: Practical Steps to Manage this Potentially Brand Threatening Risk," IFA 55th Annual Convention, February 17, 2015
- Presenter, "Reviewing 'Heavily Regulated' Franchise Businesses: Special Registration and Disclosure Issues for Franchises in Heavily Regulated Industries Including Medical, and Health Care Businesses," NASAA Franchise and Business Opportunity Training Program, November 15, 2014
- Co-presenter, "Franchising in the Health Care Industry," ABA 37th Annual Forum on Franchising, October 15, 2014
- Moderator, "Financing, Due Diligence, Deal Structuring and Exits," Capital Roundtable's Private Equity Investing in Franchise Companies, November 1, 2013
- Presenter, "Social Media Strategies, Beyond the Basics: How to Market, Monitor and Defend Your Brand," International Franchise Association's 52nd Annual Convention, February 2012; IFA's 53rd Annual Convention, February 1, 2013
- Presenter, "Franchising in Regulated Industries, 27th Annual Joint Conference," IFA and International Bar Association, May 1, 2011
- Co-presenter, "Business Laws and Regulations That Affect Franchise Systems," American Bar Association's 33rd Annual Forum on Franchising, October 2010
- Presenter, "A Seller's Guide to Preparing to Sell the Franchise System," International Franchise Association 42nd Annual Legal Symposium, May 1, 2009
- Presenter, "Structures and Operational Strategies for Successful Expansion Within the US," International Franchise Expos, January

1, 2007

- Presenter, "Co-Branding and Multi-Brand Alliances," International Franchise Expos, January 1, 2007
- Presenter, "Rescission of Franchise Agreements Under Maryland Law," Maryland State Bar Association Franchise and Distribution Committee Meeting, April 1, 2006
- Presenter, "Special Issues Involving Multiple Concept Franchising," International Franchise Association 38th Annual Legal Symposium, May 1, 2005
- Presenter, "Franchise and Licensing Issues for Lenders & Workout Professionals," Turnaround Management Association, June 1, 2004
- Presenter, "The Accidental Franchise," ABA 24th Annual Forum on Franchising, October 10, 2001
- Presenter, "Practical Solutions to Franchise Conflicts," IFA Legal Roundtable Series, September 1, 1999
- "Mergers and Acquisitions Involving Franchise Networks," International Franchise Association 32nd Annual Legal Symposium, May 1, 1999
- Presenter, "Co-Branding and Multi-Branding," International Franchise Expo, April 1, 1999

## Publications

Below, please find a curated list of Mark's publications:

- Contributing Editor and Author, "Global Overview," Franchise 2024 *Lexology Getting the Deal Through*, August 2023
- Contributing Editor and Author, "Global Overview," Franchise 2023 *Lexology Getting the Deal Through*, August 2022
- Contributing Editor and Author, "Global Overview," Franchise 2022 *Lexology Getting the Deal Through*, July 2021
- Co-author, "Franchising in the United States," *Lexology*, November 24, 2017
- Chapter Co-author, "International Franchising," *Fundamentals of Franchising*, October 16, 2015
- Chapter Co-author, "Due Diligence of Franchise Systems," *Mergers and Acquisitions of Franchise Companies*, July 2014
- Author, "Health Care Changes Present Challenges and Opportunities for Franchising," *Franchising World*, February 7, 2014

- Chapter Co-author, "Mergers and Acquisitions of Franchise Systems," ABA Forum on Franchising's law school casebook *Franchising: Cases, Materials & Problems*, January 1, 2013
- Author, "Building a Co-Branding Alliance," *Canadian Business Franchise*, November 2006, January 2007, March 2010
- Author, "Healthcare Services: An Accidental Franchise?" *Maryland Bar Journal*, November 1999

## Client Alerts And Blog Posts

- Focus on Franchisors: Keller Williams Realty  
January 18, 2024
- Focus on Franchisors: Ben & Jerry's  
August 10, 2023
- Small Business Administration Eliminates Franchise Directory  
May 4, 2023
- Increasing Diversity in Franchising – Focus on Franchise Systems  
April 5, 2023
- Franchise Alert: Lathrop GPM Franchise & Distribution Members  
Serve as Global Editor and U.S. Chapter Author in Franchise 2023  
Lexology GTDT Publication  
August 10, 2022
- NASAA Group Proposes to Ban Most Acknowledgments and  
Compliance Questionnaires Used by Franchisors. — Lathrop GPM  
Vigorously Objects  
January 19, 2022
- Franchise Alert: Lathrop GPM Franchise & Distribution Members  
Serve as Global Editor and U.S. Chapter Author in Franchise 2022  
Lexology GTDT Publication  
August 10, 2021
- Four Key Takeaways from the NASAA & Washington Commentaries  
on COVID-19 Disclosures  
June 22, 2020

## In The News

- Franchise Times Features Partners Mark Kirsch and Carlos White  
on Franchisor DE&I Efforts  
October 13, 2023
- "Anti-Poaching Probe Ushers in Long, Hot Summer," Franchise  
Times  
July 12, 2018

- "Franchise Legal Player Awards | Q&A with Mark Kirsch," 1851 Franchise  
August 28, 2017
- Max Schott and Mark Kirsch Co-Author Chapters in New Edition of ABA Franchise Law Book  
October 16, 2015
- Mark Kirsch Co-Authors Chapter in New Mergers & Acquisitions Franchise Law Book  
July 9, 2014
- "Why Health-Care Franchising Is Entering a Boom Time,"  
Entrepreneur Magazine  
March 12, 2014

## News Releases

- Ten Lathrop GPM Attorneys Recognized as Franchise Legal Eagles  
April 1, 2024
- 11 Lathrop GPM Attorneys Recognized in the International Who's Who Legal Franchise 2023 List  
November 27, 2023
- Lathrop GPM Leads the Way With Franchise 2024 Lexology Getting the Deal Through  
November 1, 2023
- Eight Lathrop GPM Attorneys Named Lawyer of the Year, 89 Ranked as The Best Lawyers in America©  
August 17, 2023
- 14 Lathrop GPM LLP Practice Groups and 35 Attorneys Ranked in Chambers USA 2023  
June 1, 2023
- Nine Lathrop GPM Attorneys Recognized as Franchise Legal Eagles  
April 3, 2023
- 10 Lathrop GPM Attorneys Recognized in the International Who's Who Legal Franchise 2022 List  
September 28, 2022
- Six Lathrop GPM Attorneys Named Lawyer of the Year, 95 Ranked as The Best Lawyers in America©  
August 18, 2022
- Lathrop GPM Leads the Way With Franchise 2023 Lexology Getting the Deal Through  
August 10, 2022

- Chambers USA 2022 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide  
June 1, 2022
- Eight Lathrop GPM Attorneys Recognized as Franchise Legal Eagles  
April 1, 2022
- Lathrop GPM Continues Increasing Diversity in Franchising Speaker Series with “Increasing Diversity in Franchise Systems”  
February 2, 2022
- 11 Lathrop GPM Attorneys Recognized in the International Who’s Who Legal Franchise 2021 List  
October 12, 2021
- Lathrop GPM Launches Increasing Diversity in Franchising Speaker Series  
September 22, 2021
- Seven Lathrop GPM Attorneys Named Lawyer of the Year, 100 Ranked as The Best Lawyers in America©  
August 19, 2021
- Lathrop GPM Leads the way in Producing Content for Franchise 2022 Lexology Getting the Deal Through Publication  
August 10, 2021
- Chambers USA 2021 Names Lathrop GPM a Top Law Firm, Franchise Group Ranked Nationwide  
May 20, 2021
- 8 Lathrop GPM Attorneys Recognized as Franchise Legal Eagles  
April 1, 2021
- Lathrop GPM Attorneys Recognized in Who’s Who Legal Franchise 2020 List  
September 30, 2020
- Lathrop GPM Attorneys Named to The Best Lawyers in America©, Lawyer of the Year, and Ones to Watch for 2021  
August 20, 2020
- Eight Attorneys Named 2020 Washington, D.C. Super Lawyers and Rising Stars  
June 10, 2020
- Chambers USA 2020 Names Lathrop GPM a Top Law Firm, Insurance Recovery Team Earns New Recognition, Franchise Group Ranked Nationwide  
April 23, 2020

- 16 Lathrop GPM Attorneys Recognized as Franchise “Legal Eagles”  
April 1, 2020
- Gray Plant Mooty Attorneys Recognized in the International Who’s Who Legal: Franchise for 2019  
December 10, 2019
- Gray Plant Mooty Attorneys Named The Best Lawyers in America© 2020  
August 15, 2019
- Gray Plant Mooty Recognized as Leader in Chambers USA 2019  
April 26, 2019
- 11 Gray Plant Mooty Attorneys Named 2019 Washington, D.C. Super Lawyers and Rising Stars  
April 19, 2019
- 17 Gray Plant Mooty Attorneys Recognized as 2019 “Legal Eagles”  
April 1, 2019
- 15 Gray Plant Mooty Attorneys Recognized in the International Who’s Who Legal: Franchise for 2018  
October 29, 2018
- Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America© 2019  
August 15, 2018
- Gray Plant Mooty Recognized as Leader in Chambers USA 2018  
May 3, 2018
- 11 Gray Plant Mooty Attorneys Named 2018 Washington, D.C. Super Lawyers and Rising Stars  
April 23, 2018
- 15 Gray Plant Mooty Attorneys Recognized as 2018 “Legal Eagles”  
April 3, 2018
- Gray Plant Mooty Names New Franchise Practice Group Chairs  
January 2, 2018
- 17 Gray Plant Mooty Attorneys Recognized in the International Who’s Who Legal: Franchise for 2017  
October 2, 2017
- 37 Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America 2018  
August 15, 2017
- 4 Gray Plant Mooty Practices, 12 Attorneys Recognized in Chambers USA 2017  
May 26, 2017



- 11 Gray Plant Mooty Lawyers Named 2017 Washington, D.C. Super Lawyers and Rising Stars  
April 24, 2017
- 15 Gray Plant Mooty Franchise Attorneys Recognized As 2017 “Legal Eagles”  
April 3, 2017
- Gray Plant Mooty's Mark Kirsch Honored with 2017 Franchising Client Choice Award  
February 9, 2017
- 35 Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America 2017  
August 15, 2016
- 5 Gray Plant Mooty Practices, 12 Attorneys Recognized in Chambers USA 2016  
May 27, 2016
- 15 Gray Plant Mooty Franchise Attorneys Recognized As “Legal Eagles”; Largest Number of All Firms  
April 6, 2016
- Gray Plant Mooty's Mark Kirsch Honored with 2016 Franchising Client Choice Award  
February 17, 2016
- 36 Gray Plant Mooty Attorneys Recognized in The Best Lawyers in America 2016  
August 17, 2015
- 6 Gray Plant Mooty Practices, 12 Attorneys Recognized in Chambers USA 2015  
June 19, 2015
- Gray Plant Mooty Has 14 Franchise Attorneys Named “Legal Eagles”; Largest Number of All Firms  
April 8, 2015
- Fourteen Gray Plant Mooty Lawyers, Firm Recognized for Most U.S.-Based Lawyers Among Top Competitors  
October 10, 2014
- 33 Gray Plant Mooty Attorneys Recognized as Best Lawyers  
August 19, 2014
- Four Gray Plant Mooty Practices, Ten Attorneys Recognized in 2014 Edition of Chambers USA: America's Leading Lawyers for Business  
May 30, 2014

- Nine Gray Plant Mooty Attorneys Named 2014 DC Super Lawyers and Rising Stars  
April 25, 2014
- Gray Plant Mooty Lands Fourteen 2014 Franchise Times Legal Eagles, Most of Any Firm in the United States  
April 8, 2014
- Thirteen Gray Plant Mooty Attorneys Recognized in The International Who's Who of Franchise Lawyers 2013  
July 24, 2013
- Twelve Gray Plant Mooty Franchise Attorneys Named Franchise Times Legal Eagles 2013  
April 1, 2013
- Gray Plant Mooty Adds Kirsch, Gilbert to Global Franchise Practice  
February 1, 2013

### Professional Affiliations

- International Franchise Association, Board of Directors, 2013-2015; Supplier Forum, Chair, 2014-2015
- American Bar Association, Business Law Section and the Forum on Franchising
- Maryland State Bar Association, Chair of the Committee on Franchise & Distribution Law of the Section on Business Law, 1999-2001
- District of Columbia Bar Association

### Honors

- Selected among *The Best Lawyers in America*®, 2014-2024
- *Chambers USA: America's Leading Lawyers for Business*, Nationwide Franchise, 2014-2023
- *The International Who's Who of Franchise Lawyers*, 2013-2023
- *Franchise Times*, "Legal Eagle," 2013-2024
  - *Franchise Times*, "Legal Eagles Hall of Fame," 2023
- Washington, D.C. *Super Lawyers*, 2006-2020
- Lexology Client Choice Award, District of Columbia - Franchising, 2016-2017