Model Data Access Agreement to Foster Fintech Growth

Insight

The model agreement is intended to provide a standardized foundation that speeds up data access agreement negotiations.

The Negligent Breach of Contract Problem In Liability Insurance

Insight

Even if an errors and omissions policy contains a breach of contract exclusion, coverage may be available in a breach claim, depending on the circumstances and applicable law, writes Charles P. Edwards for Barnes & Thornburg.

Distribution Damage: 5 Common Distribution Agreement Mistakes

Insight

By having a distribution agreement, businesses save time and money by avoiding misunderstandings that affects the

profitability of each party and preventing future litigation over disputes.

Seven Things General Counsel Should Know About ERP Contracts

Insight

Author Marcus Harris offers a guide to negotiating and drafting contracts for ERP software systems, discussing seven main areas where companies slip up most-frequently.

Defining Transition Workstreams in Outsourcing and Managed Services Contracts

Insight

A post on the Tech & Sourcing blog of Morgan Lewis provides a checklist of common workstreams to consider inn outsourcing and managed services transactions.

Third-Party Contract Due Diligence in Outsourcing Agreements

Insight

The due diligence review of existing third-party contracts is a critical component of any outsourcing deal, according to Morgan Lewis.

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12 Tips for Shippers Negotiating Freight Contracts

Insight

A collaborative contracting process with shared goals and understandings, clear expectations and mutual obligations will reduce a company’s legal risk.

Gunmaker Asks Justices to Rule Against Sandy Hook

Families

News

The company argued that the 2005 federal Protection of Lawful Commerce in Arms Act shields firearm makers from liability when their products are used in acts of violence.

Recent Case Law Focuses on Drafting Considerations in Payments Contracts

News

A court recently ruled that where a contract between a credit card processor and its sale agent had conflicting clauses, the clause should be read in favor of the sales agent.

In Form Contracts, Don’t Silence Consumers with Gag Clauses: FTC’s Consumer Review Fairness Act

Insight

The FTC’s Consumer Review Fairness Act states that such gas clauses are illegal and void in form contracts.

More Idiosyncrasies of the Common Law of Contract You Need to Know

Insight

Simply reading the agreement and concluding that indefinite is the same as forever, or that there is not a built-in implied end date not otherwise stated, is not enoughm warns Glenn D. West of Weil, Gotshal & Manges.

Understanding Contractual Limitations on Liability

Insight

A post on the website of Best Best & Krieger discusses what contractual limitations on liability can mean for a business.

Amazon is (So Far) Winning Its War Against Products

Liability Exposure

News

Reuters reports that a federal appeals court has determined that Amazon is not liable for facilitating the sale of a defective product manufactured by another company.

Don’t Assume What a Court Will Assume About Your Contract

Insight

Eric D. Mulligan of Hudson Cook, LLP writes about a case that illustrates the importance of drafting a contract that will avoid questions of interpretation by making the terms clear and apparent from the face of the text.

Commercial Contracts in the USA

Insight

Greenberg Traurig offers a wide-ranging discussion of commercial contracts in a post on the Lexology website.

U.S. State AGs Looking into Expedia Group, Hotel Practices in Antitrust Probe

News

Court documents name the hotel chains Hyatt, Marriott, Caesars Entertainment Corp and Choice Hotels International Inc.

Boeing Appoints Legal Czar to Oversee Fallout From Fatal 737 MAX Crashes

News

Statements indicate Boeing plans to take an aggressive stance in responding to civil allegations and any potential criminal accusations.

Avoiding Commercial Lease

Disputes – Clearly Reflecting the Intent of the Parties is Key

Insight

Entering into a clearly drafted lease agreement at the outset of the relationship helps to set expectations, which minimizes the possibility of disputes over how the lease should be interpreted, according to Ward and Smith.

Audit Provisions in Services Agreements

Insight

In many cases, the customer is the auditing party and the service provider is the audited party, but there are situations where the roles will be reversed.

Webinar: The Role of Financial Experts in Commercial Litigation

Webinar, March 26, 2019

Expert Webcast will present a complimentary webinar roundtable

titled “The Role of Financial Experts in Commercial Litigation.”