Legal Considerations for Supply Chain Disruptions

InsightsThe COVID-19 pandemic has disrupted supply chains around the world requiring many companies to adjust operations and their business.

Compliance with Laws Representations

InsightsIn M&A transactions, the definitive purchase agreement (whether asset purchase agreement, stock purchase agreement, or merger agreement) typically contains representations, warranties, and covenants, along with related indemnification obligations.

Limited Liability Companies – Freedom of Contract

InsightsOne of the most important characteristics of LLCs under most or all jurisdiction’s LLC acts is the freedom of contract.

Court Clarifies Factors to Consider for Fraud Allegation Related to Attorney-Client Fee Agreement

InsightsWhere plaintiff alleged that defendant attorney fraudulently charged a higher hourly rate than what was agreed upon, the trial court should have engaged in a three-factor analysis to determine whether the written fee agreement could be used to defeat the fraud claim.

New Internet of Things (IoT) Cybersecurity Law’s Far Reaching Impacts

InsightsWith IoT devices on track to exceed 21.5 billion by 2025, the IoT Act mandates cybersecurity standards and guidelines for the acquisition and use by the federal government of IoT devices capable of connecting to the Internet.

Arbitration Agreement – Everything you Need to Know

InsightsThe most common place that people may see an arbitration agreement that gives them pause is in an employment agreement.

The False Claims Act: It Benefits More than Just the Government

InsightsThe False Claims Act, a Civil War-era law, encourages private individuals, such as whistleblowers, to come forward and file suit against unscrupulous government contractors, and share in the government’s recovery.

Arguing Cardinal Change is Different than Proving Cardinal Change

InsightsThe cardinal change doctrine has become a popular doctrine for a contractor to argue under but remains an extremely difficult doctrine to support and prove.

You Are Only as Good as Your Weakest Service Provider

InsightsA recent enforcement action from the Federal Trade Commission (FTC) drives home the importance of being proactive about vendors and data security.

Earn-Outs and Reverse Earn-Outs

InsightsDuring the pandemic there was an increased focus on earn-out provisions as a method to mitigate the risk of a target’s post-closing under-performance and to bridge any valuation gap between the purchaser and seller.

What Types of Lawsuits Might Come From COVID-19 Exposure?

InsightsPersonal injury-related COVID-19 cases are on the upswing around the world, and there are other lawsuits centering on entertainment and travel refunds, employment issues, failed business contracts, medical negligence, business interruptions, pandemic avoidance, and much more.

Key Considerations for Noncompete Agreements

InsightsCcompanies grow by investing time and money in various resources, including their employees.

The Decline of Legality in Consumer Contract Law

Insights“Through the aggregation of many court opinions, and through learning from variant approaches in different states’ jurisdictions, a process of reflective equilibrium finds legal rules that make sense as applied to diverse fact patterns and that reflect ongoing changes in technology and social mores.

Expert Determination Clauses: A Tailored Alternative for Construction Projects?

InsightsConstruction disputes face additional challenges compared to other commercial disputes for various reasons.

Privacy Legislation and Contractual Authority

InsightsContracts and data governance go hand-in-hand. In the absence of regulation, parties engage in private ordering – at least in theory. But even when there is regulation, contracts often play a pivotal role.

Important Changes to the Buy American Act – Key Updates for Contractors

InsightsThe Buy American Act includes a preference for ‘domestic end products’ and ‘domestic construction materials’ on federal projects absent a waiver.

If You Seek to Limit the Authority of Your

Arbitrators, Your Arbitration Clause Must Be Clear

InsightsIn 2020, the Fifth Circuit Court of Appeals issued its decision in Soaring Wind Energy LLC (SWE) v. CATIS USA Inc., et al. In that case, the various members of a limited liability company (LLC) entered into an agreement to provide worldwide marketing of wind energy equipment and services.

COVID-19: Natural Disaster or Contractual Quandary?

NewsAs the ever-evolving COVID-19 pandemic is no longer considered ‘unprecedented’ and the restrictions associated with the pandemic have become a part of ‘the new abnormal.’

The Implications of COVID-19 on Contract Law

InsightsThe COVID-19 pandemic also has had a significant effect on the U.S. legal system.

January 2021 Independent Contractor Law Update

InsightsJanuary 2021 may well be remembered in the independent contractor area of law as the ‘not so fast’ month. The Fifth Circuit Court of Appeals told lower courts ‘not so fast’ when it comes to certifying collective actions.