Arbitration Provisions, Unconscionability, and Employment Contracts

Article

In a recent California contract case, a court found the agreement in question was found to be unconscionable in places, but that didn't doom the arbitration provision contained within it, writes Stacey Lantagne in ContractsProf Blog.

McDonald's Under Fire for Labor Violations in Landmark Joint Employer Case

News

A decision from the NLRB that McDonald's is a joint employer would open the door for a union formed by workers at franchised stores to bring the parent company to the bargaining table and set a precedent for other fast-food franchises.

Lingering in *Lexmark*'s Wake, Uncertainty About Limits of Patent Exhaustion

Article

Although the Federal Circuit's decision purports to maintain the status quo regarding patent exhaustion, *Lexmark* has immediate implications for patentees, licensees, and downstream consumers alike.

Contract Terms Associated with Data Breaches – It's a Balancing Act

Article

Vendors need to be able to be able to provide certain security controls to win business, but they also need to also understand the difference between providing an adequate degree of protection for their customers and an insurance policy.

Read This Before You Sign Any

Contract

Article

A coalition of lawmakers led by Senators Patrick Leahy and Al Franken have introduced legislation to strengthen worker and consumer protections against binding arbitration.

Handbook Contract Disclaimers & Mandatory Arbitration Policies

Article

A New Jersey court recently used the so-called contract "disclaimer" language in an employer's handbook to preclude the employer from enforcing a mandatory arbitration program contained in that same handbook, reports Kevin C. Donovan in a Wilson Elser client alert.

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eSignLive Will Present E-Signature Legal FAQ Webinar

Event, March 29, 2 p.m. EST

eSignLive by Vasco is sponsoring an online presentation offering a unique look at e-signatures and answering the most frequently asked legal questions on the topic.

Some of the Surprising Ways Technology Will Affect Future Negotiations

Article

How will new technology transform future negotiations in situations where companies do not want to move more quickly and for various reasons want to use various different negotiation techniques?

SpringCM Opens Office in San Francisco to Accommodate Customer Growth

News

SpringCM, provider of sales contract management solution for Salesforce customers, has announced opening a new office in San Francisco’s Financial District.

Killer Contract Clauses

Article

Contracts and the law are not about common sense. They're about rules. Know them and win. Ignore them and forget about retiring on time, writes Jack Garson."

Negotiating Software Contracts – Successfully Negotiating a Limitation of Liability

Article

A software provider's liability is usually limited to the amount of fees paid to the vendor or a fraction thereof. The risk in not negotiating these terms is that the licensee is capped at the amount of damages.

Review Of Arbitration Awards: Lessons for the Construction Industry from the Tom Brady

Case

Article

Richard W. Foltz, Jr. and James M. Kwartnik, Jr. of Pepper Hamilton discuss whether members of the construction industry contemplating review of arbitration awards can draw any lessons from the Tom Brady matter.

Smart Contracts May Create Significant Innovative Disruption

Article

Smart contracts today may be similar to e-commerce in the 1990s – poised for widespread adoption and explosive growth even though it may still be a few years off, writes Oliver Herzfeld, chief legal officer of Beanstalk.

American Rule Prevails on Petition to Vacate Arbitration Award

Article

While parties can modify the American Rule in their contracts, they cannot preclude either party from seeking review of an

arbitration award when they have effectively incorporated the FAA into their contracts, reports Squire Patton Boggs.

Under Contract Law, Court Says Retirees Have No Vested Right to Lifetime Benefits

Article

Many companies that have previously deferred the modernization of their legacy benefits obligations may want to reevaluate the applicable agreements, as now may be the right time to press ahead with long-overdue changes.

Fortune 500 Companies Losing Revenue from Inadequate Insight into Contracts

Article

When companies understand exactly where their contracts are and, even more importantly, what is buried within them, they can make more informed decisions, according to an article from Seal Software. But sometimes even Fortune 500 companies have no idea what is lurking in their contracts.

New Federal Bill Seeks to Limit Use of Arbitration Agreements

Article

Employers are advised to follow developments in the legislature and government agencies to curtail the use of arbitration agreements, writes James G. Ryan on the website of Cullen and Dykman LLP.

Clickwrap, Browsewrap and Mixed Media Contracts

Article

Two lawyers describe a case in which a signed contract did not include an arbitration clause, but instead included an Internet link to terms and conditions that included such a clause.

The Standardization of

Contract Language – The Pros and Cons

Article

An article posted on the ContractRoom website discusses the arguments for and against standardizing contractual language, covering such topics as cost, efficiency, lack of variation, legal issues, risk mitigation and productivity.

Patent Exhaustion Can Be Avoided By Lawful Post-Sale Contractual Restrictions

Article

The en banc Federal Circuit held that patent exhaustion can be avoided by otherwise lawful post-sale contractual restrictions and that foreign sales of a patented item are not presumed to exhaust patent owner’s rights in the United States, according to a report posted by Dentons.