



# Vanessa L. Wheeler

 Partner

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**“I am one of the few commercial litigators to have tried cases as trial counsel and as in-house counsel. By bringing together the legal positions and business needs, I’m able to provide creative strategies and seek the best resolutions for my clients, whether inside or outside the courtroom.”**

Vanessa Wheeler is an experienced commercial litigator with a demonstrated history of success in intellectual property, real estate, franchise, cannabis, and general commercial litigation. She has successfully tried civil and criminal cases and arbitrations. She has strong professional skills in legal writing, litigation, legal advice, commercial litigation, and dispute resolution, which she implements in service to clients.

Vanessa’s broad commercial litigation experience encompasses disputes over real estate brokerage services, franchise agreements and representations, regulatory claims, trademark and copyright infringement, and contractual interpretation. Vanessa has also worked on day-to-day legal issues with her clients while serving as general counsel. She is known for her innovative case strategies and investment in understanding the ins-and-outs of her clients’ businesses.

Vanessa is very active within the firm and in the broader legal community. She is a longstanding member of the firm’s Diversity & Inclusion and Hiring Committees. Vanessa is actively involved in law student recruiting and mentoring the firm’s Diversity Fellows. As part of her pro bono work, she works with Kids in Need of Defense (KIND) to represent undocumented children in asylum cases. She also serves on the Judicial Evaluation Committee for the Loren Miller Bar Association and participates as part of the Young Lawyers Committee for the ABA Forum on Franchising.

## Professional Activities

- *Franchise Law Journal*, Topics & Articles Editor, 2021-present
- Loren Miller Bar Association, member
- Washington State Bar Association, member

## Education

J.D., Columbia Law School, 2014

B.A., University of Washington, 2011

## Bar Admissions

Washington, 2014

## Representative Experience

### Intellectual Property Infringement & Disputes

- Ongoing representation of well-known non-profit in trademark infringement lawsuit related to century-old trademark.
- Represented the owner of patented sports-related technology and related trademark in breach of contract and trademark infringement dispute with prior owner. Obtained a substantial default judgment and assisted with strategy for leveraging the judgment.
- Represented a corporate training company in action seeking damages for trademark and trade dress infringement against a rival corporate training company. Obtained favorable settlement in which rival company removed use of trademark from offending products.
- Represented a non-profit in action seeking damages for trademark infringement against out-of-state non-profit using an identical name and similar logo. Obtained favorable settlement in which opposing non-profit transitioned to new mark.

### Business Disputes

- Ongoing representation of healthcare franchisor in connection with various disputes with U.S.-based franchisees involving franchisees' breach, abandonment, and/or wrongful termination of their franchise agreements. Representation involves protecting franchisors' interest in U.S. franchise matters and has spanned several years and multiple disputes, in which claims have been successfully brought and defended claims on behalf of franchisor in mediation, arbitration, and state court.
- Defended cannabis licensee in bet-the-company litigation over alleged regulatory violations. Obtained favorable settlement based on innovative constitutional argument.
- Represented national general contractor in connection with claims for delay costs allegedly incurred during bridge construction. Managed strategy development and communications with client representatives and experts. Obtained favorable settlement.

### General Counsel

- Served for six weeks as interim general counsel to a residential real estate brokerage corporation while it sought a new permanent GC. As interim GC, provided counsel on a wide range of legal matters, including vendor contract negotiation, franchise agreements, real estate disputes, and administrative policy. Handled frequent emergency legal matters arising from real estate transactions and drafted sections of company policy to ensure regulatory compliance.

## Publications

- *Intangible Cruelty: The History, Risks, and Challenges of the Prejudgment Attachment of Intellectual Property and its Implications for Franchisors*, 40 Franchise L.J. 613 (Spring 2021)
- *A State's Reach Cannot Exceed its Grasp: Territorial Limitations on State Franchise Statutes*, 37 Franchise L.J. 185 (Fall 2017)
- "In Extraordinary Ruling, Washington Supreme Court Applies 'Efficient Proximate Cause' Rule to Liability Coverage Dispute," Miller Nash Graham & Dunn, *The Northwest Policyholder* (May 2017)
- "Different Approaches to the Duty to Defend in Oregon and Washington," Miller Nash Graham & Dunn, *The Northwest Policyholder* (May 2016)
- "What's in a Label? TTB Allows Nutritional Information on Beverage Labels," Graham & Dunn (June 2013)

## Presentations

- “Franchising in a Socially Charged Environment: Franchisor and Franchisee Rights and Obligations When Politics, Race, and Religion Collide,” American Bar Association, Forum on Franchising, panelist (Oct. 2021)
- “Hot Topics in Franchise Registration,” American Bar Association, Forum on Franchising, webinar (Feb. 2021)
- “Q&A Session With #PopCulture Lawyers,” Rose City Comic Con, moderator (Sept. 2019)
- “Ethical Pitfalls in the Representation of Bankruptcy Clients,” King County Bar Association, Bankruptcy Law Section (May 2019)

## Recognition

- Selected for inclusion as a Washington Super Lawyer—Rising Stars, 2017-present
- Edward Wood (Jack) Dunham Rising Scholar Award, American Bar Association Forum on Franchising, 2021
- Harlan Fiske Stone Scholar, 2012-2013
- Costco Diversity Scholar, 2007-2011
- University of Washington Diversity Scholar, 2007-2011
- Phi Beta Kappa Academic Honor Society

## Personal Activities

Vanessa enjoys travelling. She started travelling when she was young and made a point of continuing the tradition as she got older. She’s been to Europe, Asia, North Africa, and Central America, and she plans to see every continent and as many countries as she can before she’s through.