Real Estate Development and Construction Contracts: What You Need to Know

White Paper

Matthew DeVries of Burr & Forman offers a few items to think about when drafting contracts, relying on a book titled “Courses on Drafting Contracts.”

California Upholds Controversial Arbitration Clause Within Consumer Contract

NEWS

The California Supreme Court ruled recently in a case involving an arbitration clause in a consumer contract that because the buyer could not negotiate the provisions of the sales contract, he had established ‘”ome degree of procedural unconscionability.”

What Contract Risks are Hiding in the Cloud?

On-Demand

As your organization moves forward with contracting, how can you ensure that your applications and data in the cloud are protected?

Contractural Stabilization Clauses: Oil Firms Navigate Price-Related Changes of Law

White Paper

Contractual stabilization clauses could help international oil companies (IOCs) protect their interests should the same occur again, reports Pinsent Masons in its Out-Law.com blog.

Arbitrator Exceeded Authority in Multiple-Party, Multiple-Contract AAA Arbitration

NEWS

The 5th Circuit has found that an arbitrator exceeded his authority in a multiple-party, multiple-contract AAA

arbitration by acting in accordance with one arbitration agreement but contrary to others.

Physician's Guide to Employment Contracts

White Paper

Kane Russell Coleman & Logan has posted an article by Karin Zaner on its blog, The Doctor's Advocate, discussing 10 tips for physician employment contracts.

China Employment Contracts: Keep 'Em Current Or Suffer Big Penalties

White Paper

Any business employing anyone in China without an up-to-date written contract in Chinese is at risk for a substantial penalty.

How to Accept SaaS Transactions

White Paper

In software-as-a-service (SaaS) transactions, SaaS providers often argue that the SaaS is available upon execution of an agreement and software delivery and acceptance is not required.

Effective Negotiation of Health Information Technology (HIT) Contracts

EVENT, August 11, 10 a.m. PDT

A complimentary webinar presented by Davis Wright Tremaine will discuss the negotiation of Health Information Technology contracts, identifying tips and traps based on real world experience with contract successes and failures.

Check Your Technology License: Payments May Be

Unenforceable

White Paper

Technology license contract drafters can still achieve payment deferral and risk allocation without a long-term royalty distribution using creative and strategic provisions.

Suit to Decide Whether Cities Can Consider Race in Awarding Contracts

NEWS

A minority-owned company is suing the city of Dallas in federal court for violating its own policy about awarding points for involving minority-owned businesses, reports *The Dallas Morning News*.

White Paper: Dealing with Contract Disputes

White Paper

Covelli Law Offices gives some advice on dealing with contract disputes, covering potential issues, performance under a contract, and the litigation process.

AAA Revises Construction Industry Arbitration Rules and Mediation Procedures

White Paper

Pillsbury Winthrop Shaw Pittman has posted an article about the American Arbitration Association's revised Construction Industry Arbitration Rules and Mediation Procedures which became effective July 1, 2015.

Closing a Facility? Dig Deep to Avoid Contractual Issues

White Paper

Myriad legal considerations accompany a decision to close a facility, but in many cases, issues can arise from provisions in unseen depths of contracts.

Breaching the Duty to Defend:

Remedy for Recovering Peace of Mind

White Paper

Estoppel, or forfeiture of defenses against coverage, in the end, is the penalty for a wrongful breach of the duty to defend.

“Don’t Mess with Texas” (Choice of Law Provisions)

White Paper

eyfarth Shaw reports on a contract case in which a California court found that an arbitration agreement between Texas-based Neiman Marcus and a California-based employee was unconscionable because the agreement designated Texas law as the law to apply.

5th Circuit Clarifies Service Contract and Insurance Interplay Under Texas Law

NEWS

The 5th U.S. Circuit Court of Appeals has further addressed the area of contract and insurance interplay with its decision

in Ironshore Specialty Insurance Co. v. Aspen Underwriting Ltd. et al., reports Liskow & Lewis.

Oral Warranties: Are They Enforceable?

White Paper

Not all construction contracts are written, and contractors don’t always provide a written policy at the end of a project, writes Austin B. Calhoun of Florida-based Jimerson & Cobb. This raises the question: are oral multi-year warranties enforceable?

Manufacturer’s Corner: Breach of Warranty Claims and CGL Coverage

White Paper

Although a commercial general liability insurance policy typically doesn’t cover breaches of contract, there are exceptions to that rule, and according to one recent decision those exceptions include breach of warranty claims.

Government Contracting Abroad: Beware Compliance Risks

White Paper

For U.S. government contractors, the opportunities to provide services and expertise to foreign governments are lucrative, but there are risks associated with obtaining such contracts.