Should Your Family-Owned Business Include a Forum Selection Clause in its Agreements?

Insight

A forum selection clause may provide a measure of certainty from the outset as to the location of any future legal action.

Dowload: The Contracts Checklist for M&A Due Diligence

Insight

The guide serves as a non-exhaustive checklist of important contract types to consider during the M&A due diligence process.

Understanding Where And When a Pre-Printed Form is

Appropriate

Insight

Business owners often fail to carefully review the pre-printed sections of contracts to know what the contract actually says.

Disposition of Legacy Third-Party Contracts in Outsourcing Deals

Insight

A well-organized collection and review process is key to the efficient disposition of third-party contracts.

The Devil is in the Details (or Lack Thereof): A Costly Lesson in Allocating Environmental Responsibility in Contracts

Insight

The seller could have more carefully crafted the language of the rider to limit its remediation obligations.

How Companies Address #MeToo Claims in Executive Employment Agreements Matter

News

Your company can potentially avoid the public perception that the departing executive was somehow rewarded for bad behavior, writes Ashley K. Pittman of Hutchison PLLC.

Business Lobby Prods 9th Circuit to Revisit Decision Curbing Consumer Arbitration

News

The briefs come in the wake of the 9th Circuit's June 28 rulings in which plaintiffs claimed they couldn't be forced into arbitration because they sought injunctions against corporate defendants.

Third-Party Contract Due Diligence in Outsourcing Agreements

Insight

The due diligence review of existing third-party contracts is a critical component of any outsourcing deal, according to Morgan Lewis.

Private Equity: The Little-Regarded Confidentiality Agreement

Insight

Global Private Equity Watch discusses a case that distinguishes between affiliates entitled by the non-disclosure agreement that are entitled to receive confidential information and affiliates actually bound by the agreement.

Ambiguous Limitation-of-Liability Clause Did Not

Clearly Restrict Owner's Claims

Insight

A Mississippi federal court denied a defendant's motion for partial summary judgment in connection with a limitation-of-liability clause, according to a Pepepr Hamilton post .

The Arbitration Section in Your Employee Handbook Is Not an Agreement to Arbitrate

Insight

An employer needs to be able to prove acceptance by each employee of an "offer" of arbitration, points out Mintz, Levin.

International Manufacturing Contracts: Why Templates Are a No-Go

Insight

Dan Harris of Harris Bricken discusses why he sometimes has to explain to companies why he never does "template"

manufacturing agreements.

Typical 1031 Exchange Agreements

Insight

A post on the website of Mackay, Caswell & Callahan discusses the basics of drafting contracts associated with Section 1031 exchanges.

Don’t Let ERP Contracts Fool You Twice

Insight

Never sign the vendor’s or integrator’s template contract without negotiating and redrafting key provisions – even the boilerplate ones, Taft’s Marcus Harris advises.

Eighth Circuit Issues a

Reminder: Arbitration Agreements Must be Contracts

Insight

If the arbitration agreement is entirely separate from the handbook, any disclaimers contained in the handbook are less likely to impact enforcement of that agreement, according to Littler Mendelson.

Don’t Overreach by Retaining the Unilateral Right to Modify An Arbitration Agreement

Insight

If a contract is too one-sided, it can be ruled illusory and unenforceable, warns Shepard Davidson in the Burns Levinson In-House Advisor blog.

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12 Tips for Shippers Negotiating Freight Contracts

Insight

A collaborative contracting process with shared goals and

understandings, clear expectations and mutual obligations will reduce a company’s legal risk.

U.S. Supreme Court to Rule on Important International Arbitration Issue

Insight

The answer to the question depends on where in the United States the dispute is being litigated, according to China Law Blog.

Multistate Non-Solicitation Agreements: Does One Size Fit All?

Insight

Recent cases have held that an agreement between an employer and employee prohibiting the solicitation of customers is not enforceable unless tied to the employee’s use of trade secrets, explains Dorsey & Whitney.

Recent Case Law Focuses on Drafting Considerations in Payments Contracts

News

A court recently ruled that where a contract between a credit card processor and its sale agent had conflicting clauses, the clause should be read in favor of the sales agent.