5th Circuit: Company in Class Action Waived Right to Arbitrate Because of Litigation Conduct

Insight

Standards for determining when a party waives its right to arbitrate through participation in litigation have never been uniform among the circuits or easily applied writes John Lewis in BakerHostetler's Employment Class Action Blog.

'Retaliatory Amendment' of an LLC Operating Agreement

Insight

Author Kevin Brodehl discusses a recent opinion from the Supreme Court of New York that illustrates how the process of amending an LLC's operating agreement can sometimes be used to gain the upper hand in a dispute between members.

China Employment Contract

FAQs

Insight

The end of the year brings an onslaught of China Employer Audits, and with those audits comes an onslaught of China employment law questions, writes Grace Yang in the Harris Bricken China Law Blog.

Contract 'Busts': Trying to Decipher Provisions That Literally Make No Sense

Insight

In an *ABA Journal* column, Bryan Garner explores the curiosity of "busts"—the prevalence of contractual provisions, sometimes perpetuated in deal after deal, that make no literal sense at all.

Supply Chain News: Getting Outsourcing Contracts Right

Insight

When contracting with outsourcing firms, there is often a lot of dissatisfaction with the outcomes, says Kate Vitasek, a consultant and University of Tennessee faculty member.

Arbitrator’s Undisclosed Relationships Sink Oil and Gas Awards

News

The court found that the arbitrator lied when he “claimed that he did not have professional or social connections with the parties or witnesses.”

Webinar: Paper Software Will Demo Contract Tools, Microsoft Word Add-In

Webinar, Dec. 18, 1 p.m. EST

Paper Software will present a complimentary webinar on Contract Tools, an add-in for Microsoft Word, that analyzes, proofreads, formats, reviews, and navigates contracts for legal departments and firms.

Texas High Court Invokes the Discovery Rule

News

The Texas Supreme Court has held that the discovery rule delayed the running of the statute of limitations on behalf of the holder of a recorded right of first refusal to purchase mineral interests, reports the Energy & the Law blog of Gray Reed & McGraw.

Solving the Mystery of Contracting By Hyperlink

Insight

Courts are developing an increasingly consistent view of what is required to successfully incorporate contract terms by reference using hyperlinks, according to Troutman Sanders.

Morgan Lewis: Royalty Refresh (Part 1)

Insight

The first in a series of posts on royalty calculation and payment from Morgan, Lewis & Bockius focuses on issues related to defining the relevant scope of royalty calculations in an

agreement.

Guidelines for GDPR Compliance in Third-Party Contracts

Insight

A company an take some steps to fulfill its obligations in contracts with third parties and mitigate risks regarding third parties' data misuse under the GDPR.

When are Unilateral Termination Rights in a Commercial Lease Enforceable?

Insight

When drafting unilateral termination provisions that require minimal conditions to their being triggered, one should be cognizant that some condition or burden must be placed on the terminating party so as not to void the entire agreement.

‘An’ Versus ‘Any’: When One Word Makes a Profound Difference in an Insurance Contract

Insight

The words “the,” “an” and “any” have been assigned significant importance in the case law, and are also at issue in cases examining other liability exclusions, according to Jones, Skelton & Hochuli.

Contract Review Tips for Long-Term Care Facilities

Insight

A long-term care facility can execute contracts with many different vendors including food product and service vendors, laundry and linen providers, IT companies, and others, points out a post from Poyner Spruill.

What You Need to Know About

Contract Management Software and Small Legal Teams

Insight

ContractWorks has published a new guide: Contract Management Software for the Small Legal Team: Why It’s Not Just for the Big Fish Anymore.

Four Decisions Conclude Claims Outside Scope of Arbitration Agreement

Insight

Arbitration Nation discusses four recent decisions in which courts have found the parties’ dispute over the scope of an arbitration clause is not covered by their agreement.

Electronically Signed Email Exchange May Constitute Enforceable Real Estate

Contract

Insight

If you don’t want your emails to be binding contracts, don’t sign them, or better yet, don’t write them in the first place, warns a post in the Ohio Real Estate Law Blog of Kohrman, Jackson & Krantz.

Best Practices in Commercial Real Estate: Commitment Letter

Insight

While a commitment letter in the real estate lending process fleshes out any issues or misunderstandings between the parties prior to the preparation of the ultimate loan documents, it is important to be aware of some potential pitfalls and issues that it can present.

Court Reconsiders and Reverses Earlier Ruling Finding That Contractual

Consent Cannot Be Revoked

News

TCPAland reports on a reversal of fortune: The Northern District of Alabama has officially been reconsidered and reversed itself on a contractual consent decision.

Non-Compete Cautionary Tale

Insight

A recent post on Robinson+Cole's Manufacturing Law Blog discusses a recent court decision that underscores the need for manufacturers to exercise caution when seeking to impose post-employment restrictions on key employees.