Jordan, Lynch & Cancienne Wins Take-Nothing Decisions in Texas, Louisiana

News

Trial lawyers with Jordan, Lynch & Cancienne PLLC scored big defense wins recently for two separate clients, securing a quick summary judgment for The Dow Chemical Company in Texas and prevailing in a jury trial for Union Carbide Corporation in New Orleans.

Court Holds That Arbitration Clauses Bind Nonsignatories Who Seek to Enforce Contracts

Insight

A post on the website of Pepper Hamilton describes a North Carolina case that involved non-signatories to a construction contract attempting to avoid the contract's arbitration claim.

West Mermis Named to National

Best Law Firms for 2019

News

Houston-based construction and business litigation firm West Mermis, PLLC, has earned national recognition among the Best Law Firms in the country by U.S. News & World Report and The Best Lawyers in America.

Interpreting Indemnity Provisions in Construction Contracts

Insight

Interpretation of contractual indemnity provisions can vary from jurisdiction to jurisdiction. And such interpretations can be wildly divergent and often result in contradictory interpretations and enforcement, according to a Faegre Baker Daniels LLP post.

Contract Roulette: The Top Five Agreements That Get Businesspeople into Trouble

Insight

You can do a lot of damage with a signature, warns Jack Garson

of Garson Law LLC in Bethesda, Maryland. You can go broke.

Teaming Up? Avoid Unenforceable Agreements to Agree

Insight

Teaming agreements are intended to define the relationships, rights and responsibility of all parties involved during both the pursuit of the work.

Minimum Volume Commitments in the Midstream Industry

Insight

In the midstream industry, these contracts are typically utilized to enable the operator to recoup the costs of constructing infrastructure, such as a processing plant or pipeline lateral, for the benefit of the counterparty, according to Opportune.

Construction Arbitration: The Pros and Cons

Insight

Most parties involved in a construction project have a contract that defines their responsibilities, and many of these construction contracts also contain arbitration clauses, according to Ward and Smith.

Texas Court Construes Breach of Contract Exclusion Narrowly in Duty-to-Defend Case

Insight

A recent decision from the Western District of Texas narrowly construed a common breach-of-contract exclusion and held that the insurer had a duty to defend its insured against an underlying lawsuit over construction defects, according to the Hunton Insurance Recovery Blog.

AIA Changes – It’s Time to

Convert Before It’s Too Late

Insight

Jeffrey M. Reichard of Nexsen Pruet offers a reminder that the American Institute of Architects (AIA) will discontinue support of older versions of its most popular standard form contracts after Oct. 31, 2018.

When Your Contract Includes an Arbitration Clause: Who Decides the Arbitrability of the Dispute?

Insight

Parties wishing to ensure resolution of “gateway” questions of arbitrability by a specific decision-maker –whether the court or arbitrator –should spell out their preference as clearly as possible in the arbitration clause, according to Williams Mullen.

Sometimes You Get Away with Unwritten Contracts

Insight

One area where the distinction between written versus

unwritten agreements makes a difference is in the calculation of the statute of limitations, points out Christopher G. Hill in his Construction Law Musings blog.

Has the Government 'Waived' Goodbye to Strict Compliance with Your Contract Specifications?

Insight

A recent Armed Services Board of Contract Appeals decision confirmed that waiver defenses can defeat government demands for strict compliance with contract requirements, reports Cohen Seglias Pallas Greenhall & Furman.

Fixed-Price Contracts Are Simple – Or Are They?

Podcast

There is very little case law guiding the practical approach to fixed-price contracts, but a Pepper Hamilton podcast offers some guidance.

Eliminating the Surprise Factor from Construction Contracts: Tips for Owners and Developers

Insight

On construction projects, owners and developers often are familiar with standard contract language and provisions, but the industry is continually evolving, according to a paper published by Zetlin & De Chiara LLP.

Progress Payments: What to Do When the Money Stops Trickling In

Insight

Faegre Baker Daniels says the contractor should look to its contract with the owner to find answers to two questions: Does the contract require the contractor to take a certain action? And, is payment”clearly due and owning?”

Fifth Circuit Allows Non-Signatories to Enforce Arbitration Agreement

News

The Fifth Circuit has affirmed an order compelling arbitration, despite the fact that the parties seeking to compel arbitration were not signatories to the relevant arbitration agreement, according to Carlton Fields.

Avoid Prejudgment Interest By Expressly Saying So in the Contract

Insight

Striking an interest provision from a draft subcontract wasn't enough to keep a party to the agreement from being required to pay interest, according to a review of a Missouri case by in Pepper Hamilton's Constructlaw blog.

Top AIA A201 Construction

Contract Changes: A Handy Cheat-Sheet

Insight

In a post at Construction Law Musings, Melissa Dewey Brumback writes about updates to the American Institute of Architects standard form contract documents.

Pay IF Paid: It Means What it Says

Insight

If you are a subcontractor, lookout for language establishing payment from the owner as a condition precedent for payment, warns Bradley Arant Boult Cummings.