Water: The Hot Commodity in the Permian and Elsewhere

Insight

Operators should be proactive in addressing water ownership issues, writes Charles Sartain of Gray Reed & McGraw. A simple contract negotiation at the front-end could save future headaches as disputes over groundwater escalate.

Third-Party Contract Due Diligence in Outsourcing Agreements

Insight

The due diligence review of existing third-party contracts is a critical component of any outsourcing deal, according to Morgan Lewis.

Private Equity: The Little-Regarded Confidentiality Agreement

Insight

Global Private Equity Watch discusses a case that

distinguishes between affiliates entitled by the non-disclosure agreement that are entitled to receive confidential information and affiliates actually bound by the agreement.

Ambiguous Limitation-of-Liability Clause Did Not Clearly Restrict Owner's Claims

Insight

A Mississippi federal court denied a defendant's motion for partial summary judgment in connection with a limitation-of-liability clause, according to a Pepepr Hamilton post .

The Arbitration Section in Your Employee Handbook Is Not an Agreement to Arbitrate

Insight

An employer needs to be able to prove acceptance by each employee of an "offer" of arbitration, points out Mintz, Levin.

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

News

The U.S. Bankruptcy Court for the Northern District of California held that it has exclusive jurisdiction over the rejection of wholesale power-purchase agreements, reports Holland & Hart.

International Manufacturing Contracts: Why Templates Are a No-Go

Insight

Dan Harris of Harris Bricken discusses why he sometimes has to explain to companies why he never does “template” manufacturing agreements.

Typical 1031 Exchange Agreements

Insight

A post on the website of Mackay, Caswell & Callahan discusses the basics of drafting contracts associated with Section 1031 exchanges.

Don’t Let ERP Contracts Fool You Twice

Insight

Never sign the vendor’s or integrator’s template contract without negotiating and redrafting key provisions – even the boilerplate ones, Taft’s Marcus Harris advises.

Eighth Circuit Issues a Reminder: Arbitration Agreements Must be Contracts

Insight

If the arbitration agreement is entirely separate from the handbook, any disclaimers contained in the handbook are less likely to impact enforcement of that agreement, according to Littler Mendelson.

When is a Hydraulically Fractured Well ‘Complete?’

Insight

Typically, most leases contain savings provisions that extend the lease beyond the primary term when the lessee ‘continuously prosecutes’ drilling operations, exlains J. Mark Robinette.

Don’t Overreach by Retaining the Unilateral Right to Modify An Arbitration Agreement

Insight

If a contract is too one-sided, it can be ruled illusory and unenforceable, warns Shepard Davidson in the Burns Levinson In-House Advisor blog.

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12 Tips for Shippers Negotiating Freight Contracts

Insight

A collaborative contracting process with shared goals and understandings, clear expectations and mutual obligations will reduce a company’s legal risk.

U.S. Supreme Court to Rule on Important International Arbitration Issue

Insight

The answer to the question depends on where in the United States the dispute is being litigated, according to China Law Blog.

Multistate Non-Solicitation Agreements: Does One Size Fit All?

Insight

Recent cases have held that an agreement between an employer and employee prohibiting the solicitation of customers is not

enforceable unless tied to the employee’s use of trade secrets, explains Dorsey & Whitney.

Recent Case Law Focuses on Drafting Considerations in Payments Contracts

News

A court recently ruled that where a contract between a credit card processor and its sale agent had conflicting clauses, the clause should be read in favor of the sales agent.

Manufacturers Revisit Mandatory Arbitration Agreements

News

Two recent court decisions dealing with mandatory arbitration agreements highlight why some manufacturers may gain by requiring pre-dispute employment arbitration agreements.

Drafting Sublicense Provisions in Intellectual Property Licenses

Insight

A sublicense in the context of an IP license is any agreement where the licensee grants a third party rights to any of the licensed IP.

Are Your Noncompete Agreements Dying of Old Age?

Insight

Periodic review and maintenance of noncompetition and other restrictive covenants agreements is crucial, advises Akin Gump Strauss Hauer & Feld.

Eighth Circuit Says a Delegation Clause Isn’t Valid (and Calls Wrap Contract

Formation Into Doubt)

Insight

The ruling tosses all manner of “wrap” agreements into doubt, writes Henry Allen Blair.