

Earsa Jackson

Member

Earsa Jackson serves as the Chair for the firm's Franchise & Licensing team and the Chair of the firm's Diversity Committee. Earsa structures franchises and assists franchisors with on-going transactional needs.

Earsa also handles litigation matters in the following areas: business and commercial, False Claims Act, business torts, franchise and distribution, trademark infringement, misappropriation of trade secrets, contract disputes and probate.

Earsa has written and spoken extensively on franchise issues and is a former Director of the Litigation and Dispute Resolution Division for the American Bar Association Forum on Franchising.

Earsa is a Certified Franchise Executive.

EXPERIENCE

TRIAL ACCOMPLISHMENTS

- Defended publically traded company in suit alleging violation of state franchise relationship laws.
- Defended national grocery store chain in multiple actions alleging violations of consumer protection laws and deceptive trade practices and successfully defeated class certification.
- Secured dismissal of an action filed in federal court against a large housing authority alleging violations of the False Claims Act.
- Secured a favorable ruling at trial for client alleging violations of covenant of good faith and fair dealing under California law.
- Obtained a favorable ruling at trial representing beneficiaries in a will contest.
- Secured a partial summary judgment for a client defending claim of a False Claims Act violation.
- Secured a permanent injunction for a client seeking to restrain an individual for harassment and trespass to business and residence.
- Resolved by grant of summary judgment a dispute related to a Medicaid HMO in Texas involving a participating hospital agreement.
- Received a unanimous jury verdict in a case tried in federal court related to agency issues in a commercial transaction.
- As counsel for a plan administrator under an ERISA benefits plan, obtained injunctive relief related to reimbursement rights under the plan.
- As counsel for one of the leading hospitality franchisors in the country, was instrumental in obtaining a preliminary injunction in a trademark infringement matter.
- As counsel for a large company that owns and operates apartment buildings, obtained a number of favorable verdicts in lease disputes.
- Obtained complete dismissal of action on behalf of local church as well as its regional, state and national body on First Amendment grounds. Successfully defended favorable ruling on appeal.

FALSE CLAIMS ACT EXPERIENCE

- Successfully defeated an appeal of dismissal of FCA case before the Fifth Circuit after oral argument in 2014.
- Secured dismissal of FCA case seeking more than \$4Billion in alleged damages.
- Successfully championed Dallas Housing Authority Against False Claims Act Suit
- Handled discovery issues common in FCA cases.
- Handled procedural challenges to sufficiency of pleadings.
- Provided counsel regarding privileges frequently utilized in FCA cases.
- Utilized experts in FCA cases.
- Strategized and prepared dispositive motions in FCA cases.
- Handled issues associated with calculating damages and penalties.
- Developed settlement strategies and structured settlement of FCA claims.

ENVIRONMENTAL LITIGATION

- Fuel Temperature Litigation



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Education

J.D., University of Virginia School of Law, Charlottesville, Virginia, 1998
B.A., magna cum laude, University of Arkansas at Little Rock, Little Rock, Arkansas, 1995

State Bar Licenses

Texas

Court Admissions

U.S. Court of Appeals, 5th Circuit
U.S. District Ct., E.D. of Texas
U.S. District Ct., N.D. of Texas
U.S. District Ct., S.D. of Texas
U.S. District Ct., W.D. of Texas

- Represented publically traded company with revenues in excess of \$100 billion in complex litigation brought by a purported plaintiffs class in more than 28 jurisdictions complaining of the method by which retailers sell fuel without consideration of the temperature of the fuel.
- Oversaw extensive discovery in the matter, including various motions and hearings.
- Prepared and presented numerous company representatives for depositions.
- Instrumental in strategy regarding expert witnesses.
- Secured dismissal in all but one case on various grounds.
- Secured summary judgment on final case.
- Perchloroethylene Contamination
 - Represented landlord in eviction matter related to contamination by dry cleaner operator resulting from improper use and disposal of perchloroethylene on the premises. Successfully tried the case to a jury.

FRANCHISE MATTERS

- Assisted franchise system expand internationally.
- Structured franchise advisory council for large franchise system.
- Provided counseling on preparation of operations manual to address joint employer implications.
- Helped large hospital system secure a license to add a national branded restaurant to its food court.
- Structured numerous franchises and prepared disclosure documents.
- Negotiated terms of a resale agreement.
- Negotiated terms of a franchise renewal where franchise system had undergone significant changes since original franchise agreement was executed.
- Litigated claims related to unlawful terminations under state franchise law.
- Provided counseling in response to state franchise enforcement action.
- Litigated claims related to breach of implied covenant of good faith and fair dealing in a franchise transaction.
- Negotiated numerous settlements related to alleged franchise disclosure violations.
- Provided counsel to franchisors regarding potential Lanham Act violations and remedies available.
- Counseled prospective franchisees regarding legal considerations relating to purchase of franchise.
- Handled seven-store acquisition from a national restaurant chain for multi-unit franchisee.
- Assisted with license agreement for domestic company expanding internationally.

Presentations

- Co-Presenter, *Opportunity Zones: How to Expand Your Business*, International Franchise Association Webinar (December 2018)
- Panelist. *Concepts & Strategies from Franchise Experts*, Dallas Black Chamber of Commerce 4th Annual State of Black Business (August 2017)
- Panelist. *Economic Development Workshop*, NAACP 108th Annual Convention (July 2017)
- *Expanding Through Franchising*, Financial Executive International Retail and Restaurant SIG (April 2017)
- *Annual Franchise and Distribution Law Developments*, 39th Annual ABA Forum on Franchising (November 2016)
- *Death by Dangled Carrot - Litigating Financial Performance Representations*, IFA Annual Conference (May 2016)
- *Working Together to Bring Diversity to Franchising*, Dunkin' Brands & NAACP Presentation (April 2016)
- *Franchising: A Business Model that Works*, 2015 National Black MBA Association Conference Entrepreneurial Institute (September 2015)
- *Recipe for a Successful Franchise in the Latino Market*, Latino Leaders Franchise Summit (September 2015)
- *International Franchising*, National Bar Association Annual Convention (July 2015)
- *Legal Aspects of Franchising*, Phi Beta Sigma Fraternity Inc. National Convention (July 2015)
- *Franchising 101*, Dunkin' Brands Franchise Webinar (July 2015)
- *Celebrating Leadership: The Power of Women in the Workplace*, 11th Annual Greater Dallas Women's Summit (March 2015)
- *Franchising 101*, Dunkin' Brands Franchise Webinar (March 2015)
- *2015 New Markets Summit, "Diversity and Buying Power: How Much Money are You Leaving on the Table?"*, 55th Annual International Franchise Association Convention (February 2015)
- *Casting a Wider Net: The Rules of the Road to Non-Traditional Venues*, 55th Annual International Franchise Association Convention (February 2015)
- *The Best of the Forum on Franchising: The 7 Most Significant Franchise Cases of All Time*, American Bar Association Forum on Franchising (February 2015)
- *Recent Case Law Affecting Public Housing Authorities*, Big Country Housing Association (November 2014)

- *Franchising: A Model for Business that Works*, IFA/NBMA Opportunities in Franchising Seminar, SMU Cox School of Business (November 2014)
- *Reach New Heights Through Franchising*, A Guide For Prospective Franchisors (April 2013)
- *Franchise Defined & Industry Overview*, Dallas Franchise Symposium (April 2013)
- *Financial Performance Representations: The Rules and Recent Developments*, Dallas Bar Association Franchise & Distribution Law Section (August 2012)
- Panelist, *Franchising - A Model for Business Ownership that Works*, Legends World Sports Conference (August 2012)
- *Next Steps to Buying a Franchise*, Professional Athlete Franchise Initiative Summit (July 2012)
- Guest Contributor. "StrengthFinder" - Franchise Brand Protection - Update on Environmental Damage Laws - Using Apple for Law, Capital Thinking. Podcast, Section 2 (June 2012)
- *Judicial Update*, International Franchise Association Annual Legal Symposium (May 2012)
- *What Do Franchise Lawyers Talk About?*, IFA Legal Symposium 2012 Recap, 3rd Annual Franchise Legal Series, Franchise Today (May 2012)
- *Reach New Heights Through Franchising: A Guide For Prospective Franchisors*, Dallas Franchise Symposium (April 2012)

Publications

- *Franchising (& Distribution) Currents*, Franchise Law Journal (July 2019)
- *Franchising (& Distribution) Currents*, Franchise Law Journal (August 2018)
- *Diversity on the Rise*, Franchising World (July 2018)
- *Why Diversity Can Bring You Success*, Global Franchise (June 2018)
- *Diversity and Inclusion Practices to Incorporate in your Company*, Houston Business Journal (May 2018)
- Co-author. *Annual Franchise and Distribution Law Developments 2016*, American Bar Association Forum on Franchising (November 2016)
- *NYC Under "A-Salt"*, Strasburger Franchise and Distribution Law (December 2015)
- *Setting up a Franchise Business in the USA*, Acquisition International (October 2015)
- *What You Need to Know About the NLRB's Ruling on Contract Workers*, The Business Journal (September 2015)
- *The New Business IQ - Inclusion Quotient*, Franchising World (July 2015)
- *Franchisor Terminates Franchisee After Deadly Biker Brawl on Premises*, Strasburger Franchise and Distribution Law (May 2015)
- *Forum Selection Clauses After Atlantic Marine*, 37th Annual Forum on Franchising, American Bar Association (October 2014)
- *Diversity and Inclusion Are Critical to Stay Relevant*, Franchising World (June 2014)
- *Multi-Unit Franchisee Turns One Restaurant into Nearly 400*, Franchising World (June 2013)
- *What Every Attorney Should Know About Franchise Law*, Headnotes (June 2013)
- *Judicial Update: Top 5 Lessons Learned from Recent Franchise Cases*, Franchising World (July 2012)
- Chapter Editor, *Franchise Desk Book*, American Bar Association Forum on Franchising (2012)
- *The Federal Courts Jurisdiction and Venue Clarification Act of 2011, How It Will Change Franchise Litigation*, Law Journal Newsletters' Franchising Business & Law Alert (May 2012)
- Chapter Author. *Distributorship and Sales Representation Agreements*, ALFA International (October 2009)
- *Amendments to False Claims Act Pack a Punch for Health Care Providers*, Strasburger Health Industry Online (July 2009)
- *U.S. Supreme Court Clarifies Subcontractor Liability under False Claims Act*, Strasburger Health Industry Online (January 2009)
- *Federal False Claims Act*, Strasburger Governmental Newsletter (April 2008)
- Chapter Editor, *Franchise Desk Book*, American Bar Association Forum on Franchising (2008)

Media

- *Ten Cases Rise to Top for Two Attorneys*, Franchise Times (December 2016)
- *Earsa Jackson Interview - Franchising*, The How of Business Podcast (December 2015)
- *Failure is Never an Option for Strasburger & Price Partner*, Diversity Journal (July/August 2012)
- Featured in article by Eclipse Magazine for her commitment to diversity (May 2008)

Practices, Industries & Services

Environment, Energy & Natural Resources
Food, Drug & Device Law
Franchise & Licensing
Healthcare
Litigation
Municipal Law
Retail

Areas of Emphasis

Opportunity Zones

Memberships

- American Bar Association, Forum on Franchising
- State Bar of Texas, Business Litigation Section
- The College of the State Bar of Texas, Member (2007-2018)
- Dallas Bar Association, Franchise and Distribution Section, Council Member (2004-present)
- Texas Bar Foundation, Fellow
- Dallas Bar Foundation, Fellow
- Dallas Women Lawyers Association, Member
- Texas Minority Counsel Program
- The Professional Athlete Franchise Initiative, Charter Member
- North Texas Women's Franchise Network, Co-Chair (former)
- International Franchise Association, Member
- International Franchise Association Education Foundation - Diversity Institute, Board of Directors (2009-present), Chairwoman (2015-present)
- Franchise Business Network, Steering Committee (2003-present)
- Promise House, Board of Directors
- Dallas Christian Women's Job Corporation, Board of Directors
- Dallas Children's Theatre, Board of Directors

Honors

- Named among Best Lawyers in America - Franchise Law by Best Lawyers (2008-2021)
- Named among Best Lawyers in America - Dallas, Texas' 2020 Franchise Law "Lawyer of the Year" (2020 Edition)
- Ronald E. Harrison Diversity Award from International Franchise Association (2019)
- Named a Franchise Legal Player by 1851Franchise.com (2018)
- Named among the Top 15 Business Women in Dallas by National Diversity Council (2017)
- Named among Best Lawyers in Dallas by D Magazine (2008-2009, 2011, 2016-2018)
- Named among the Most Influential Black Lawyers by Savoy Magazine (2015)
- Named among the International Who's Who of Business Lawyers in Franchise (2012-2018)
- Named Texas Super Lawyer by Thomson Reuters (2014-2018)
- Named Legal Eagle by Franchise Times (2009, 2010, 2013)
- Named Texas Super Lawyers' Rising Star by Thomson Reuters (2006-2012)
- Multicultural Leadership Award (2012)
- Named among the Who's Who in Black Dallas (2012)
- Named among Most Powerful and Influential Women in Texas by Texas Diversity magazine (2008)
- The Patrick E. Higginbotham American Inn of Court, Associate (2005)
- The Mike Joplin Ambassador Award Fifth Annual Henry W. Strasburger Appreciation Dinner (2005)
- The Richard Davis Litigation Associate Award First Annual Henry W. Strasburger Appreciation Dinner (2001)