When Pre-Bid Information Turns Out to Be Wrong

White Paper

When conditions are encountered on a construction project that are contrary to the information provided to bidders, the parties' contract should provide a roadmap for how the parties ought to proceed, writes Timothy W. Gordon.

Click it to Stick it: Guide to Creating Binding Online Agreements

White Paper

By following certain guidelines, manufacturers and sellers can improve the likelihood that their online contracts and attempt to inform consumers will be enforced and upheld by the courts.

Extension Of Legal Protections In Employee Contractual Settings

White Paper

The 8th U.S. Circuit Court of Appeals ruling could create an

air of uncertainty for any healthcare business with employment contractual situations.

Trial Teams Win $61M in Two Cases

NEWS

Gruber Hurst Elrod Johansen Hail Shank won a $33 million verdict in a gas transportation contract dispute and a $28 million verdict in a fraud/fiduciary breach claim in the oil patch in recent weeks.

Avoid Getting Locked into an Unfavorable Cloud Contract

White Paper

In the cloud model, buyers do not own the software license. Instead, the software is leased and accessed, while the purchaser owns the data.

Managing Project Risk With Enforceable Indemnity Agreements

White Paper

Because indemnity agreements often are strictly construed against the party seeking indemnification, careful drafting is especially important.

Nine Factors for Measuring Your Contract Managers' Productivity

Article

ContractRoom asks: What factors do you take into account when measuring your contract managers' performance?

Contract Says Terminable on 30 Days' Notice – But Court Says, Not Really

NEWS

The most important lesson is to review carefully the interplay

and relationship of sections in the agreement, even those that seem to have no connection with each other, writes Stephen M. Proctor.

Covenant Not to Challenge in a Patent License Does Not Bar a PTAB Review

Article

There is significant risk of damage to a patent licensor from a post-license IPR challenge, whether or not a "covenant no to challenge" is enforceable.

Benefits of Negotiating a Source Code Escrow Agreement in a Software Vendor Contract

Article

Many companies have software licenses tailored to their needs and are for business operations on a day-to-day basis. But what happens if the software provider goes out of business or discontinues support for the software?

Contract Negotiation: Stopping Redlining in its Tracks

Article

ContractRoom discusses how the new wave of contract management is reducing time spent in negotiations.

Limitations of liability: Waivers of Consequential Damages

Article

No contractor wants to accept the risk that any one breach could lead to the financial ruin of its company.

What Every Tech Company Needs to Know About Assumption of

Its Contracts in Bankruptcy

Article

Far less effort is required to preserve IP rights than what may be involved in a major piece of litigation; but, in almost every case, the company must take timely steps to ensure that its interests are protected.

Open Online Course – Contract Management: Build Relationships in Business

Online Course

The International Association for Contract & Commercial Management will present a free, three-week online course offering ideas and insights into the world of business and trading relationships.

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8 Essential Data Points to Collect from Contract Managers

Article

It is important that a business captures its contract manager’s information so that when an manager leaves the

company, these gems do not exit with them and can be leveraged for future use, reports ContractRoom on its blog.

State Limitations on Arbitration with Class Action Waivers Again Before Supreme Court

NEWS

The latest of a line of recent cases in which the U.S. Supreme Court has weighed the enforceability of class action waivers in arbitration agreements was before the court on Oct. 6.

Oilfield Anti-Indemnity: When Does an Agreement “Pertain” to a “Well”?

White Paper

The interpretation of the Louisiana Oilfield Anti-Indemnity Act will take center stage at the Fifth Circuit and likely be the determinative question.

Antique Insurance Requirements Can Torpedo Your Contract

Article

The tendency to keep once-useful pieces in a contract can result having the equivalent of the human appendix: a piece no longer of any positive use and that harbors the potential for harm.

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11 Things You Can Control in the Contract Management Process

White Paper

Serious consequences typically arise from lack of oversight during the negotiation phase or mismanagement of contract commitments after execution.

CFPB Proposes Banning Some Arbitration Clauses, Resurrecting Consumer Contract Class Actions

NEWS

The announcement follows the CFPB’s publication of a three-year study on arbitration that concluded that consumers generally are better served through litigation.