Austin-based Beverage Maker Files Federal Trademark Infringement Claim Against Molson Coors

News

Future Proof claims that Molson Coors, through its MillerCoors subsidiary, is moving forward with the Vizzy introduction despite the company being fully aware of Brizzy, its trademark and the ongoing distribution of Brizzy products.

Arbitration Agreement Invalidated; It Was Not Explained To The Patient

Insight

The arbitration agreement stated that his signature was not a precondition to treatment, and that he could cancel it within 5 days; however, he was not provided a copy of the arbitration agreement.

Gentry Locke’s Brett Marston Appointed to American Arbitration Association Construction Panel

News

Brett Marston has been selected by the American Arbitration Association (AAA) to serve as an arbitrator on its Construction Panel.

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23 Tips for Drafting Employment Arbitration Agreements

Insight

Careful drafting of employment arbitration agreements due to the U.S. Supreme Court’s decision affecting an employer’s ability to enforce such agreements.

Sullivan & Cromwell Sued for

Malpractice by Ex-Skadden Attorney

News

The plaintiff, Andrew Delaney, claims that Sullivan & Cromwell acted “unlawfully” and “unethically” in the international arbitration matter.

Eighth Circuit Rejects Claim That Arbitration Clause in Retainer Was Unconscionable

News

The Eight Circuit has rejected a plaintiff’s claim that an arbitration clause in a retainer agreement she signed with a law firm was unconscionable, according to Carlton Fields.

Court Enforces Arbitration Agreement Incorporated Into ‘Notice to Employees’

Insight

The court found that the notice to employees contained sufficient language to incorporate the arbitration agreement

by reference.

Judge Berates Lawyers for Gig Economy Companies for Trying to ‘Worm Out’ of Arbitration

News

A federal judge Monday accused food delivery service DoorDash of trying to “squirm” out of its obligation to arbitrate labor disputes with more than 2,000 workers.

AAA-ICDR Arbitrator Survey Gives Insight on Cases

Insight

The survey revealed exactly how attorneys and their clients negatively affect the efficiency and cost effectiveness of their cases.

Does an Arbitrator Have Authority to Compel Production of Third-Party Documents?

Insight

If a case is subject to arbitration, it is likely there will be a dispute about whether the arbitrator has the authority to compel production of third-party documents or witnesses for deposition.

Fake Mineral Leases Thwarted by the Texas Legislature

Insight

The 2019 Texas legislature enacted a new Property Code Section 5.152 to protect mineral and royalty owners from a certain species of fraudulent transactions.

Court Enforces Arbitration Clause in Clickwrap Agreement

News

The defendant’s terms of service, which were hyperlinked in

the sign-up box, contained a clause providing for arbitration of disputes with a class-action waiver.

SCOTUS Clarifies Vague Arbitration Clauses Affecting Class Disputes for Growing Businesses

Insight

If class arbitration is not explicitly addressed in an arbitration agreement, it cannot be compelled, writes Patrick K. Burns in a blog post for PilieroMazza.

Court Compels Arbitration Based on Clause Incorporated Into Guaranty Agreement

News

The case involved a leasing agreement that contained an arbitration provision, but the personal guaranty did not.

Biglaw Firm Hit by Law Student Protests Over Arbitration

News

DLA Piper partner Vanina Guerrero, who claims she was sexually assaulted and retaliated against by a fellow partner, said she is unable to bring those claims in court because of a mandatory arbitration agreement.

Lessons in Drafting and Implementing an Enforceable Mandatory Arbitration Agreement

News

The Court found that the arbitration agreement's execution involved a high degree of procedural unconscionability.

Never Too Late to Arbitrate?

Tips on Getting Your Agreement On

Insight

Three recent court decisions raise a few issues to keep in mind for employers to keep in mind when drafting arbitration agreements for employees.

Contractually Mandated Pre-Litigation Dispute Resolution Mechanisms Are Fraught With Peril

Insight

Forcing parties to engage in a process that only can work if all of them want to participate seems unlikely to result in anything other than delay and added expense, writes Shepard Davidson.

‘Click to Accept’ Arbitration: A Cautionary

Tale

Insight

An employee’s electronic acceptance of an arbitration agreement may not, by itself, be enough to prove that the employee has agreed to arbitrate.

Court Forces Sale of Arbitration Award to Pay Biglaw Firm Fee

News

The law firm won approval to have a former client’s $92 million arbitration award seized so that it can be paid for its legal services.