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ANTHONY J. MARKS

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Partner and Team Leader - Franchising

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BIOGRAPHY

Tony Marks has experience in a broad range of transactional matters, initial formation and capitalization, licensing, venture capital financing, debt financing, intellectual property protection and licensing, stock and asset acquisitions and divestitures, and strategic transactions. He regularly acts as outside general counsel for clients in connection with a broad range of day-to-day corporate and commercial transactions.

Mr. Marks also counsels clients in the spectrum of franchise and distribution law, including structuring new domestic and international franchise and licensing programs, franchise registration and disclosure matters, terminating and renewing franchise relationships, negotiating complex multi-unit transactions and transfers, and assessing the applicability of federal and state franchise

and business opportunity laws. Mr. Marks is certified by the State Bar of California as a Franchise and Distribution Law Specialist. He is a former co-chair of the California Bar Association Franchise Law Committee.

CIVIC INVOLVEMENT & HONORS

- JDRF (Juvenile Diabetes Research Foundation), Los Angeles Chapter, Board Member
- *Best Lawyers In America* - Franchise, 2013-2025
- *Best Lawyers in America* - Lawyer of the Year, Franchise (Los Angeles), 2021
- *Who's Who Legal: Franchise*, 2012-2020
- Named as a 2013-2020 Southern California Super Lawyer by *Law & Politics*
- Named as a 2006-2011 Southern California "Rising Star" by *Law & Politics*
- Certified Franchise and Distribution Law Specialist, State Bar of California

PROFESSIONAL AFFILIATIONS

- State Bar of California – Commissioner Board of Legal Specialization, 2013-Present
- State Bar of California – Co-Chair, Franchise Law Committee of the Business Law Section, 2007-2008
- American Bar Association – Forum on Franchising

ADMISSIONS

- California, 1997

EDUCATION

Loyola Law School, J.D., 1997

California State Polytechnic University, B.S., *cum laude*, 1994

RELATED PRACTICE AREAS

- Franchising
- Financial Institutions
- Structured Finance
- Finance
- Outdoor Industry
- Commercial Contracts
- Antitrust
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- AdTech
- PropTech
- Corporate
- Litigation & ADR
- Regulatory Franchising
- Transactional
- Franchise Mergers & Acquisitions
- Food & Beverage
- Restaurant Practice
- Pubs, Clubs & Restaurants
- Food & Agribusiness
- Start-Up & Venture Capital Practice

RESOURCES

PUBLICATIONS

Mr. Marks has authored and co-authored, or contributed to, articles and seminar materials on franchising and corporate matters. His select publications include:

- "I See Ghosts: The Rise of Delivery-Only Kitchens, *The Franchise Lawyer,* Vol. 24, No. 02, Spring 2021

- "California Assembly Bill 525: A Resounding Win for Franchisees or a Source for Further Dispute?," *DISTRIBUTION The Newsletter of the Distribution and Franchising Committee* Vol. 20, No. 1 March 2016, ABA Section of Antitrust Law [co author]

- "Building Brands Through Franchising and Licensing," *Los Angeles Business Journal*, September 29, 2014

- "Menu Label Laws: A Survey," *Franchise Law Journal*, Vol. 29, No. 2, Fall 2009
- "California Franchise Law and Practice: Filings with the Department of Corporations," *Continuing Education for the Bar*, 2009
- "Recent Developments in Franchise Law," Business Law Section of the State Bar of California, 2008 Annual Review
- "Recent Advancements In Franchise Law — Limitations On Arbitration Provisions And The Revised FTC Rule," Business Law Section of the State Bar of California, 2007 Annual Review
- "FTC Franchise Rule 2.0," ABA Consumer Protection Newsletter, co-author, Spring 2007
- "Precedent Lives: California Strikes Down Pre-Dispute Waivers of Jury Trials," *Andrews Litigation Reporter*, 2005
  Contributing Professional – Black's Law Dictionary, 9th Edition, 2005

Forbes Blog on Franchise Law:

- How Do You Spell Trouble? California AB-5
- Mastercard Takes a Giant Step Into the Retailer-Customer Relationship With New Rules
- The Scouts Teach Us All a Lesson About Trademark Law
- State Attorneys General Put Anti-Poaching Clauses In Their Sights
- Exemptions Offer New Franchisors The Opportunity To Franchise Without A FDD Or Registering
- U.S. Supreme Court Reverses Long Standing Law On Collection Of Sales Taxes
- A New Proposal From NASAA Will Replace The Existing FDD Cover Page With Three Pages
- NLRB Is Moving Forwarding On Joint-Employer Rulemaking
- The Hidden Franchise: Inadvertent Franchising Equals Inevitable Risk
- The California Supreme Court Deals A Blow To Independent Contractors

SPEAKING ENGAGEMENTS

Mr. Marks has spoken at the International Franchise Association's Annual Legal Symposium and Annual Convention, and other franchise law-related meetings and training sessions. His select speaking engagements include:

- "Business Laws and Regulations That Affect Franchise Systems," American Bar Association Forum on Franchising, October, 2010
- “Franchise Agreement Drafting,” International Franchise Association Legal Symposium, May 16-18, 2010
- “Vicarious Liability,” International Franchise Association 2009 Annual Convention, Legal Roundtable
- “Top 9 Things You Need to Know when Renting a Business and What you need to Know About Licensing,” California State Bar Annual Meeting, September 2008
- “Embracing the New FTC Rule,” International Franchise Association Legal Symposium, Roundtable Presenter, May, 2008
- “Legal 101,” 22nd Annual UCLA Entrepreneurs Conference, May 2007

RELATED INSIGHTS

Awards
Aug 17, 2023
The Best Lawyers in America® 2024

Insights
Aug 23, 2022
BCLP partner authors article in ‘Forbes’ on California’s FAST Act

Awards
Aug 18, 2022
The Best Lawyers in America© 2023

News
Mar 21, 2022
BCLP advises Stonebridge Companies in investment transaction with TowerBrook

News
Nov 15, 2021
Partner in ‘Restaurant Dive’ on Franchise Concerns for 2022

Awards
Aug 19, 2021
The Best Lawyers in America© 2022

News
Nov 06, 2020

BCLP Elects 20 New Partners

Awards
Aug 20, 2020
Best Lawyers© Lawyer of the Year 2021

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The Best Lawyers in America© 2021

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