January 2021 Independent Contractor Law Update

InsightsJanuary 2021 may well be remembered in the independent contractor area of law as the ‘not so fast’ month. The Fifth Circuit Court of Appeals told lower courts ‘not so fast’ when it comes to certifying collective actions.

American Law Institute – Medical Monitoring vs. Medical Mongering

InsightsOne of the key activities of the American Law Institute (ALI) has been the researching, writing, and publication of Restatements.

Robinhood and Reddit Protected from Lawsuits by User Agreement

InsightsRobinhood Markets Inc’s user agreement is likely to protect the brokerage app from a barrage of lawsuits filed by customers after it blocked a frenzied trading rally in companies such as GameStop Corp that was fueled on social

media forums.

Sale of Portfolio Companies Between Affiliated Funds: The (Legal) Road Less Traveled

InsightsFrom time to time, private equity sponsors will exit a portfolio company investment by selling the portfolio company to buyers led by another fund managed by the same sponsor.

The Dotted Line: 6 Ways a Construction Contract Can Become Unenforceable

InsightsMost contractors are well aware that they must abide by the performance standards and scope-of-work requirements in their contracts or potentially face legal action.

Courts Less Than Receptive To Force Majeure, Impossibility, and Other Defenses

InsightsThe increase in loan and lease defaults in the wake of COVID-19 has brought to the forefront numerous legal defenses by borrowers and tenants, such as force majeure, impossibility, and frustration of purpose.

Reporting Obligations of Small Private Companies Under the Corporate Transparency Act

InsightsThe United States Senate and the House of Representatives voted to override the President’s veto of the National Defense Authorization Act (‘NDAA’) on January 1, 2021 and December 28, 2020, respectively, resulting in the NDAA becoming effective law as of January 1, 2021.

Dealing with Contracts in the

Time of Corornavirus

InsightsRead answers to a number of questions from clients related to the Coronavirus/Covid-19 and how our clients may address issues of performance, delivery, and payment when the Coronavirus impacts a company’s ability to complete its responsibilities under a contract.

As Easy as 1-2-3, Court Rules ABC Test Applies Retroactively

InsightsIn a unanimous decision, the California Supreme Court held that the worker friendly ‘ABC’ test set forth by the Court in its 2018 landmark ruling, Dynamex Operations West, Inc. v. Superior Court, applies retroactively.

COVID Relief Bill Contains Important Bankruptcy Code Amendments

InsightsThe COVID relief bill will have a significant direct impact, at least temporarily, on the rights of commercial landlords and tenants in chapter 11 cases.

The Trademark Modernization Act Establishes New Trademark Cancellation Procedures

InsightsIn late December 2020, the Trademark Modernization Act of 2020 became law. The act includes important amendments to the Lanham Act.

Is Arbitration the Answer?

InsightsThe waves of employees let go in the COVID crisis will file a surge of employment claims.

Indemnification as an Exclusive Remedy

InsightsThe article reviews the use of EOR provisions in private company M&A transactions.

Thou Shall Not Interfere with Special Purpose Entities' Contractual Obligations

InsightsThe ruling likely has significant implications for structured finance providers and may have broader implications as well.

Supporting Health Care Competition In The Era Of COVID-19: Three Legislative Models For States

InsightsThis article highlights three types of state legislation that could help maintain or encourage competition in the face of provider closures and acquisitions.

What to Do When Commercial Leases End Up in Bankruptcy

InsightsFor landlords of commercial real estate, these bankruptcies can have significant impacts on their rights and remedies under their leases. When confronted with a tenant who

has filed for bankruptcy or may be considering it, understanding the basics of those effects is helpful.

Significant Changes to U.S. Trademark and Copyright Law Included in Latest Coronavirus Relief Legislation

InsightsThe legislation incorporates the Trademark Modernization Act of 2020, H.R. 6196, likely the most significant trademark legislation since the Lanham Act’s enactment nearly 75 years ago.

New Information Reporting on Beneficial Owners Included in 2021 NDAA

InsightsEarlier this month, both houses of Congress passed the 2021 National Defense Authorization Act (‘2021 NDAA’).

Washington, D.C., Poised to Ban Most Non-Compete Agreements

InsightsNon-compete agreements may all but disappear from the Washington, D.C. employment landscape in 2021.

When “Liquidated Damages” Are Not

InsightsAs a general rule, courts do not save sophisticated parties from bad deals; instead, courts enforce both good deals and bad deals between sophisticated parties according to the express terms set forth in a written contract.