

Member Spotlight: Michael Einbinder

Energetic, passionate, and wise; after years of practice, New York lawyer Michael Einbinder is proudly at the top of his game



Michael Einbinder is a founding Partner of Einbinder & Dunn LLP. He is a participating member of the American Bar Association Forum on Franchising. He is also a member of the International Franchise Association, the New York State Bar Association Committee on Franchising, and the Association of the Bar of the City of New York and Commercial Litigation. He is a Member of the American Association of Franchisees and Dealers, and also a member of the American Bar Association Section of Dispute Resolution, participating in the Arbitration Committee and Ethics Committee.

Michael is a published author and frequent speaker on franchise issues at events hosted by the American Bar Association and International Franchise Association, among other organizations. He has been selected as one of the best attorneys in franchising by his peers in conjunction with Franchise Times' editorial board since 2004. Michael has also been recognized by Who's Who Legal: Franchise as being "among the world's leading Franchise lawyers." He also recognized by Chambers USA for his work in franchising. Michael has also named as a "Super Lawyer" for commercial litigation in New York.

Michael Einbinder has developed an enviable reputation as a tenacious, practical, and savvy advocate, for his work as a commercial litigator and especially for his representation of clients in the franchise law field over the past 40 years.

While Michael's experience is best measured in decades, the founding partner of Einbinder & Dunn still gets the same buzz working on a case as when he first started. This, and the enjoyment he gets from collaborating with his experienced litigation team is part of the reason he has no plans to slow down any time soon.

"There is an enormous amount of work to do to get ready for a trial, but it can be really fun to do," he says. "Once you get started, you just go into high gear and your adrenaline flows and the endorphins get going."

"I get into the zone. It could be being able to pick out facts that came from one of the thousands of documents I looked at to prepare for the trial. Or remembering that in the second paragraph of certain a letter my client or the other side wrote something important that I can bring out to help the case – for me that's exciting."

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"It can be very rewarding to solve a problem and be helpful to a client. This is especially true in his litigation practice. Business disputes can be very stressful for clients. Winning a case for a client can sometimes be the difference between going out of business and succeeding in their life's work. We represent a lot of entrepreneurs and their businesses can mean everything to them."

He enjoys all aspects of his firm's areas of practice, from the franchise work (including counselling small businesses interested in expansion, diligence on acquisitions, and drafting franchise disclosure documents, among other things), to the trial and litigation work he is so well-known for, and complex transactional work he is often involved with.

It isn't just the litigation side Michael enjoys – he also relishes deal making. "This is a thing that's not uncommon among litigators; we spend so much time fighting that every once in a while it is good to talk to someone who's on the same page to get a deal done," he says.

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"For example, I'm representing a client now who's licensing two European restaurant concepts and bringing them to the US and opening a two high-end restaurants, which has been a really interesting project to work on." Franchising may be part of the business plan at a later date.

This is indicative of the breadth of work that Einbinder & Dunn undertakes for its clients. The small commercial law firm is based in New York City, although it boasts a nationwide client base: "We represent small and medium-sized businesses in transactional work, real estate-related work, business litigation and dispute resolution."

FRANCHISE FOCUS

Einbinder & Dunn is also one of the country's specialist franchise law firms – Michael and his colleagues have a long track record in franchise law: "I do dispute resolution and transactional work for many of my clients, but a large part of our practice focuses on representing franchise clients. "Often-times we're against the biggest firms in the world, but they have a franchise department with only 10 lawyers, so they're really the same size as us in a way."

Einbinder & Dunn represents franchisor clients from start-up to operations with hundreds of franchisees. "When we work with start-ups we do everything from helping them develop the franchise concept to addressing regulatory requirements. For larger franchisors, we assist in every aspect of their businesses, including managing relationships with franchisees. We also represent franchisees. This involves helping a first-time franchisee just buying his first franchise to somebody who has 40 franchises and wants to buy more. Sometimes we represent entire networks of franchisees in a particular franchise system. Our work for our franchise clients also involves dispute resolution: trials, arbitrations and mediations."

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"There's a lot of work that we do with franchises," he adds. "For example, this summer, we had a client who'd been a franchisor for 15 years. We represented them from the beginning of their franchise business when they started franchising, and we represented them in the sale of the company. They cashed out of the business, and they're thrilled with the outcome, and we're thrilled for them. This past summer we also represented a growing franchisor which has acquired

other franchise systems and in the deal we just completed they doubled the size of their business."

M&A DEALS AND DISPUTE RESOLUTION

Michael is keen to emphasise that the firm does much more than just franchise and litigation work; other practise areas include M&A deals, agreements, regulatory requirements under US law and dispute resolution unrelated to franchising

It's a fact that's well known in the industry, and the firm has garnered an enviable reputation over the years. In a sector where a lot of work comes through word-of-mouth from accountants and business advisors, this is crucial. "There's an IR Global member in New York who has referred clients to me that have nothing to do with franchise or for litigation," Michael says. "But sometimes it comes from someone I haven't spoken to for years. We were recently retained by a client who I represented 20-plus years ago. It's great to hear from someone who remembers the work you did for them many years ago and when the need arises reaches out to you."

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Consequently, the firm has never been short of work and that includes during the ongoing COVID-19 pandemic. When it comes to legal advice, reputation is everything and Michael is proud that his firm is held in such high regard – by clients as well as competitors.

APPLY FOR LAW SCHOOL

When Michael was leaving college, he didn't have any strong inclinations for a profession: "I didn't really think about what I was going to do next, but I started talking to friends and some people were applying for law school, some to work in advertising and others

were planning to work in finance. The law seemed like an interesting area, so I decided to go to law school."

Once qualified, Michael worked for a number of small firms in New York City – as a native New Yorker he had no desire to go elsewhere – including a firm that did a lot of work with franchises, which is where he gained his knowledge and first experience in the field.

Once he went into partnership with Terry Dunn, franchising became niche area for the young law firm, while also providing a comprehensive range of other services. It is a move he has never regretted, and his passion for the law still burns as brightly as ever.

Now, the firm has younger partners who have risen through the ranks and while there are talks of succession planning, this is some way in the distance. "I don't see myself slowing down at the moment, I have too much energy," Michael says. "I like the work too much to stop."

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He admits that outside the day job spending time with his family is his true passion – along with cycling and running. "This job can often be stressful – in the best kind of way. I also enjoy running and do a lot of cycling. These activities help me to relax and let off a bit of steam," he smiles.

Michael Einbinder

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Einbinder & Dunn's vision today and since its formation more than 30 years ago, is to offer clients real value by providing personalized, cost-effective legal services.

We offer a sophisticated practice closely tailored to the needs of each client. Based in Midtown Manhattan, with offices in White Plains and Millburn, New Jersey, Einbinder & Dunn serves mid-size and larger companies as well as small businesses and entrepreneurs.

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& DUNN LLP**