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.

The Inherent Failures of Long-Term Contracts – and How to Fix Them

Insight

Many business contracts are imperfect, no matter how bulletproof you try to make them, according to a discussion on *Harvard Business Review*.

‘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.

Seven Things General Counsel Should Know About ERP Contracts

Insight

Author Marcus Harris offers a guide to negotiating and drafting contracts for ERP software systems, discussing seven main areas where companies slip up most-frequently.

Defining Transition Workstreams in Outsourcing and Managed Services

Contracts

Insight

A post on the Tech & Sourcing blog of Morgan Lewis provides a checklist of common workstreams to consider inn outsourcing and managed services transactions.

How a Lapse in Record Keeping Can Lead to Non-Binding Contracts

News

A murky path to a signed agreement and lack of good record-keeping can lead to a finding of non-enforceable contracts.

Enforcement of Non-Competes: Increasing Difficulty Depending on State

Insight

A recent webinar discusses the enforcement of non-competes and how the difficulty of enforcement of these restrictive covenants vary by state.

China Contract Damages Done Right

Insight

The term “contract damages” refers to a contract provision setting out the damages for breach.

Do We Have A Contract? What Delta’s Win Tells Us About Privacy Policies

Insight

The case involved a breach of contract claim over the data breach suffered by the airline in 2017.

In Collective Bargaining Agreement, Longevity Pay Increase Clause Can Outlive

Contract

Insight

The contract included a clause setting “longevity pay increases” for workers who reached certain tenure milestones with the company.

Should Your Family-Owned Business Include a Forum Selection Clause in its Agreements?

Insight

A forum selection clause may provide a measure of certainty from the outset as to the location of any future legal action.

Dowload: The Contracts Checklist for M&A Due Diligence

Insight

The guide serves as a non-exhaustive checklist of important contract types to consider during the M&A due diligence process.

HBO’s “The Future of Work” Featuring LawGeex

Insight

Vice News recently reported on the technological revolution overtaking the world in transportation, distribution, food service, health – and legal.

Rejecting Power-Purchase Agreements in Energy Cases: Do Bankruptcy Courts Have Exclusive Jurisdiction?

Insight

A bankruptcy court held that it not only has exclusive jurisdiction over the rejection of wholesale power-purchase agreements, but that the Federal Energy Regulatory Commission has no such jurisdiction, according to Holland & Hart.

Understanding Where And When a Pre-Printed Form is Appropriate

Insight

Business owners often fail to carefully review the pre-printed sections of contracts to know what the contract actually says.

Disposition of Legacy Third-Party Contracts in Outsourcing Deals

Insight

A well-organized collection and review process is key to the efficient disposition of third-party contracts.

The Devil is in the Details (or Lack Thereof): A Costly Lesson in Allocating

Environmental Responsibility in Contracts

Insight

The seller could have more carefully crafted the language of the rider to limit its remediation obligations.

How Companies Address #MeToo Claims in Executive Employment Agreements Matter

News

Your company can potentially avoid the public perception that the departing executive was somehow rewarded for bad behavior, writes Ashley K. Pittman of Hutchison PLLC.

Using KPIs to Measure Contract Management Performance

Insight

“Using KPIs to Measure Contract Management Performance” is available for downloading from ContractWorks’ website.

Business Lobby Prods 9th Circuit to Revisit Decision Curbing Consumer Arbitration

News

The briefs come in the wake of the 9th Circuit's June 28 rulings in which plaintiffs claimed they couldn't be forced into arbitration because they sought injunctions against corporate defendants.