Fake Mineral Leases Thwarted by the Texas Legislature

Insight

The 2019 Texas legislature enacted a new Property Code Section 5.152 to protect mineral and royalty owners from a certain species of fraudulent transactions.

Breach of Contract Claim Does Not Arise Under Patent Law

News

The U.S. Court of Appeals for the Federal Circuit reversed a district court decision that retained jurisdiction over a breach of contract action.

Drafting Representations and Warranties in a Contract

Insight

D.C. Toedt III, writing in the On Contracts blog, offers some lessons for drafting representations and warranties in contracts.

Noncompete Agreements Aren't Enforceable, Are They?

Insight

While courts frequently comment that restrictive covenants are "disfavored in the law," they can be enforced if they meet certain standards.

Louisiana Operator's Bad Faith Does Not Preclude Recovery

News

Charles Sartain summarizes the background of *Apache Deepwater, LLC v. W&T Offshore, Inc.*, a conflict between parties to a joint operating agreement for operations on offshore deepwater wells.

Signature Page Mixing-and-

Matching Leads to Trouble in Delaware Case

Insight

D.C. Toedt III, writing in the On Contracts blog, describes how parties to a contract often circulate just signature pages to be signed, and the problems that can arise with that practice.

NDAs Do NOT Work for China But NNN Agreements Do

Insight

The China Law Blog has published part one of an expected series of posts setting out exactly what foreign companies should do (and not do) to protect their intellectual property in China.

Court Enforces Arbitration Clause in Clickwrap Agreement

News

The defendant’s terms of service, which were hyperlinked in the sign-up box, contained a clause providing for arbitration of disputes with a class-action waiver.

Special Order Your Forum Selection Clause

News

Author Glenn D. West takes a look at a recent Delaware ruling on an anti-suit injunction attempting to prevent a suit being prosecuted in Texas.

Is It Time to Reconsider Your Non-Compete Policy? It Might Be If You Employ Low-Wage Workers

Insight

Businesses should evaluate their current restrictive covenant programs to ensure that they comply with newly enacted statutes, advises Seyfarth Shaw.

Federal Government Contract

Modifications: Pay Attention

Insight

Any release document (including releases with parties other than the government) should be narrowly drawn and clearly articulate those claims that are being released.

SCOTUS Clarifies Vague Arbitration Clauses Affecting Class Disputes for Growing Businesses

Insight

If class arbitration is not explicitly addressed in an arbitration agreement, it cannot be compelled, writes Patrick K. Burns in a blog post for PilieroMazza.

When is a Contract Provision a Liquidated Damages Clause?

News

A liquidated damages clause is a provision in a contract specifying a dollar amount to be paid by a party if the party breaches the contract.

Want to Protect Your Trade Secrets? Update Your Employment Agreements

Insight

Notice of the whistle-blower protection provisions must be included in any contract or agreement with an employee that governs the use of a trade secret.

Don’t Get Caught Overlooking Boilerplate Clauses in Commercial Contracts

Insight

Neglecting those contract boilerplate provisions can lead to unintended legal consequences, warns Thompson Coburn LLP.

Court Compels Arbitration

Based on Clause Incorporated Into Guaranty Agreement

News

The case involved a leasing agreement that contained an arbitration provision, but the personal guaranty did not.

Important Changes Coming to Nondisclosure Agreements in New York

Insight

The prohibition in New York state on requiring nondisclosure sexual harassment claims in nondisclosure agreements has been strengthened, reports Hogan Lovells.

Five Suggestions for Drafting (and Defending) Pre-Dispute Contractual Jury Waivers

Insight

Jury waivers memorialize an agreement between contracting parties that fact-finding in disputes arising between them will be decided by judges.

Top Five Construction Contract Modifications to Comply with Texas Law

Insight

To avoid unanticipated liability on construction projects, the parties should modify contracts consistent with Texas law—or at least be aware of the limitations that are in place due to certain Texas statutes.

Biglaw Firm Hit by Law Student Protests Over Arbitration

News

DLA Piper partner Vanina Guerrero, who claims she was sexually assaulted and retaliated against by a fellow partner, said she is unable to bring those claims in court because of a mandatory arbitration agreement.