



Barry Kurtz

Shareholder

Contact

BKurtz@lewitthackman.com

Phone: (818) 907-3006

Practice Groups

- Franchise & Distribution
- Business & Commercial
- Licensing
- Mergers & Acquisitions

Biography

Barry Kurtz is the Chair of our Franchise and Distribution Practice Group, currently one of the largest law departments dedicated to that practice area in California. A Certified Specialist in Franchise and Distribution Law designated by the State Bar of California Board of Legal Specialization and Certified Franchise Executive under the auspices of the International Franchise Association, Mr. Kurtz also has a wealth of experience in related business matters – including corporate, mergers and acquisitions, business transactional law, and commercial real estate leasing. He is a Shareholder at our Firm.

Mr. Kurtz represents franchisors, manufacturers, franchisees and distributors. His familiarity with franchising – as an attorney, a franchisor executive and franchisee developer – spans decades, and provides both domestic and international clients with a unique perspective on the issues and demands that franchised and independent business owners face in the expansion, sale, purchase, financing and operation of their companies. Mr. Kurtz's practical, hands-on experience includes:

- Outside General Counsel, Chief Operating Officer and Vice President of National/International Expansion for a national retail franchisor with 100+ units and \$60M in annual sales
- Development and co-administration of 22 franchised quick service restaurants
- Founder, Officer and Director – Franchise Advisory Council and Independent Franchisee

Association

- Mr. Kurtz regularly represents clients regarding:
- Preparation of domestic and international franchise registration and disclosure documents (FDD)
- Structuring franchisors, franchisees, management teams and affiliated companies
- Work-out arrangements for distressed franchisees in lieu of termination
- Development and enforcement of franchise system-wide standards
- Franchisor and franchisee disputes and termination matters
- Acquisitions and dispositions of franchisors, franchisees and independent businesses
- Commercial real estate leasing and acquisitions
- Development/implementation of regional, national and international franchise expansion programs
- Structuring, negotiating and drafting documentation for mergers and acquisitions, business purchases and sales, joint ventures, and other business arrangements

Mr. Kurtz is a prolific author of published articles on franchise and distribution law and has provided expert witness testimony in franchise litigation and arbitration proceedings for both franchisors and franchisees. Mr. Kurtz is certified as a mediator by Pepperdine University School of Law, Straus Institute for Dispute Resolution. Mr. Kurtz has been a member of the American Bar Association Section on Business Law and Forum on Franchising since 1982 and was a member of the International Franchise Association's Legal/Legislative Committee from 1991 to 1998. In addition, Mr. Kurtz served as an appointed member of the Franchise Law Committee of the Business Law Section of the State Bar of California from 1983 - 1985, 1998 - 2000 and 2011 - 2013, and was appointed to the State Bar of California Franchise and Distribution Law Advisory Commission for a four year term in 2014.

Rated *5.0 AV Preeminent*, Martindale-Hubbell's highest award for legal ability and ethics, Mr. Kurtz has been listed in the directory's *National Bar Register of Preeminent Lawyers* since 2008. ALM Media and LexisNexis Martindale-Hubbell both recognize him as one of *Southern California's Top Rated Lawyers*.

The *San Fernando Valley Business Journal* selected Mr. Kurtz as one of *the Top 25 Lawyers in the Valley* and as one of the *Valley's Most Trusted Advisors* in 2012, 2015 and 2018 - and selected him as *2018 Attorney of the Year for its Client Services Award*. The *Pacific Coast Business Times* has *twice* singled out Mr. Kurtz as one of the top attorneys in Santa Barbara, San Luis Obispo and

Ventura Counties – based on the quality and quantity of his efforts advising clients – in those three counties. Mr. Kurtz is also a *Southern California Super Lawyer*, chosen for this honor by the *Journal of Law & Politics*, every year since 2010.

Mr. Kurtz is admitted to practice in the state courts in California, before the U.S. Supreme Court, the U.S. District Court for the Central District of California, and the U.S. District Court for the Southern District of California.

A strong proponent of education, Mr. Kurtz is a former member of the Board of Trustees of Woodbury University in Burbank, California and the University's President's Executive Council. He served as the Chairman of the Board of Directors of Westmark School in Encino, California – an organization devoted to the education of children with dyslexia and related language-based learning disabilities, from 1994 - 1998. Mr. Kurtz was also a member of the Board of Directors of Dubnoff Center in North Hollywood, California – a school for children and adolescents with combinations of severe emotional disturbances, developmental delays and learning disabilities, serving from 2005 - 2011. Mr. Kurtz is a former member of the Board of Directors of the Southwestern Law School Alumni Association and of the Board of Directors of the charity-focused Valley Community Legal Foundation of the San Fernando Valley Bar Association.

Publications & Speaking

- Commentary, ***Why Some Franchises are Thriving***, *San Fernando Valley Business Journal*, February 2021
- Co-Author, ***Assembly Bill 5 and the Future of Franchising***, *Los Angeles and San Francisco Daily Journal*, November 2020
- Co-Author, ***Best Practices for Business Franchises During Pandemic***, *Los Angeles and San Francisco Daily Journal*, April 2020
- Quoted, ***Dog Haus 'Going With Flow' in Virtual Kitchen Test***, *Franchise Times*, July 2019
- Co-Author, ***Accidental Franchises: What You Don't Know Can Hurt Your Client***, *Daily Journal*, July 2019
- Quoted, ***Franchise Companies Find Retail Room to Grow***, *San Fernando Valley Business Journal*, January 2018
- Co-Author, ***New Accounting Rule May Lower Perceived Value of Franchisors***, *Los Angeles Daily Journal*, June 2017
- Author, ***How to Lead Your Clients to the Purchase of a Franchise*** - *Practical Lawyer*,

American Law Institute Continuing Legal Education Group, February 2017

- Contributor, *Guidelines When Considering Buying a Franchise - The Business Journals*, May 2016
- Quoted, *Eateries Fed Up: Joan's on Third Licensed Location - Los Angeles Business Journal*, November 2015
- Co-Author, ***Comparing Franchise Relationships and Beer Distribution Relationships***, OC Lawyer, a publication of the Orange County Bar Association, November 2014
- Quoted, ***Solo Shops Buy Into Franchises*** - *Los Angeles Business Journal*, November 2014
- Panelist, *Franchising Opportunities in Southern California - Los Angeles Business Journal*, October 2014
- Author, ***Is Franchising the Right Model for Your Business?*** - *Los Angeles Business Journal*, September 2014
- Co-Author, ***For California Franchises, There's No Place Like Home*** - *Los Angeles Daily Journal*, August 2014
- Quoted, ***Franchisees Allege Hardball Tactics, Store Seizures by 7-Eleven*** - *Los Angeles Times*, June 2014
- Co-Author, ***Is Franchising the Right Model for Your Business?*** - *The Bar Bulletin*, Fresno County Bar Association, June 2014
- Co-Author, ***The Yin and Yang of Beer Distribution and Franchising*** - *Practical Lawyer*, American Law Institute Continuing Legal Education Group, June 2014
- Quoted, ***Java Franchisee Turns Up Heat*** - *Los Angeles Business Journal*, May 2014
- Quoted, ***Tall Order: Four Franchises Fold after Counter Redesigns Menus, Restaurants in Bid to Compete in Gourmet Burger Space*** - *Los Angeles Business Journal*, May 2014
- Co-Author, ***Is Franchising the Right Model for Your Business?*** - *The Bar Bulletin*, Fresno County Bar Association, May 2014
- Presenter, ***Craft Brew Carve Outs: Looking to Traditional Franchising for Guidance***, Craft Brewers Conference and BrewExpo America, April 2014
- Co-Author, ***Beer Distribution Law as Compared to Traditional Franchise Law*** - *Franchise Law Journal*, a publication of the American Bar Association, Vol. 33 No. 3, Winter 2014
- Quoted, *Fast-Growing Service Providers Take Franchise Scene by Storm*, *Los Angeles Daily Journal*, December 2013
- Quoted, ***Middle Man Finds Seat at Table With Restaurants***, *Los Angeles Business Journal*,

December 2013

- Co-Author, ***Carving Out a Craft Brew Exception*** – *Los Angeles Daily Journal*, November 2013
- Co-Author, ***Looking to Traditional Franchising for Guidance*** – *Modern Brewery Age*, November 2013
- Co-Author, *The Accidental Franchisor-What Every Business Lawyer Should Know About Franchise Law* – *Orange County Lawyer*, July 2013
- Author, *The Leap of Faith: How to Acquire a Franchisor* – *Santa Barbara County Lawyer*, April 2013
- Author, *What Every Business Lawyer Should Know About Franchise Law* – *Fresno County Bar Bulletin*, April 2013
- Author, *What Every Lawyer Should Know About Franchise Law* – *Alameda County News Magazine*, March 2013
- Co-Author, *Is Franchising the Right Model for Your Client's Business?* – *Valley Lawyer*, March 2013
- Author, *Inside Perspective on Franchise Law* – *Valley Lawyer*, November 2012
- Featured, *Franchise Player – Spotlight Article on Barry Kurtz* – *Los Angeles Daily Journal*, September 2012
- Author, *The Accidental Franchisor* – *Santa Barbara County Lawyer*, July 2012
- Author, *Franchisee or Independent? The Choice is Yours* – *Pacific Coast Business Times*, May 2012
- Author, ***The Accidental Franchisor*** – *Valley Lawyer*, April 2012
- Author, *The Accidental Franchisor* – *The Practical Lawyer*, October 2011
- Author, ***The Leap of Faith: How to Acquire a Franchisor*** – *Valley Lawyer*, April 2011
- Author, *How to Help Your Franchising Clients Survive the Recession* – *Valley Lawyer*, January 2011
- Author, *Deal or No Deal? Due Diligence Key to Buying Bankrupt Franchises (Part 2)* – *Franchise Update Magazine (online edition)*, January 12, 2010
- Author, *Picking and Choosing Franchises out of Bankruptcy Court (Part 1)* – *Franchise Update Magazine (online edition)*, December 03, 2009
- Author, *How to Help Your Franchising Clients Survive the Recession* – *The Practical Lawyer*, October 2009

- Author, *Franchise System's Size, Structure Dictate Private-equity Payout* – *Nation's Restaurant News*, September 2007
- Author, *Digging into Franchises: Due Diligence Minefield* – *American Bar Association Business Law Today*, March/April 2007
- Author, *What Every Lawyer Should Know about Franchise Law* – *Los Angeles County Bar Update*, November 2006
- Author, *Appraisal of Franchises Requires the Use of Unique Valuation Procedures* – *American Bar Association Franchise Journal*, Fall 2006
- Author, *You Are What You Do: The New Regulatory Threat to Franchising* – *Area Developer Magazine*, June 2006
- Author, *A Challenge in Buying Franchisers* – *Mergers & Acquisitions Magazine*, October 2005
- Author, *Clients Keen on Franchising Need Lots of Planning Help* – *Accounting Today Magazine*, Spring 2005
- Author, *Franchise Relationships and Licensing Agreements* – *San Fernando Valley Business Journal*, October 2004
- Author, *The Unwitting Franchiser* – *California CEO*, Fall 2004
- Author, *Territorial Disputes Over Internet May Arise at Franchises* – *San Fernando Valley Business Journal*, February 2003
- Quoted, *Good News, Bad News Scenario Greet Year* – *San Fernando Valley Business Journal*, January 2003

Noteworthy Legal Activities

- Member, **State Bar of California Franchise and Distribution Law Advisory Commission**
- Presenter, **American Bar Association Forum on Franchising**
- Presenter, **National Association of Corporate Real Estate Executives**
- Lecturer, **UCLA Extension School**
- Presenter, **Santa Barbara County Bar Association**
- Presenter, **San Fernando Valley Bar Association**
- Presenter, **Craft Brewers Annual Conference**

Memberships

- American Bar Association - Business Law Section

- Los Angeles County Bar Association
- Beverly Hills Bar Association
- San Fernando Valley Bar Association

NON-PROFIT BOARDS:

- **Woodbury University**, Board of Trustees, 2013-2018
- **Southwestern Law School**, Alumni Association Board of Directors, 2010-2018
- **Westmark School**, Chairman, Board of Directors, 1994-1998
- **Westmark School**, Board of Directors, 1991-2008
- **Dubnoff Center**, Board of Directors, 2005-2011

Awards

- **2019 Attorney of the Year Trailblazer Award**, *San Fernando Valley Business Journal*
- **AV Rating of 5.0 Preeminent**, Martindale-Hubbell's highest rating awarded by peers of the bar and judiciary for legal ability and ethics.
- **2018 Attorney of the Year Client Services Award**, *San Fernando Valley Business Journal*
- **Attorney of the Year Trailblazer Award**, *San Fernando Valley Business Journal*
- **Valley's Most Trusted Advisors**, *San Fernando Valley Business Journal* (4 time recipient)
- **Top Attorneys in Santa Barbara, San Luis Obispo and Ventura Counties**, *The Pacific Coast Business Times*
- **Top 25 Attorneys of the Valley**, *San Fernando Valley Business Journal*
- **Southern California Super Lawyer**, *Super Lawyers Magazine*, 2010-current
- **Order of Distinguished Attorneys**, Beverly Hills Bar Association
- **Valley 200: The San Fernando Valley's Most Influential People** *San Fernando Valley Business Journal*
- **Top Rated Attorneys in Franchise Law**, ALM Media

Education

Southwestern Law School, - **Juris Doctor (1973)** University of California, Los Angeles - **B.A. Political Science (1970)** Pepperdine University School of Law - **Straus Institute for Dispute Resolution (2001)**