



## Paul J. Avery

### Member

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## Profile

Paul is a trusted advisor who carefully listens to his clients' needs and concerns. He recommends courses of action designed to achieve their business objectives, while minimizing risk. He has experience counseling a variety of clients, including:

- Manufacturers
- Health care providers
- Colleges and Universities
- Technology companies
- Food service and hospitality clients
- Franchised businesses
- Developers
- Contractors
- Retailers
- Authors and entertainers

These clients range from large companies and institutions, engaged in international transactions, to not-for-profits and start-ups.

In the course of his representation of start-up companies and small businesses, Paul assists clients by providing counsel regarding the proper choice of entity and the formation of the corporation, Limited Liability Company or other type of business entity.

Paul's practice consists of review and negotiation of various commercial agreements, including:

- Non-disclosure / confidentiality agreements
- Employment agreements
- Non-competition agreements
- Shareholder / buy-sell agreements
- Independent contractor agreements
- Terms and conditions of sale or purchase
- Inventory management and supply agreements
- Sponsorship agreements
- Software license agreements
- Software as a Service (SaaS) agreements
- Franchise and distribution agreements
- Design and development agreements

Paul is also experienced in transactional matters. Representing both buyers and sellers, Paul handles both asset and equity based transactions, as well as other types of business combinations. This experience has allowed him to gain a keen understanding of issues that are important to business owners and provide counsel on the proper deal structure and terms for a successful transaction. Paul regularly

## Education

- University at Buffalo School of Law (J.D., *magna cum laude*, 2005)
- Bucknell University (B.A., *magna cum laude*, 1999)

## Bar/Court Admissions

- New York
- U.S. District Court for the Northern District of New York

## Practices

- Higher Education
- Mergers and Acquisitions
- Business Restructuring, Creditors' Rights and Bankruptcy
- Business and Transactions
- Hospitality and Tourism
- Manufacturing
- Financial Institutions Regulatory
- COVID-19 Essential Resources for Business

assists his clients with the preparation and negotiation of confidentiality agreements, letters of intent, asset / stock purchase agreements, and other ancillary agreements necessary to consummate a buy/sell transaction.

Paul has assisted in the purchase and sale of many manufacturing and technology companies, service providers and food service businesses, among others.

He also has extensive experience representing colleges and universities in governance, regulatory, athletics, risk management, and vendor contracting matters. He is member of the National Association of College and University Attorneys and a contributor to Bond's *Higher Education Law Report*.

## Honors & Affiliations

- Listed in:
  - *New York Super Lawyers 2016*<sup>®</sup>, Upstate New York Rising Star, Business/Corporate
  - *New York Super Lawyers 2015*<sup>®</sup>, Upstate New York Rising Star, Business/Corporate
- New York State Bar Association
- Onondaga County Bar Association
- ABA/BNA Award for Excellence in the Study of Labor and Employment Law
- National Association of College and University Attorneys (NACUA)
- *NACUANOTES*, Editorial Board Committee Member (2009-present)
- Phi Beta Kappa

## Representative Presentations

- COVID-19 and the Road to Recovery Webinar, Chemung Chamber of Commerce, May 14, 2020
- Choosing the Right Business Entity, Syracuse University, Whitman School of Management Entrepreneurship Bootcamp

## Representative Publications

- Quoted in "Successful Startups Begin With Planning," *Buffalo Law Journal*, March 16, 2019
- Paul J. Avery and Mike Glazier, Co-Authors, "O'Bannon v. NCAA: The District Court Decision," *National Association of College and University Attorneys - NACUANOTES*, October 6, 2014

## Other Activities

- Board Member and Secretary, InfoTech WNY, 2019 - present
- Member, SUNY Buffalo Law Alumni Association Central New York Chapter Steering Committee
- Volunteer Judge, Syracuse University, Whitman School of Management Panasci Business Plan Competition