Automatic Renewals of Consumer Contracts: Everything You Ever Wanted to Know But Were Afraid to Ask

Insight

Automatic renewals of consumer contracts should be used with care, particularly in light of recent changes to state automatic renewal laws and increased scrutiny from government officials and class action lawyers, warns a recent post on the website of Drinker Biddle & Reath.

Negotiating Commercial Contracts – Insurance Words of Wisdom

Insight

Many commercial contracts contain risk-transfer provisions, including indemnification and insurance requirements, according to SandRun Risk.

Contracts: Are You Accepting an Offer or Not?

News

A lack of precision in responding to an offer can lead to confusion as to whether or not a contract has been formed, warns an article published by Burns & Levinson.

Eliminating the Surprise Factor from Construction Contracts: Tips for Owners and Developers

Insight

On construction projects, owners and developers often are familiar with standard contract language and provisions, but the industry is continually evolving, according to a paper published by Zetlin & De Chiara LLP.

Progress Payments: What to Do When the Money Stops

Trickling In

Insight

Faegre Baker Daniels says the contractor should look to its contract with the owner to find answers to two questions: Does the contract require the contractor to take a certain action? And, is payment”clearly due and owning?”

‘Gross Up’ Provisions in Office Leases

Insight

Contrary to a tenant’s natural reaction, the “gross up” of operating expenses in a multi-tenant office building is neither nefarious nor inappropriate, according to William Hof of Husch Blackwell.

An Arbitrator’s Power May Be Greater Than That of a Judge

Insight

Although an arbitration agreement can be written (double-spaced) on one side of a cocktail napkin, in some cases it may grant greater authority to an arbitrator than a judge has, writes Narges Kakalia of Mintz Levin.

Supreme Court Closes Sales Tax Loophole in E-Commerce

News

The decision was a victory for brick-and-mortar businesses that have long complained they are put at a disadvantage by having to charge sales taxes while many online competitors do not, according to *The New York Times*.

Seventh Circuit Hands Win to Merchants in Data Breach Case

Insight

Data breaches inflict additional costs on financial institutions, leading those institutions to turn to litigation to recoup their losses from merchants, writes Ehren M. Fournier in a post on the website of Schoenberg Finkel Newman & Rosenberg LLC.

Walmart Sues Its Former Head

of Tax for Jumping to Amazon

News

Walmart is trying to block Lisa Wadlin, Walmart's senior VP and top tax executive, from taking the Amazon position until May 2020 and bar her from handing over "sensitive business information obtained at Walmart," reports Bloomberg.

Trump Brand Loses Trademark Licensing Dispute – Rules of Contract Law Prevail

Insight

When a dispute involves the Trump brand for residential buildings, the adjudication of rights and obligations under a trademark license agreement can become national news, according to a Dorsey blog post.

Perkins Coie Announces Consumer Protection Review Blog

News

Perkins Coie has launched Consumer Protection Review, a blog designed to help businesses that market and sell to consumers

navigate federal and state legal issues.

Federal Judge Scolds Slow-Moving BigLaw Lawyers

News

A federal judge in New Jersey has criticized Samsung Electronics America and its lawyers at Squire Patton Boggs for alleged “poor judgment and a misunderstanding” of their obligations in litigation involving two would-be class actions, reports the *ABA Journal*.

Provisions for Vendor Contracts: Subjects to Cover

Insight

Drafting your own checklist and standard provisions that satisfy your company’s privacy and security requirements in advance can save time and money in the future, writes Katila Howard for Foster Swift Collins & Smith.

Pay IF Paid: It Means What it Says

Insight

If you are a subcontractor, lookout for language establishing payment from the owner as a condition precedent for payment, warns Bradley Arant Boult Cummings.

With Its 2018 Tax Cut, Wells Fargo Could Pay Its $1 Billion Fine 3 Times and Still Have Cash to Spare

News

The Washington Post reports that the tax cut is expected to boost Wells Fargo's profits by $3.7 billion, according to a Goldman Sachs report.

Is Your Agreement Non-Exclusive in Name Only?

Insight

The facts of an exclusive arrangement are generally analyzed under the rule of reason, entailing a comparative analysis of

the arrangement’s benefits and its possible competitive affects, according to Epstein Becker & Green.

The Buy American Act and Trade Agreements Act: Understanding Federal Domestic Preference Requirements

On-Demand

PilieroMazza has posted an on-demand webinar discussing compliance with new laws requiring or providing a preference for the purchase of goods, products, or materials produced in the United States.

Insiders Think That Facebook Will Never Be the Same After the Cambridge Analytica Scandal

News

Just a couple of days into the Cambridge crisis, Facebook’s

stock has dropped by more than 20 points, which has led its market capitalization to fall by tens of billions of dollars, reports *Vanity Fair*.

A Primer on Deal Structure and Its Implications on the Sale of a Business

Insight

Jeremy S. Piccini discusses a few examples of the ideal target purchasers for a sale, including strategic competitors, private equity buyers, and employee stock ownership plans.