Lessons in Drafting and Implementing an Enforceable Mandatory Arbitration Agreement

News

The Court found that the arbitration agreement's execution involved a high degree of procedural unconscionability.

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3 Types of Contracts and Agreements Your Company Should Be Using

Insight

Regina Campbell offers an overview of the three types of contracts and agreements that companies should consider using.

The Negligent Breach of Contract Problem In Liability

Insurance

Insight

Even if an errors and omissions policy contains a breach of contract exclusion, coverage may be available in a breach claim, depending on the circumstances and applicable law, writes Charles P. Edwards for Barnes & Thornburg.

Distribution Damage: 5 Common Distribution Agreement Mistakes

Insight

By having a distribution agreement, businesses save time and money by avoiding misunderstandings that affects the profitability of each party and preventing future litigation over disputes.

Tracking Obligations in Supply Chain Contracts

Insight

A post on the website of Bryan Cave Leighton Paisner discusses a key component of obligation management – increasing obligation tracking and traceability.

Never Too Late to Arbitrate? Tips on Getting Your Agreement On

Insight

Three recent court decisions raise a few issues to keep in mind for employers to keep in mind when drafting arbitration agreements for employees.

Merger Non-Compete Clauses – Be Lawful or Be Gone

Insight

A recent FTC enforcement action clarifies the requirements for non-compete clauses in M&A agreements.

Association Construction Contracts – What are Risks of

That Waiver of Subrogation Term?

Insight

The 4th Circuit held that a subrogation waiver provision in a construction contract barred an association's insurance company from seeking to recover from an allegedly negligent contractor.

Rx Savings Solutions Selects Contract Logix for Contract Lifecycle Management

News

A platform developed by Contract Logix has been selected by Rx Savings Solutions to streamline functions.

Choice of Law and Covenants Not to Compete

Insight

Drinker Biddle & Reath takes a look at two states' competing views on the enforceability of restrictive covenants and the critical importance of conducting a "choice of law" analysis.

Contractually Mandated Pre-Litigation Dispute Resolution Mechanisms Are Fraught With Peril

Insight

Forcing parties to engage in a process that only can work if all of them want to participate seems unlikely to result in anything other than delay and added expense, writes Shepard Davidson.

The Inherent Failures of Long-Term Contracts — and How to Fix Them

Insight

Many business contracts are imperfect, no matter how bulletproof you try to make them, according to a discussion on *Harvard Business Review*.

‘Click to Accept’ Arbitration: A Cautionary Tale

Insight

An employee’s electronic acceptance of an arbitration agreement may not, by itself, be enough to prove that the employee has agreed to arbitrate.

Seven Things General Counsel Should Know About ERP Contracts

Insight

Author Marcus Harris offers a guide to negotiating and drafting contracts for ERP software systems, discussing seven main areas where companies slip up most-frequently.

Defining Transition Workstreams in Outsourcing

and Managed Services Contracts

Insight

A post on the Tech & Sourcing blog of Morgan Lewis provides a checklist of common workstreams to consider inn outsourcing and managed services transactions.

How a Lapse in Record Keeping Can Lead to Non-Binding Contracts

News

A murky path to a signed agreement and lack of good record-keeping can lead to a finding of non-enforceable contracts.

Enforcement of Non-Competes: Increasing Difficulty Depending on State

Insight

A recent webinar discusses the enforcement of non-competes and how the difficulty of enforcement of these restrictive covenants vary by state.

China Contract Damages Done Right

Insight

The term “contract damages” refers to a contract provision setting out the damages for breach.

Do We Have A Contract? What Delta’s Win Tells Us About Privacy Policies

Insight

The case involved a breach of contract claim over the data breach suffered by the airline in 2017.

In Collective Bargaining Agreement, Longevity Pay Increase Clause Can Outlive

Contract

Insight

The contract included a clause setting “longevity pay increases” for workers who reached certain tenure milestones with the company.