# 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.

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# 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*.

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# ‘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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.