Beware Of Being Burned By the China MOU/LOI

Article

Dan Harris writes in the Above the Law blog about how U.S. companies relying on a Letter of Intent (LOI) or a Memorandum of Understanding (MOU) detailing the terms of their proposed China deal may be exposing themselves to substantial liability.

The Wonderful World of Waivers

Article

The article discusses the enforceability of waivers, consideration, applicable risks, representations and warranties, release language, and five pitfalls to avoid when drafting waivers.

Transforming Handbooks into Contracts in *Langenkamp v. Olson*

Article

Injudicious handling of employee handbooks can have the

unhappily transformative effect of converting an employer's guidelines into binding contractual language.

USSC Rejects Refusal to Enforce Arbitration Provision

Article

Arbitration agreements that waive class actions or class arbitration are enforceable. And state-court judges must enforce them.

Can Insurers Sue for 'Reverse Bad Faith'?

Article

The insurance relationship is contractual, but when policyholders claim insurers failed to honor their obligations, they typically invoke the tort of "bad faith."

Two Recent Arbitration Cases

Address Impact of Underlying Contract Provisions

Article

The trends of delegating arbitrability questions to the arbitrator, and precluding parties from contractually modifying appellate rights, are here to stay.

Building a Transformative Contract Management Practice

Article

ContractRoom has published an ebook on building a transformative contract management practice.

An ‘Anti-Reliance’ Contract Clause May Prevent a Fraud Claim

Article

An individual should not slip into a comfortable feeling of having a personal relationship in a commercial transaction.

How to Recruit the Best Contract Managers

Article

In a recent article, ContractRoom examines some of the best practices for determining whether candidates for contract manager possess the necessary qualities to perform the job.

Termination Provisions – Maximizing Flexibility in Contracts

Article

The ability to walk away from negotiations regarding modifications or renewals can be a powerful tool for creating negotiating leverage.

Pre-Dispute Arbitration Clauses: Taking the

Alternative Out of Dispute Resolution

White Paper

Binding individual customers to mandatory arbitration before a dispute arises, rather than encouraging its voluntary use, is harmful to public interest and consumer protection.

Cardoni v. Prosperity Bank: Useful Contracts Law Teaching Case

Article

A Houston attorney discusses a useful teaching case for people drafting merger-and-acquisition agreements, and related employment agreements.

Contract Law, Fiduciary Duties, Good Faith and the Legal Status of LLC Operating

Agreements

Article

Lawyers understand that not all agreements are contracts. A significant amount of energy is spent on this matter in the beginning of the standard contracts course in law school.

CobbleStone Systems Releases MS Word App for Contract Insight Enterprise

NEWS

CobbleStone Systems, a provider of contract lifecycle management software, announced it has launched an enhanced Microsoft Word App for Contract Insight Enterprise Edition.

Why Your NDA Does Not Work For China

White Article

A contract with Chinese companies must make clear that whether the information provided is a secret or not, the Chinese factory agrees not to use the information in competition with you.

How to Execute a Chinese Contract So It Will Work

Article

Chinese courts are hyper-technical when working with written documents, writes Steve Dickinson of Harris Moure in an article published on the China Law Blog.

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7 Things to Look for When Reviewing a Contract

Article

Chris Brown, founder of Kansas City law firm Venture Legal, offers seven quick factors to review in every contract to help you protect your interests.

Insurance Requirements in Commercial Contracts (Part 2)

White Paper

Jonathan Reich of Womble Carlyle Sandridge & Rice LLP discusses the difference between an insurance policy with a deductible compared to one with a self insured retention and

how that impacts business contracts.

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3 Essential Soft Skills for Exceptional Contract Managers

White Paper

ContractRoom considers what character traits and soft skills are most important for contract managers.

Third Circuit Derails ‘Executive Fast Track’ Case

Article

A ruling in a Third U.S. Court of Appeals case, Steudtner v. Duane Reade, Inc., shows that contracts that aren’t in writing can be much harder to enforce, writes Jason M. Knott of Zuckerman Spaeder.