Information on Covid-19 and Insurance Claims

Insights

“For the past three months there has been a lot of information about Covid-19. What is not clear is how insurance policies, in particular, commercial insurance policies do or do not provide coverage for losses experienced because of Covid-19 or government reaction to Covid-19.

Source-of-Duty Rule May Apply to Bar Fraud Claim Inextricably Entwined with Contractual Duties

Insights

If you sue someone for fraud, you can win punitive damages in addition to regular compensatory damages.

What Is a Juridical Entity?

Insights

While ‘juridical’ simply means ‘legal’, knowing the characteristics of a juridical entity is helpful to know.

10 Best Practices for Digital Contract Transformation

Insights

With the vast majority of CEOs expecting their business models to change over the next three years, it’s no surprise that digital transformation (DX) continues to be a strategic priority for organizations of all industries and sizes.

Exculpatory Agreements: Mitigating COVID-19 Related Risks as the Economy Reopens

Insights

Stores, restaurants, bars, and other customer-facing business owners are in various stages of reopening around the country and facing a patchwork of regulations and recommendations for dealing with the ongoing pandemic.

COVID-19: Due Diligence

Considerations for M&A Transactions

Insights

Buyers in M&A transactions should consider a number of due diligence items in response to COVID-19 and the governmental response thereto.

Your Purchase Client Has Been "Cleared to Close" By Their Lender. Not So Fast.

Insights

The seminal moment in any real estate transaction is when the purchaser has been cleared to close by their lender, thereby removing, in most transactions, the last bar on the way to a successful closing.

Arbitrating in the Age of Zoom

Insights

The new norm of social distancing, and a recent decision out of the Eleventh Circuit Court of Appeals, are changing the way arbitrations are conducted. Now is the time to update the

arbitration provisions in your contracts to take advantage of these changes the next time you have to arbitrate a dispute.

Ten Due Diligence Keys to Unlock Value from Your Software-As-A-Service Contract

Insights

The increased reliance on cloud-based technology in today's remote world makes it critically important for a SaaS customer to be able to quickly identify the important contract provisions that will lead to receiving value from the customer's technology spend.

Advance Directives are More Important than Ever

Insights

Why have advance directives and access to them become more crucial during Covid-19?

If it’s a Trade Secret, Define “Reasonable Effort”

Insights

How can innovators and developers protect their intellectual property in the form of trade secrets? How a date- and time-stamped audit trail of their IP development can be protected by a trusted third-party.

As COVID-19 Surges, So Too Should the Use of Well-Crafted Contractual Arbitration Clauses

Insights

Virtually every aspect of our lives has been disrupted in one way or another as a result of the COVID-19 pandemic and the ensuing economic collapse.

How to Avoid Breach of Contract: ABA Business Law

Section Releases Standstill/Tolling Agreement

Insights

For many businesses, a nationwide lockdown has caused them to revisit all of their contracts to determine how the pandemic will impact their business agreements, and what happens if they aren't able to perform as agree.

Clear Contract Language Regarding Payment is Important

Insights

Clear contract language is important. While clear contract language is important in all cases, it is especially important when it comes to determining how you are to get PAID for your work.

Is the Takings Clause a "Self-Executing" Waiver of

Sovereign Immunity?

Insights

As a general matter, the federal government cannot be sued for damages without its consent. Congress has waived its immunity through several statutes.

Mission Impossible: Covid-19 and Frustration of Contract

Insights

Many employers are trying to figure out how to cut costs and keep their businesses afloat during the on-going Covid-19 crisis.

The Impact of COVID-19 on Financial Contracts

Insights

“The current market volatility arising from the restrictions imposed to reduce the risk of spread of COVID-19 has led many market participants to consider their position under existing contractual relationships, including, assessing their own obligations and whether any potential or actual event of default has occurred in respect of their counterparty.

Contract Corner: An Overview of Benchmarking for Customers and Suppliers

Insights

Often included in long-term outsourcing/managed services agreements but sometimes overlooked as a contractual right, in this post we look at benchmarking provisions, including what benchmarking is, common rights and restrictions, and other considerations for customers and suppliers.

Force Majeure and Frustration in English Law M&A Agreements in the Context of COVID-19

Insights

The current outbreak of COVID-19 has already had a significant effect on certain businesses and appears likely to have an even greater impact, raising concerns about parties' ability to meet contractual obligations and parties' willingness to perform obligations where it is no-longer commercially beneficial to do so.

Five (5) Reasons to Stop Writing Numbers Like This

Insights

With precedent being the bedrock of the legal industry, lawyers sometimes fall into the trap of mirroring conventions that they have observed other lawyers follow.