Another Reason Not to Use Fixed Price Buy-Sell Agreements

Insight

Fixed price buy-sell agreements in theory offer two main advantages over pricing mechanisms that utilize formulas or appraisals at the time of the trigger event.

Negotiating a Labor Contract: Finding the Style that Suits You

Insight

In labor contract negotiations, should you be low key? Should you yell and pound the table?

Webinar: Focusing on the Business Processes of Contract Management

Webinar, Jan. 31, 2019, 1 p.m. ET

Above the Law and Concord will present a complimentary webinar

titled “The Process of Negotiating: Focusing on the Business Processes of Contract Management for Successful Negotiation.”

Register for ACC Xchange 2019 Mid-Year Meeting for Legal Executives

Event, April 28-30, 2019

ACC has arranged for four curricula addresses in the areas of contracts, leadership, legal operations, and litigation.

Supreme Court Hands Rare Win for Workers in Arbitration Case

News

Under the nearly 100-year-old Federal Arbitration Act, which is generally presumed to favor employers, thousands of truck drivers who are employed as independent contractors cannot be forced into private arbitration.

Arbitration Agreements: Tips for Enforceability

Insight

Steven P. Gallagher of Akerman LLP offers some tips on what to do – and not do – when arbitration agreements for new hires.

A Quick 'Yes' Can Create a Binding Contract, Even If There Has Not Been Agreement on All Terms

Insight

An exchange of emails can form a binding settlement agreement, even if the parties have not agreed to all of the terms of that settlement.

Texas Case Offers Three Lessons for Contract Drafters

Insight

The Texas Supreme Court recently heard oral argument on the interpretation of a farmout agreement providing that an assignment could not be made "without the express written

consent," according to a post on the website of Porter Hedges.

Kavanaugh's First Opinion Rejects Vague Exception Limiting Enforcement of Arbitration Agreements

Insight

The latest U.S. Supreme Court ruling on arbitration agreements will shed no light on the broader question of whether an arbitration agreement governs a particular dispute.

Can You Be Forced to Sign This Contract Modification?

Insight

If the contractor did not sign off on the required contract modifications, the Postal Service's email threatened contract termination.

General Counsel Named in Corruption Probe Subpoenas Resigns

News

Emily McNeeley was placed on unpaid leave in April after corruption investigators repeatedly named her, and her boss in subpoenas served on the county.

Syngenta MDL Judge Tears Up Lawyers' Contingency Contracts in $500 Million Fee Ruling

News

A U.S. district judge has set aside individual contingency fee contracts that some plaintiffs' lawyers had in place for clients in a multidistrict litigation, according to a Reuters report.

When a Promise Isn't Enough —

Crafting Proper Employee Patent Assignments

Insight

Unless employee patent assignments are drafted with care, manufacturers will find themselves in the unenviable position of not owning patent rights to their employees' work, warns Foley & Lardner.

Enforcing a Non-Compete Agreement? One Size Does Not Fit All

Insight

There is no one-size-fits-all non-compete agreement, and the enforceability of a non-compete agreement turns upon the state law under which it is construed, points out a blog post from Knobbe Martens.

A Guide to Outsourcing Contractual Relations

Insight

The guide covers contract forms, due diligence, duration and renewal, supplier selection, service specifications, charging

methods, warranties and indemnities, and ending the agreement.

Parties Must Proceed to Arbitration Despite Unavailability of Arbitration Forum Specifically Named in the Contract

News

An Ohio appellate court has addressed an issue that arose when an arbitrator specified in a contract is no longer available.

Jordan, Lynch & Cancienne Wins Take-Nothing Decisions in Texas, Louisiana

News

Trial lawyers with Jordan, Lynch & Cancienne PLLC scored big defense wins recently for two separate clients, securing a quick summary judgment for The Dow Chemical Company in Texas and prevailing in a jury trial for Union Carbide Corporation in New Orleans.

Fifth Circuit Reminds Buyers to Beware of Buying ‘Deemed Rejected’ Contracts

Insight

Squire Patton Boggs warns that a recent decision by the Fifth Circuit Court of Appeals in In re Provider Meds, L.L.C. is a stark reminder to chapter 7 trustees that they have an affirmative obligation to examine a debtor’s assets.

Court Rules Law Firm’s Arbitration Provision Unconscionable

Insight

In the case, a litigator who had been employed at Winston & Strawn sued the firm, asserting claims of discrimination, retaliation and wrongful termination.

Drafting Big, Complex Statements of Work

Insight

The most effective statements of work will focus on the outcome – on specifications for the technology to be built or run – and minimize restrictions on *how*, writes David W. Tollen.