

Contract Drafting for Dispute Resolution

John M. Newman of the Cecil C. Humphreys School of Law at the University of Memphis has compiled a **guide to drafting for dispute resolution**, covering mandatory-arbitration provisions, class waivers, choice of law, choice of venue, exculpatory and liquidated-damages clauses, fee and cost allocations, and more.

He writes that some defendant-friendly U.S. Supreme Court decisions, critical coverage in the popular press, and efforts by federal agencies to stymie the private sector's increasingly widespread use of contractual dispute-resolution provisions have made the topic particularly timely.

"In light of the growing importance of dispute-resolution provisions, this guide seeks to concisely identify and explore, from a transactional perspective, the relevant questions, considerations, and law relating to these powerful tools," Newman writes. "It also provides illustrative examples of well-drafted provisions, often drawn from real-world legal instruments. The target audience includes practitioners, scholars, businesspersons, and other analysts seeking to learn and apply best practices when planning and drafting for dispute resolution."

Read the article.

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