Preventing Limitation of Liability End-Runs

Insight

Owners who are dissatisfied with their contractors' performance increasingly assert fraud-based claims in addition to breach of contract claims because fraud-based claims are not typically barred by contractual waivers and limits of liability, according to a client alert published by Pepper Hamilton.

Tinkering With Ipso Facto Provisions in Financial Contracts Could Send Them Sailing Out of Safe Harbors

Insight

The question in the case described by Maurice Horwitz Weil, Gotshal & Manges was whether an ipso facto provision continues to be safe harbored if enforcement of that provision is conditioned on other factors – in this case, the debtor's failure to perform under the contract.

Employees Bound By Clickthrough Agreements – *ADP v. Lynch*

Insight

A clickthrough agreement provides tangible evidence that employees "got the memo" (even if they chose not to read it), writes Eric Goldman in the Technology & Marketing Law Blog.

No Arbitration For Lawyer Accused of Breaches in Deal With Client

Insight

A California appellate court closely parsed the language in an arbitration clause and reversed an order compelling arbitration of a dispute between a lawyer and his client-turned-business-partner, reports Karen Rubin in Thompson Hine's blog, The Law for Lawyers Today.

Not-So-Clever Contracts

Insight

Smart contracts mean a different order of automation: economic transactions are put on auto-pilot, writes *The Economist*.

Time to Bring Employment Discrimination Suit Cannot Be Reduced By Contract

Insight

An article written by Deborah H. Share for Porzio, Bromberg & Newman’s Employment Law Monthly reports that employers cannot contract with employees to reduce limitations periods for discrimination claims, according to a recent New Jersey Supreme Court decision.

How to Stop Making Costly IT Contract Mistakes

Insight

Poor IT contract management can cost your business time, money and legal fees, writes Sarah K. White for CIO.com.

New Details from Panama

Papers Expose Scope of Secret Oil Deals in Africa

News

“It is imperative that any multinational company operating in Africa immediately check its contracts and payments to determine if it has been doing business with one of the shell companies listed in this most recent report,” says Thomas Fox of Advanced Compliance Solutions.

Lawyer Who Says He Helped Win $52.5 Million Chesapeake Settlement Sues Co-Counsel Over Fees

News

A Fort Worth attorney who helped represent residents of Johnson, Tarrant and Dallas counties in a lawsuit against Chesapeake Energy and Total E&P USA is suing his co-counsel for a third of the legal fees from the nearly $53 million settlement, reports *The Dallas Morning News*.

Can Pokémon Go Land You in Court?

Insight

While Pokémon Go is being credited for encouraging more public conversation and promoting regular physical exercise, Dallas attorney Rogge Dunn says there are many ways that a Pokémon pursuit can land a player at the courthouse or, worse, the jailhouse.

How to Defend Against a Breach of Contract Claim

Insight

One of the most common business disputes involves a breach of contract, where lawsuits are filed because one party believes another party has failed to deliver on the terms of a written – or sometimes oral – contract, writes Romy Jurado in a blog article for Jurado & Farshchian.

Can Non-Compete Agreements Be Classified As Personal

Services Contracts?

Insight

The 8th Circuit Court of Appeals recently addressed an issue that frequently arises in the non-compete context: what happens when a company buys the assets of another and then tries to enforce non-compete agreements? Michael Elkon of Fisher & Phillips discusses the case.

Despite (or Because of) Extensive Negotiations, No Contract and No Promissory Estoppel

Insight

In this case, the fact that there was no integrated agreement did not defeat the plaintiff's breach of contract claim. Rather, the question was whether there was ever an intent to create a contract, writes Stephen M. Proctor of Masuda Funai.

Court Finds That Text Message Can Form Binding Contract

Insight

A Massachusetts court ruled that a string of text messages can

constitute a writing under the Statute of Frauds sufficient to bind the parties to sell certain property, writes Matthew DeVries on Burr & Forman LLP's Best Practices Construction Law.

Breaking Up Is Hard to Do: Tips for Handling Supplier Terminations

Insight

The decision to end a supplier relationship can be a difficult one, often reached only after multiple attempts to fix problems have failed and various alternatives to termination have been fully considered, writes Robert F. Ware of Thompson Hine.

Classic China Scam: Come to China to Sign the Contract

Insight

Once the Westerner gets to China, the local representative profits by splitting inflated costs incurred at hotels and restaurants and from fake notary charges, explains Dan Harris in Harris Moure, LLP's China Law blog.

Subcontractor’s Failure to Strictly Comply With Notice Provision Costs $200,000

Insight

When you are required to strictly comply with a particular provision or legal requirement, then any departure from that requirement (no matter how insubstantial) can void the claim or provide an absolute defense, writes Matthew DeVries of Burr & Forman LLP.

New Federal Trade Secret Statute Requires Important Updates to Contracts

Insight

Employers are required to provide employees with notice that they are entitled to immunity if they disclose a trade secret for the purpose of reporting suspected illegal conduct, according to a report by Fisher & Phillips LLP.

Webinar: New Contract-Tools Microsoft Add-In

News

Paper Software has announced the release of Contract Tools, a powerful new Microsoft Word add-in designed to aid in working with contracts.

Enforceability of Electronic Agreements in Real Estate Transactions

Insight

It is becoming common for more and more transactions to be created, negotiated, finalized and executed electronically, according to an alert from Arnall Golden Gregory LLP. From a real estate perspective, virtually all documents other than those that are being recorded are exchanged electronically.