

Fisher Broyles

Name: Richard H. Bennett

Email: richard.bennett@fisherbroyles.com

Direct: (404) 641-8364

Office: Atlanta

Practice Areas: Commercial Transactions; General Corporate; Trusts & Estates

Bar Admissions: Georgia; Ga. Court of Appeals; Ga. Supreme Court; U.S. District Court, Northern District of Georgia; U.S. District Court, Southern District of Georgia

Education: University of Georgia, J.D., cum laude, 1995; University of Georgia, M.B.A., Investments and Real Estate, 1992; Emory University, B.A., Political Science, 1990

Experience: Appleby (Bermuda)

Mr. Bennett is a business attorney with an MBA who began his career in Bermuda, including offshore corporate work at Bermuda's largest law firm and developing an acquisition structure that allowed a multi-million dollar purchase of an international insurance agency to proceed despite a third party's attempt to block the sale.

Since returning to the U.S. in 1998, Mr. Bennett continues to help business owners navigate the varied complexities involved with growing and protecting a business. His clients own businesses across a broad spectrum of enterprises, including those in the software, light industrial, hospitality, and restaurant industries. He seeks practical solutions to meet an owner's goal of maximizing profits given the varied cost-benefit differences among alternative legal and business strategies. Mr. Bennett enjoys problem-solving and developing creative solutions when traditional methods prove unsuccessful. His extensive experience spans the business life-cycle, including start-up issues, agreements among co-owners, restrictive covenants for employees, incentive compensation, mergers and acquisitions, open source software licensing, and both federal and Georgia trademarks.

Mr. Bennett holds the AV Preeminent® Peer Review Rating™ from Martindale-Hubbell®, its highest rating for legal ability and general ethical standards.

Representative deals include

- Acquisition — Negotiate and draft complex multi-million dollar acquisition of a hotel where seller retained ground lease and became co-owner of the purchasing entity.
 - Open Source — Design and draft a multi-option open source software services agreement for a business with operations in the U.S. and Canada, and advise on related issues regarding open source software licenses.
-

- Trademarks — Overcome a merely descriptive determination by the U.S. Patent and Trademark Office to allow a client's trademark to be federally registered. Details available at www.uspto.gov, Registration 3805588.
- Joint Ventures — Negotiate and draft a joint venture arrangement regarding the ownership, development, and management of a major franchise.
- Financial Analysis — Work with civil and criminal litigation team and prepare financial analyses necessary to form case strategy and defense positions in a multi-million dollar fraud case.
- Incentive Compensation — Restructure a company's intended stock grant into a phantom stock grant to match the desired benefit with overall goals after explaining tax implications of original plan.

Presentations

- Speaker — "Business Law A to Z: Buying and Selling a Business" (Dec 2019 continuing legal education)
- Speaker — "Contracts A to Z: Competition Issues" (Nov. 2014; continuing legal education)
- Speaker — "Sticks Disguised as Carrots: Unintended Consequences of Incentive Compensation (and How to Fix Them)" (2011; presented to attendees at a function hosted by Morgan Stanley)
- Guest Speaker — "Family Owned Businesses with U.S. and International Locations" (2010; live webcast from familybusinessradio.com)
- Speaker — "Drafting the LLC Agreement" (2010; continuing legal education)
- Speaker — "Strategies for Businesses in a Tough Economy – Legal and Employment Issues" (2009; multiple presentations to business owners in a series hosted by LaGrange Banking Company)
- Speaker — "Independent Consulting: How to Get There and Why You Should Do It" (2007; presented to members of the Atlanta Area Association of Clinical Research Professionals)
- Speaker — "Planning and Taxation Issues Raised by Formation and Capitalization of Family Limited Partnerships" (2004; continuing legal education)
- Speaker — "Family Limited Partnerships and Income Tax" (2001; continuing legal education)

Publications

- Author — "An Insider's Look at Incentive Compensation, Part 1 – Unintended Harm," *TechDrawl.com* (December 2010)
- Author — "An Insider's Look at Incentive Compensation, Part 2 – Options (And Other Alternatives)," *TechDrawl.com* (December 2010)
- Author — "Going Public: Implications for the Question of Minimizing Discrimination in the Residential Real Estate Industry," *Real Estate Law Journal*, vol. 24, pp. 122-145 (Fall 1995)