How to Draft a Contract with Severability in Mind

Insight

Whether a contract is severable or entire depends on the parties' intention, as revealed in the language of the contract itself and the surrounding circumstances.

Double Trouble: The Executory Effect of a Clerical Error

Insight

The case serves as a cautionary tale that even a simple clerical error may have unintended and prolonged consequences, warns David Li of Weil, Gotshal & Manges.

Waiving Class-Wide Arbitrations in Contracts

Insight

It is clear from recent Supreme Court decisions that class action arbitration waivers do not violate the law, according to a Faegre Baker Daniels website post.

Key Considerations When Contracting Cloud

Insight

It makes sense to check whether the key features are (or can be) described in a document and to refer to that description in the agreement, according to Baker McKenzie.

Why Do I Want/Need a Waiver of Subrogation?

Insight

Ira Meislik of Meislik & Meislik, writing in the firm’s Ruminations real estate law blog, examines the use of subrogation clauses in real estate leases in relation to insurance policies.

What Should be in Every Construction Agreement

Insight

Parties to a construction project can have a better agreement by addressing six topics described in a post in The Lien Zone

blog.

Audit Provisions in Services Agreements

Insight

In many cases, the customer is the auditing party and the service provider is the audited party, but there are situations where the roles will be reversed.

What Did I Agree To? Importance of Reviewing Arbitration Provisions

Insight

The case presented a conflict between the parties' contractually-adopted arbitration rules and an individual party's statutory rights under the FAA.

Invalidating a Non-Compete Agreement

Insight

There are circumstances that allow a departing employee to challenge the legitimacy of a non-compete agreement, even if this type of contract meets all the legal requirements, writes Romy Jurado of Jurado & Farshchian.

Key Terms for Provider Contracts

Insight

A good contract with an employed or contracted physician or other practitioner may help you avoid regulatory violations and future disputes, advises Kim Stanger of Holland & Hart.

An Anti-Reliance Clause Should Actually Disclaim Reliance on Extra-Contractual Representations

Insight

Nothing is more fundamental to private equity deal practice

than limiting the exposure of private equity sellers for post-closing claims, writes Glenn D. West for Weil, Gotshal & Manges LLP's Global Private Equity Watch.

Keeping Boilerplate Coupled to the Transaction: The Ongoing Struggles with 'Wrap' Arbitration Provisions

Insight

The relevant hyperlink concerning arbitration was "neither spatially nor temporally coupled with the transaction," the court found.

Unambiguous Terms of Written Contract Trump Claims of Fraudulent Inducement

Insight

A recent Texas Supreme Court opinion provided a definitive answer to the question of whether a party can ignore the written words of a contract that directly contradict what you are being told by your counterparty is the real deal.

The Top Five Ways to Ruin Your Contracts

Insight

Forbes contributor Jack Garson says a company's contracts can be remendous assets that lock down rights to money, goods and services. But common mistakes can ruin all of that.

CobbleStone Software Releases Contract Management Mastery Blog Series

Insight

CobbleStone Softare, developer of contract management software, announced the "Mastering Contract Management Blog Series."

Arbitration Award 'Irrational' Because It

Disregards Contract’s Plain-Text to Reach a Just Result

Insight

The Ninth Circuit has ruled in a contract arbitration case that incorporated multiple Federal Acquisition Regulation clauses that govern the recovery of expenses in the event a contractor is terminated for convenience.

Service Contract Sold Separately (Batteries Not Included)

Insight

Companies should use a conservative approach when offering protection plans for products, advises Weil, Gotshal & Manges LLP in its Product Liability Monitor.

Data Privacy and Security Contractual Provisions

Insight

Business relationships often do not have contractual language applicable to data privacy and security, writes Linn Foster Freedman for Robinson+Cole LLP.

Employers Face Hurdles in Enforcing Non-Competes Against Lower-Wage Workers

Insight

Courts across the country are refusing to enforce non-competes against lower-wage employees and now states are taking action to preclude these agreements, Foley & Lardner reports.

CobbleStone Software Presents: 2019 Contract Management Seminar Series

Event

CobbleStone's 2019 event series, The Road to Contract Management & Procurement Success, is designed to help attendees discover new technological advances for contract management and procurement processes while developing a plan built for success.