Four Decisions Conclude Claims Outside Scope of Arbitration Agreement

Insight

Arbitration Nation discusses four recent decisions in which courts have found the parties' dispute over the scope of an arbitration clause is not covered by their agreement.

Electronically Signed Email Exchange May Constitute Enforceable Real Estate Contract

Insight

If you don't want your emails to be binding contracts, don't sign them, or better yet, don't write them in the first place, warns a post in the Ohio Real Estate Law Blog of Kohrman, Jackson & Krantz.

Best Practices in Commercial

Real Estate: Commitment Letter

Insight

While a commitment letter in the real estate lending process fleshes out any issues or misunderstandings between the parties prior to the preparation of the ultimate loan documents, it is important to be aware of some potential pitfalls and issues that it can present.

Court Reconsiders and Reverses Earlier Ruling Finding That Contractual Consent Cannot Be Revoked

News

TCPAland reports on a reversal of fortune: The Northern District of Alabama has officially been reconsidered and reversed itself on a contractual consent decision.

Non-Compete Cautionary Tale

Insight

A recent post on Robinson+Cole's Manufacturing Law Blog discusses a recent court decision that underscores the need

for manufacturers to exercise caution when seeking to impose post-employment restrictions on key employees.

Court Holds That Arbitration Clauses Bind Nonsignatories Who Seek to Enforce Contracts

Insight

A post on the website of Pepper Hamilton describes a North Carolina case that involved non-signatories to a construction contract attempting to avoid the contract's arbitration claim.

Podcast: Dos and Don'ts for Drafting Severance Agreements

Podcast

In a new podcast, two shareholders in Ogletree, Deakins, Nash, Smoak & Stewart discuss a number of important considerations for employers to keep in mind when drafting a severance agreement.

New York State Takes the Lead to Settle International Contract Disputes

Insight

New York State has taken steps to smooth the often rough road for resolving international contract disputes, and parties are finding the new procedures comparatively easy to follow, according to post on the website of Daniel Kron.

Trends in M&A Provisions: Indemnity Caps

Insight

M&A purchase agreements generally include indemnification provisions, pursuant to which any given party agrees to defend, hold harmless, and indemnify the other party or parties from specified claims or damages, according to a post on the Goulston & Storrs website.

Federal Courts Uphold Arbitration Agreements Via

Email

News

Federal district courts in New York and New Jersey recently turned aside employee attacks on arbitration agreements challenged on the grounds that the employer's communication of its arbitration policy via email was inadequate, reports the Gibbons Employment Law Alert.

Paul Hastings Faces Malpractice Claims Over Cleanup Advice

News

A California appellate court has given Tokai Intl. Holdings Inc. the go-ahead to proceed with cleanup cost-related malpractice claims against law firm Paul Hastings LLP, according to a Bloomberg Law report.

Argument Preview: How Should Courts Decide If Parties to an Arbitration Contract May

Aggregate Their Claims?

Insight

SCOTUSblog reports that in *Lamps Plus Inc. v. Varela*, the U.S. Supreme Court will decide whether the U.S. Court of Appeals for the 9th Circuit correctly held that an employer consented to class arbitration.

Contract Case: Lack of Consideration – Or Not!

Insight

Writing in ContractsProf Blog, Myanna Dellinger discusses a case that "nicely demonstrates how the consideration doctrine is still relevant and, as always, the importance of getting contracts in writing even though they do not *have* to be."

Data Safeguards in Services Agreements

Insight

A post on the website of Morgan, Lewis & Bockius takes a look at some of the issues involving the latest contracting trends for services agreements.

Contract Analytics: A New Artificial Intelligence Endeavor

Insight

Both corporate and estate lawyers would likely benefit from this technology because they are frequently exposed to a large number of contracts, according to Epiq.

Spotlight on No-Poach Agreements Continues, Expands to New Industries

Insight

Companies that engage in no-poach agreements should be prepared for governmental scrutiny as well as private litigation from former employees, warns Skadden, Arps, Slate, Meagher & Flom.

Ten Key Issues in Addressed Lease Agreements for Companies

Insight

An understanding of the unique features of equipment lease contracts should help a company work with its bank to structure and document a mutually acceptable lease agreement, according to a Steptoe & Johnson post.

Backdating—When is it Appropriate?

Insight

Backdating legal documents is frequently permissible. However, under other circumstances, it can be fraudulent or illegal, warns Elizabeth A. Whitman in a post on the website of Whitman Legal Solutions LLC.

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3 Key Takeaways: How Blockchain Technology will

Reshape Legal Contracting

Insight

A recent presentation at the ACC Colorado Fall Frenzy in Denver addressed how blockchain platforms are reshaping contracting, particularly how blockchain can be used to protect the security and integrity of contracts and automatically execute based on external conditions.

New Decision Highlights (Again) the Importance of Defining 'Commercially Reasonable Efforts'

Insight

If your client is going to contractually commit to using commercially reasonable efforts to do something – and if your client expects that obligation to require something less than "all reasonable efforts" – then you'll want to make that expectation clear in the contract itself, advises D.C. Toedt III in the On Contracts Blog.