Timing is Vital in a Release Clause in Any Settlement Agreement

Insight

Lawyers – particularly those representing plaintiffs – should give thoughtful attention to the timing of a release clause in any settlement agreement, advises Lisa B. Markofsky in a post for Proskauer Rose LLP.

Leaving the Contractual Term 'Voting Power' Undefined Could Be Risky Business

Insight

Any attorney who regularly drafts stock purchase agreements, voting agreements, or other contracts that use the term "voting power" would do well to take note of a recent ruling, according to an article on the website of Patterson Belknap Webb & Tyler LLP.

A Lesson from the 3rd Circuit

on Arbitration Clauses: Say What You Mean

Insight

A recent decision by the United States Court of Appeals for the Third Circuit is a reminder that – for an arbitration clause to apply in certain situations or to certain parties – that intention must be built into the plain terms of the contract.

Silicon Valley Software Startup, Ex-CEO Fined Nearly $1M

News

Zenefits will pay a $430,000 penalty and the co-founder/former chief executive has been fined more than $533,000, Reuters reports.

VMware Licensing: Common Questions about Licensing

Rules and Restrictions, Part II

Insight

Keli Johnson Swan of Scott & Scott LLP provides and discusses a list that includes several common questions and concerns related to licensing VMware.

Invitation: 2017 Ethics and Compliance Virtual Conference

Event, Nov. 9, 2017

More than 4,000 legal, audit and compliance professionals are expected for the 2017 Ethics & Compliance Virtual Conference, a free, virtual conference that can be access online.

Webinar on Improving Legal and Contract Collaboration, Featuring Forrester

Event, Nov. 2, 2017, 11 a.m. ET

Optimus BT will present a free webinar providing a comprehensive overview of Legal Contract Collaboration by Optimus and Forrester for the Microsoft Cloud.

Mitigating Cyber Risk: Third-Party Service Provider Contract Considerations

Insight

If data is trusted to a third party, the parameters of what is expected to keep your data safe should be memorialized in a contract with that service provider, writes Marc C. Tucker of Smith Moore Leatherwood LLP.

Webinar: Contract Compliance – Why it Matters to Procurement

Event, Oct. 24, noon EDT

Determine, Inc. and Jason Busch of Spend Matters will co-host a webinar titled Contract Compliance – Why it Matters to Procurement, on Tuesday, Oct. 24 at noon Eastern time.

Florida Law Firm Fined $9 Million By Federal Court Over Tobacco Litigation

News

Farah & Farah and the Wilner Firm filed 1,250 frivolous tobacco claims against a trust fund for Floridians and survivors who suffered because of smoking, the court found.

GM to Pay $120M in Multistate Defective Ignition Switch Settlement

News

The settlement is tied to violations of consumer protection laws and is on top of GM's previous penalties and settlements of an estimated $2.5 billion, according to *The Detroit Free Press*.

Appeals Court Tosses $72 Million Award in Talcum

Powder Case

News

The appeals court cited a Supreme Court ruling in June that placed limits on where injury lawsuits could be filed, saying state courts cannot hear claims against companies not based in the state where alleged injuries occurred.

Lawsuit Alleging General Electric Ripped Off Its Workers Shows the Pitfalls of 401(k) Plans

News

The Los Angeles Times explains that the suit alleges that GE managed the plan for its own benefit by loading it with mutual funds owned by its own subsidiary.

Disney Takes Insurer AIG to Court Over 'Pink Slime' Defamation Settlement

News

The Walt Disney Company is going to battle with its insurer,

AIG, as it seeks coverage for a massive settlement in the “pink slime” defamation case, *Variety* is reporting.

Webinar: Step-Up Your Third-Party Risk Management Program

Event, Oct. 26, 1 p.m. EDT

Participants will learn how companies with advanced programs manage their third-party risk and due diligence processes and will get industry benchmarks to size up your program.

You Don’t Think Your Small Business Will Get Hacked? You’re Wrong.

News

While the majority of businesses at risk for criminal hacking are major institutions that deal with a lot of data – such as banks – the idea that small and midsize businesses aren’t a target is mistaken, reports the *Chicago Tribune*.

‘Commercially Reasonable Efforts,’ ‘Best Efforts’ and Similar Standards

Insight

These contracting terms are inconsistently interpreted by courts and are often subjectively applied, warns Morrison Foerster.

Construction Contracts, Third Party Claims and Tort Law Liability

Insight

Carl R. Pebworth, a partner in Faegre Baker Daniels, asks and answers the question: What tort obligations does a design professional on a construction project owe to non-parties – like, for example, the persons who will use what has been designed after it is built?

J&J Blames Jury Misconduct

for $417 Million Talc Verdict

News

Johnson & Johnson said a $417 million verdict in a talc powder cancer case should be thrown out because three jurors were excluded by fellow panelists from the decision-making process, reports Bloomberg Technology.

Lessons Learned: Vendor Sued in Class Action Suit for Security Misses

Insight

A recent federal class action suit filed in Pennsylvania against Aetna and its vendor illustrates several new privacy and security considerations for vendors and their customers, writes Eric Begun of King & Fisher.