

Jess A. Dance

SHAREHOLDER

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Representing franchise brands, distributors, manufacturers, and suppliers, Jess focuses his practice on franchise litigation, business disputes, and other complex commercial litigation, as well as U.S. and international franchise disclosure, registration, and transactional matters. He helps multiple national and international franchisors with their franchise programs, including preparing and updating Franchise Disclosure Documents, managing franchise registration and exemption matters, and advising on franchisee relationship issues and disputes. He provides risk assessments of franchise and supply chain issues in merger and sales transactions.

A former assistant attorney general, Jess understands both sides of litigation. He frequently litigates cases in state and federal court, and in domestic and international arbitration, involving:

- Covenants not to compete
- Franchise sales and relationship matters, including defaults and terminations
- Commercial contracts
- Business torts
- Trademark and trade dress infringement
- Trade secret protection

Jess regularly presents and writes on franchise issues.

Education

- Truman State University (B.A., 2001)
 - History, summa cum laude; Dean's List; Phi Beta Kappa
- Georgetown University Law Center (J.D., 2004)
 - cum laude; Dean's List; Georgetown Journal of Law and Public Policy, Senior Editor

Bar Admissions

- Colorado, 2004

Capabilities

- Global Franchise & Supply Network
- Commercial Litigation
- Litigation

Court Admissions

- State of Colorado
- U.S. District Court, District of Colorado
- U.S. Court of Appeals, Tenth Circuit
- U.S. Supreme Court

Memberships

- Colorado Bar Association
 - Denver Bar Association
- International Franchise Association
- American Bar Association

Recognition

- Selected for inclusion in *Best Lawyers in America*® for:
 - Commercial Litigation, 2023-2026
 - Franchise Law, 2021-2026
- Selected as Colorado Super Lawyers, Rising Star
 - Franchise & Dealership, 2012-2019
- *Franchise Times Magazine* Legal Eagles Recognition, 2019, 2021-2022, 2024-2025
- Co-Recipient, Colorado Lawyer Committee's "Team of the Year Award," 2012

Matters

- Obtained summary judgment in California state court on behalf of franchisor of massage studios in case seeking to hold franchisor directly and vicariously liable for alleged misconduct of franchisee's employee.
- Won preliminary injunction in federal court enforcing post-termination covenant not to compete against former franchisee and enjoining former franchisee's use of franchisor's trademarks, trade dress, and confidential information.
- Obtained dismissal and award of attorneys' fees in favor of national franchisor in franchisee lawsuit alleging contractual breaches and pre-sales misrepresentations and omissions.
- Prepared Franchise Disclosure Documents, and obtained and maintained franchise registrations and exemptions, for multiple emerging and established franchise brands.
- Formed franchisee association and negotiated system-wide improvements and programs on behalf of franchisees of national movie theater chain.
- Helped national franchisor update its contracts, operations manuals, policies, and procedures to minimize franchisee misclassification and joint-employment risks.

Publications

Proposed American Franchise Act Would Bring Sanity to “Joint Employment” Standard in Franchising

August 1, 2025

Deadline Approaches for Comments on NASAA Proposed Model Franchise Broker Law

February 28, 2025

California Enacts New Franchise Broker Law

February 18, 2025

2025 Global Franchise & Supply Network Report

February 17, 2025

NASAA Supports Reasonable Post-Term Non-Competes in Franchise Agreements

August 28, 2024

Court Rules that the FTC Rule Banning Non-Competition Clauses in Employment Agreements is Unlawful and Order Has “Nationwide Effect”: Impact on Franchisors

July 16, 2024

FTC Issues Statements Signaling Major Changes to its Oversight of Franchise Relationships and Franchise Disclosure Requirements

July 5, 2024

Impact of the Texas Federal Judge Partially Blocking FTC Ban on Non-Competes for Franchisors and Franchisees

April 29, 2024

What is the Impact of the FTC’s Final Non-Compete Rule on Franchisors and Franchisees?

March 11, 2024

Federal Court Strikes Down NLRB’s Expansive “Joint Employment” Standard

October 26, 2023

Board Expands Definition of “Joint Employer” Yet Again

FTC Turns Its Attention to Franchising

October 5, 2022

NASAA Shuts Down Use of Acknowledgments and Questionnaires in Franchise Sales Process