

# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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**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.

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# NDA's 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.

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# 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.