FLAKE LAW
THE FLAKE LAW FIRM, LLC

Andrew B. Flake, Esq.
Atlanta, Georgia, United States



Current Employer-Title	The Flake Law Firm, LLC - Managing Member
Profession	Arbitrator, Attorney, Mediator
Work History	Member, The Flake Law Firm, LLC, 2021 - Present; Partner, Arnall Golden Gregory LLP, 1999 - 2021.
Experience	26+ years of experience in complex commercial, business, technology, intellectual property, and employment matters, representing both plaintiffs and defendants in a wide range of disputes both domestically and internationally, across industries including software, manufacturing, real estate, healthcare, life sciences, pharmaceuticals, network and cloud computing, and technology. Served in sole arbitrator, panel member and panel chair in 130+ cases, including wide range of commercial, healthcare, employment, international, and IP/ technology disputes. Corporate/Securities: Investor, member, shareholder rights; entity formation; corporate governance; business divorce and dissolution/wind-down; corporate opportunities; fiduciary duties; business valuation; family-run and owned businesses; stock grants and shareholder disputes; UCC; manufacturing; receiverships and insolvency; breach of commercial contract; domestic and foreign corporate affiliate relationships. Technology: Software development; blockchain and cryptocurrency; domain name disputes; healthcare IT; software and internet; licensing agreements; technology join ventures; telecommunications and fiber optics; technology hardware manufacture and supply chain; SOW scope and implementation disputes; robotics and industrial automation; corporate startups; invention and inventorship disputes; payments and fintech. Intellectual Property: Licensing disputes; patent infringement and damages; royalty and IP valuation; Lanham Act (false advertising and trademark infringement; development and inventorship; Georgia unfair competition; rights of publicity; trademark and copyright infringement; trade secrets and confidential information.

Employment: Breach of employment agreements; negligent hiring and retention; commission, bonuses and compensation; change of control agreements; stock options and executive compensation; termination and reduction in force; performance management; employee handbook and policies; harassment and discrimination; breach of fiduciary duty; non-compete and non-solicits; restrictive covenants; corporate opportunities; interference with business relations; business valuation; trade secrets and trade secret misappropriation; confidentiality; global mobility.

Real Estate: Joint ventures; purchase and sale contracts; commercial, residential, office, industrial, multi-family, hospitality, and shopping center/retail; title disputes and quiet title; land-use; commercial landlord-tenant; development disputes.

Healthcare: Physician-practice contracting; long-term hospital contracting; medical device warranty and compliance; computer software contracting and licensing; practice management and EMR; health IT; facility-vendor contract; medical staff credentialing; life sciences, including pharma and biotechnology; research and development; generic and branded drug disputes; FDA clearance and approvals; provider and facility malpractice claims; HIPAA data security and privacy; insurance claims processing; physician agreements; restrictive covenants including non-solicit and non-compete; reimbursement and billing disputes; medical practice ownership/governance disputes; cybersecurity.

Business Torts/Competition: Lanham Act and false advertising; RICO; copyright, defamation; rights of publicity; online disparagement; trade secrets and confidential information.

International: Range of cross-border transactions and disputes; letters rogatory and requests for discovery in aid of foreign proceedings; international arbitration; assisting parties in multiple jurisdictions in South and North America, Asia, and Europe; active internationally and sensitive to cultural and jurisdictional nuance and difference.

Fluent in German, led German litigation practice and active in CLE and publication concerning cross-border and international business disputes. Familiar with comparative legal issues including civil law and EU governance.

Alternative Dispute Resolution Experience

Arbitrator in broad range of commercial, employment and IP/technology cases in a range of industry contexts. Arbitration Panel Member, AAA Commercial, Employment, International (ICDR), and Large Complex Case panels; Arbitraiton Panel Member, American Health Law Association (AHLA); Member, World Intellectual Property Association (WIPO) List of Neutrals; regularly assists clients on issues pertaining to commercial arbitration matters, both domestic and international

Independent commercial mediator and Panel Member, AAA Mediation and Early Dispute Resolution (EDR) Panels, focused on complex commercial, employment, healthcare, international, and IP/technology disputes.
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Served as lead counsel under all of the major sets of domestic and international arbitration rules. In connection with this work, has successfully analyzed, briefed and argued numerous issues pertaining to arbitration, including the scope of arbitrability, arbitrator qualifications, jurisdiction, and issues pertaining to confirmation and enforcement of arbitral awards.

Active, through scholarship and conference efforts, in promoting international arbitration and dispute resolution, including in the Atlanta Society for International Arbitration and on the topic of third-party funding.

Frequently serving as arbitrator in complex technology and technology-related disputes, with experience as both advocate and neutral in wide-range of disputes including: intellectual property; trademark licensing, infringement and damages; hardware to software implementation; specialized and customized software solutions; software as a service (SaaS); reseller agreements; gaming; blockchain; cryptocurrency; telecommunications; fiber optics; cybersecurity and breach claims; cyberfraud; fintech and payments/payment processing.

Technology Proficiency

Innovative and proficient user of technology in ADR, including fully virtual exhibit and case management technology; member of AAA arbitrator working group studying generative artificial intelligence; conversant in all major technology platforms, including Zoom, Teams, LoopUp, GoToMeeting; manages complex ESI and related protective order and production issues in technology arbitrations.

Education

Duke University (LL.M., International and Comparative Law – 1999); Duke University School of Law (JD – 1999); Vanderbilt University (BA, German – 1996).

Professional Licenses

Admitted to the Bar: Georgia (1999).

Professional Associations

Member, National Academy of Distinguished Neutrals; Fellow, Chartered Institute of Arbitrators (FCIArb); Atlanta International Arbitration Society (Member, Board of Directors); Dispute Resolution Section, American Bar Association; Section of International Law, American Bar Association; Dispute Resolution Section, State Bar of Georgia and Atlanta Bar Association (Board Member and Vice-Chair); Lawyers Club of Atlanta (Past President and Executive Committee Member).

Recent Publications & Speaking Engagements

Publications:
The Effective and Ethical Use of AI in Mediation Practice, Annual ADR Seminar, Houston Bar Association (May 9, 2025); Generative AI and Mediation: An Overview with Ethical Considerations (2024, Atlanta Bar Dispute Resolution Section CLE); Early Dispute Resolution and Our Business Cases, The Atlanta Lawyer (Aug./Sept. 2023); Contributing author, Handbook on Third-Party Funding in International Arbitration (Juris 2017); Faculty member, Cutting Edge Issues in International Arbitration, 10th Annual Arbitration Institute, Atlanta, Georgia (2016).

Speaking Engagements:
Moderator, Ethics in the Age of AI: Independence, Disclosure, and New Frontiers (Chartered Institute of Arbitrators North American Branch, 2026 Retreat, May 29, 2026); Panelist, AI in Litigation and ADR (Georgia Dispute Resolution Section CLE, May 7, 2026); Moderator, Early Dispute Resolution (EDR): Judges and Mediators on the Techniques of Early Settlement (Atlanta Bar Dispute Resolution Section CLE, Mar. 31, 2026); Panelist, Code, Contracts, & Clarity: What

Arbitrators Want in Tech Cases (American Arbitration Association, Sept. 22, 2025); Moderator/Panelist, AI Tools: Policies and Procedures (AAA, July 9, 2025); Trends in the Effective Use of Generative AI in Mediation and Arbitration Practice, Atlanta Bar Dispute Resolution Section (October 2, 2024); Arbitrating in the United States: Resolving Disputes Arising out of Cross-Border Business and Investments (Sept. 12, 2024, Berlin Dispute Resolution Days Panel); Arbitration Tech Toolbox: Mastering Digital Tools for Enhancing Your Arbitration Practice - Vincent AI (June 25, 2024); speaks and presents on alternative dispute resolution topics clauses across a range of areas, on issues of international and cross-border litigation and dispute resolution, on how companies can protect competitive advantage, and on the intersection of law and technology.

Citizenship
United States of America

Languages
English; German