Fifth Circuit Allows Non-Signatories to Enforce Arbitration Agreement

News

The Fifth Circuit has affirmed an order compelling arbitration, despite the fact that the parties seeking to compel arbitration were not signatories to the relevant arbitration agreement, according to Carlton Fields.

Sheppard Mullin Conflict Waiver Case Puts Big Fee at Stake

News

The question for this case of first impression is whether a law firm needs to tell a sophisticated client about a specific conflict when it arises, or whether the firm can instead rely a boilerplate advance conflict waiver in the client's engagement agreement, reports Bloomberg Law.

U.S. Intellectual Property

Ownership – Default Laws

Insight

In order for a tech company to determine how to protect its intellectual property, the company should understand how the key intellectual property rights work, according to Morgan Lewis.

Avoid Prejudgment Interest By Expressly Saying So in the Contract

Insight

Striking an interest provision from a draft subcontract wasn't enough to keep a party to the agreement from being required to pay interest, according to a review of a Missouri case by in Pepper Hamilton's Constructlaw blog.

Shhh … Don't Tell Anyone: Tips on NDAs

Insight

When considering entering into a non-disclosure agreement between two commercial entities, the first question to ask is whether it is necessary for either party to be disclosing

confidential information, writes Kathleen Wegrzyn for Foley & Lardner.

Trump Brand Loses Trademark Licensing Dispute – Rules of Contract Law Prevail

Insight

When a dispute involves the Trump brand for residential buildings, the adjudication of rights and obligations under a trademark license agreement can become national news, according to a Dorsey blog post.

Download: Top 6 Legal Risks of Electronic Signatures and E-Transactions

Insight

This paper outlines the top six legal risks to be aware of, and how to prevent fraud, repudiation and increase admissibility and compliance when executing transactions digitally.

NDAworks Introduces Automation of NDAs

News

The company says on its website that NDAWorks helps manage the signing, tracking and storing of a company's NDAs from a central, secure location.

Gauri Prakash-Canjels, Ph.D. Has Joined Litigation Economics

News

Gauri Prakash-Canjels, Ph.D. has joined Litigation Economics, LLC as a principal in its Washington, DC office.

Make Releases Work for You in Government Contracting

Insight

A well-crafted subcontract, a release, and trained employees are proactive measures a contractor can take to mitigate the

risk of subcontractor claims, according to PilieroMazza.

Don’t Risk Having an Equivocal Forum Selection Clause

Insight

The language in a forum selection clause is critical if you want to ensure that potential litigation takes place on your “home court,” writes Shep Davidson in the Burns Levinson In-House Advisor blog.

Why Your Contracts Need a Force Majeure Clause

Insight

Elizabeth A. Whitman of Whitman Legal Solutions, LLC, says that parties should work with their attorneys to determine what types of circumstances should be listed given the nature of the specific contract.

5th Circuit Sets New Test to Determine If Certain Contracts on Navigable Waters Are Maritime

News

The Fifth Circuit departed from the six-factor test used in cases like *Davis & Sons* in favor of a new, stream-lined two-pronged test to determine whether a contract like the one at issue was maritime in nature, according to Duane Morris LLP.

Top AIA A201 Construction Contract Changes: A Handy Cheat-Sheet

Insight

In a post at Construction Law Musings, Melissa Dewey Brumback writes about updates to the American Institute of Architects standard form contract documents.

Provisions for Vendor

Contracts: Subjects to Cover

Insight

Drafting your own checklist and standard provisions that satisfy your company's privacy and security requirements in advance can save time and money in the future, writes Katila Howard for Foster Swift Collins & Smith.

Gig Worker's Hopes of Arguing Case in Court Are Dashed By Arbitration Agreement

Insight

The April 25 decision is a solid win for gig employers and could provide a template for how other similar businesses should structure their own arbitration agreements, according to Fisher & Phillips LLP.

Federal Court Dismisses Non-Compete Claim Based on Facially Overbroad Activity

Restraint

Insight

The covenant restricted the employee from taking any position with another company that engaged in the same business as the employer.

Malpractice Suit Takes Aim At 2 Biglaw Firms

News

Two Biglaw firms are facing a malpractice suit alleging that they failed to properly advise their mutual client in a contract deal.

Is Your Insurance Provision Meeting Its Full Potential?

Insight

Careful review should go into contracts' insurance provisions, as it could have enormous effect on your protection from risk and liability, advises Morgan, Lewis & Bockius LLP.

No-Poach, No-Solicit Provisions of Corporate Agreements Now Face Criminal Prosecution

News

A nearly ubiquitous element of corporate conduct, thought to be legal and competitively harmless, now faces the prospect of criminal prosecution by the U.S. Department. of Justice, according to Locke Lord.