Outsourcing Contracts in the USA

Insight

Kilpatrick Townsend & Stockton has compiled a structured guide to outsourcing contracts in the United States.

Overbroad Geographic Restriction Dooms Covenant Not to Compete

Insight

The reach of the geographic restriction in the convenant should extend only as far as the employee’s geographic activities extend.

Notice of Terms via Buried Link within a Post-Sale Email Unenforceable

Insight

The Second Circuit affirmed a ruling that denied a web service’s motion to compel arbitration, finding that the user did not have reasonable notice of the arbitration provision

contained in the terms and conditions that were communicated via a hyperlink in a post-sale email.

Texas Court Addresses Bad Acts in an Oil-Patch Lease Play

Insight

Was a partnership formed by a letter agreement, a participation agreement and the actions of the parties?

Trade Secrets Take Center Stage, and Contracts Play a Lead Role

Insight

Breach-of-contract claims frequently have appeared alongside trade secret claims in lawsuits over the years and often materially impacted the results, according to Skadden Arps.

Knowledge Qualifiers in IP Representations and Warranties

Insight

Counsel must carefully craft the definition of knowledge and decide which types of intellectual property such knowledge qualifier should apply, advises Morgan, Lewis & Bockius.

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5 Security Best Practices for Contract Management

News

Imagine if a disgruntled employee accessed your contracts and did something malicious with the information. Just think about the potential legal and financial liability. Here are 5 best practices to better protect your contracts.

Seventh Circuit: Class Arbitration is for Courts to Decide, Not Arbitrators

Insight

A post on the Carlton Fields website updates the latest ruling

in a class action alleging violation of the Fair Labor Standards Act and breach of contract.

Evaluating Current Contracts for Use In the New Year

Insight

Snell & Wilmer offers some advice for businesses that may need to take a look at their existing contract templates to evaluate a refresh or, in certain circumstances, a major overhaul.

Three Recent Cases Consider the Interpretation and Enforceability of Arbitration Agreements

Insight

A post on the website of McGuireWoods LLP discusses three recent cases before the Supreme Court and the Third Circuit relating to the interpretation and enforceability of arbitration agreements.

Should Contractually-Provided Severance Pay Decrease as Wealth Accumulation Increases?

Insight

Employment agreements between publicly-traded issuers and their executive officers often contain severance pay provisions that are heavily negotiated at the time of entering into the agreements, explains a post on the website of Hunton Andrews Kurth.

Have You Really Agreed to Arbitrate?

Insight

An appellate court found that the arbitration clause in the contract did not specify what forum would substitute in place of the jury trial.

Another Reason Not to Use Fixed Price Buy-Sell Agreements

Insight

Fixed price buy-sell agreements in theory offer two main advantages over pricing mechanisms that utilize formulas or appraisals at the time of the trigger event.

Negotiating a Labor Contract: Finding the Style that Suits You

Insight

In labor contract negotiations, should you be low key? Should you yell and pound the table?

Webinar: Focusing on the Business Processes of Contract Management

Webinar, Jan. 31, 2019, 1 p.m. ET

Above the Law and Concord will present a complimentary webinar

titled “The Process of Negotiating: Focusing on the Business Processes of Contract Management for Successful Negotiation.”

Arbitration Agreements: Tips for Enforceability

Insight

Steven P. Gallagher of Akerman LLP offers some tips on what to do – and not do – when arbitration agreements for new hires.

A Quick ‘Yes’ Can Create a Binding Contract, Even If There Has Not Been Agreement on All Terms

Insight

An exchange of emails can form a binding settlement agreement, even if the parties have not agreed to all of the terms of that settlement.

Texas Case Offers Three Lessons for Contract Drafters

Insight

The Texas Supreme Court recently heard oral argument on the interpretation of a farmout agreement providing that an assignment could not be made “without the express written consent,” according to a post on the website of Porter Hedges.

Kavanaugh’s First Opinion Rejects Vague Exception Limiting Enforcement of Arbitration Agreements

Insight

The latest U.S. Supreme Court ruling on arbitration agreements will shed no light on the broader question of whether an arbitration agreement governs a particular dispute.

Can You Be Forced to Sign This Contract Modification?

Insight

If the contractor did not sign off on the required contract

modifications, the Postal Service’s email threatened contract termination.