Employers May Compel Arbitration Even Where Employee Failed to Sign Arbitration Agreement

Insight

The plaintiff's acceptance of its terms could be inferred from her failure to opt-out within 14 days outlined in the policy and by her continued employment, the court ruled.

Construction Defect Dispute Governed by Contract Disputes Act Not Yet Suited to Being a 'Suit'

Insight

The Southern District of California recently held that a series of demands for a general contractor to investigate and repair several construction defects at a U.S. Army facility did not constitute a "suit" within the meaning of the general contractor's commercial general liability policy.

Texas Court Addresses the Use of Contract Operators

Insight

A recent Texas ruling illustrates the problems that can arise when parties to a joint operating agreement elect to have a non-owner serve as the operator, points out Austin Brister in the McGinnis Lochridge Oil and Gas Law Digest.

Don’t Assume What a Court Will Assume About Your Contract

Insight

Eric D. Mulligan of Hudson Cook, LLP writes about a case that illustrates the importance of drafting a contract that will avoid questions of interpretation by making the terms clear and apparent from the face of the text.

A Physician’s Guide to Employment Contracts with

Hospitals and Health Systems

Insight

Christopher J. Shaughnessy discusses some important issues to consider when evaluating whether to enter into an employment agreement with a hospital or health system.

Commercial Contracts in the USA

Insight

Greenberg Traurig offers a wide-ranging discussion of commercial contracts in a post on the Lexology website.

Call-Back Periods in Call-Back Warranties: Confusion on Other Warranties in Construction Contracts

Insight

A call-back warranty establishes a period of time after the substantial completion of a project within which an owner can call upon a contractor to correct nonconforming work.

Broad Settlement Discharges Mineral Liens

Insight

When you prepare, review and/or sign settlement agreements you sometimes pay less attention than you should to the details of those “standard” releases, writes Charles Sartain in Gray Reed’s Energy & the Law blog.

Podcast: Omri-Ben-Shahar on Consumer Contracts and Not Reading the Fine Print

Podcast

Consumer contract experts Omri Ben-Shahar and Florencia Marotta-Wurgler discuss several types of consumer contracts, enforceability of terms, and the potential consequences of agreeing to these terms without reading the fine print.

Three Global Drafting

Considerations for International Construction Contracts

Insight

U.S. contractors should proceed with caution when seeking to expand their footprint to an international stage, especially in developing countries.

Court Refuses to Reform Contract Failing to Find a Scrivener’s Error

Insight

A Delaware court refused to reform a contract with clear language, finding the argument of a scrivener’s error unconvincing, according to K&L Gates.

Avoiding Commercial Lease Disputes – Clearly Reflecting

the Intent of the Parties is Key

Insight

Entering into a clearly drafted lease agreement at the outset of the relationship helps to set expectations, which minimizes the possibility of disputes over how the lease should be interpreted, according to Ward and Smith.

Download: The 2019 Guide to Contract Management Software

Insight

ContractWorks has published a guide to evaluate current contract management processes and learn best practices for vetting the right software for a company’s needs.

Webinar May 7: Contracts Litigation Report

Webinar, May 7, 2019

The Lex Machina contracts litigation event will cover the latest findings and trends on top law firm and party data, timing metrics, case resolutions, damages awards, and more.

Merger Agreement Termination Based on Plain Contract Language

Insight

The article expands on key takeways from the ruling, including the need for struct compliance with notice provisions, the lack of implied duty to warn a counterparty of its mistake, the discoverability of text messages, and enforceability of reverse termination fees.

The Importance of a Mediation Provision in Construction Contracts

Insight

A construction contract’s dispute resolution clause is a topic that frequently comes up during the drafting of an agreement, writes Mark A. Cobb of Cobb Law Group.

A Moral Compass—A Guide to Celebrity-Focused Morals Clauses

Insight

The parties should prepare agreements that not only clearly state what constitutes a violation, but also the remedies available to an aggrieved party.

Mineral Interests: Executive Right Holder Liable for Refusing to Lease

Insight

The article in the Energy & the Law blog explains that the case presented an opportunity for the court to apply the guidelines outlined in an earlier ruling to a different scenario: whether the executive breached the duty by *refusing* to lease.

Disclaiming Reliance in Texas

Requires Specificity

Insight

The court endorsed provisions that disclaim reliance on any representations other than those explicitly made in the agreement, further clarifying its previous holdings on this issue.

Key Terms in Negotiating a Statement of Work

Insight

The importance of the terms in a state of work is sometimes overlooked by both business and legal teams because an SOW is commonly considered a business document rather than a legal document, writes Stephen F. Pinson in a Scott & Scott blog post.