It’s All Fun and Games Until Someone Sues for Breach of Contract

Insight

A recent federal court case analyzed the ability of a lender to act upon stock pledged to secure a loan, and provides insight into valuable language to be included in the loan documentation, explains Loeb & Loeb LLP.

National Survey on Restrictive Covenants

Insight

The guide gives details about each state’s factors on the topics of non-competes, non-solicitation, non-hire/”raiding,” and confidential information.

Enforceable Contract for Sale of Family-Owned Business or Just Agreement to Agree?

Insight

Parties to negotiations involving the sale of family-owned

business stock or assets should be cautious in their drafting to ensure that it is clear to all parties what documents are intended to create enforceable rights and obligations, warns Murtha Cullina.

Using Arbitration Agreements to Reduce the Costs of Litigation and the Risk of Class Action Claims

Insight

The Foley article explains how arbitration works, what type of arbitration agreements are generally enforceable, what features that have or can cause problems, and how such provisions can reduce the risk of class actions.

Federal Court: An Open-Source License Is an Enforceable Contract

News

The GNU GPL requires that anyone using GPL-licensed software to produce some other software, must provide the resulting software as open-sourced with the same license if it’s

released to the public, explains Quartz.

Are Restrictive Covenants Enforceable When Employee Converts to ‘At-Will’ Employment?

Insight

A post by Pietragallo Gordon Alfano Bosick & Raspanti discusses a recent case that dealt with the question of what happens to restrictive covenants in an employment contract when an employee converts to at-will status.

‘We Have a Deal’ Email From Lawyer Creates a Binding Settlement

Insight

A U.S. magistrate judge in the Southern District of New York has ruled that the terms of a settlement negotiated via email can be enforced as a binding contract.

11th Circuit: ‘Completed Work’ Exclusion Does Not Bar Claims for Work Under Maintenance Contract

Insight

The 11th Circuit found that the unambiguous language of an insurer’s “Completed Work” exclusion did not bar coverage for injuries sustained by a motorist injured at a railroad crossing who later sued the insured, reports Hunton Williams.

Insight on Waiving Contractual Right to Arbitration

Insight

Bass, Berry & Sims attorney Chris Lazarini provided insight on factors a court should consider when determining whether a party has waived a contractual right to arbitration, the firm reports on its website.

AIA Releases 2017 Construction and Design Agreements

Insight

The American Institute of Architects has released several revised documents including the primary agreements between the owner and contractor and the owner and architect, reports Dickinson Wright PLLC.

Arbitration Clauses Extending to Non-Signatory Affiliates: Are They Enforceable?

Insight

A recent decision of the New Jersey Appellate Division considered the enforceability of arbitration agreements by non-signatories, writes Marissa Tillem in Proskauer Rose’s Minding Your Business blog.

M&A Indemnification

Provisions: Are You Drafting Unenforceable Time Limits?

Contracts

In a merger-and-acquisition transaction, the convention is for the seller to make representations and warranties to the buyer regarding the target business, according to an article posted by Womble Carlyle Sandridge & Rice.

The Beneficiaries of 'Pay-if-Paid' Clauses in Construction Contracts

Insight

In construction law, general contractors have largely negotiated a shift in the distribution of risk away from the general contractor and to the subcontractor with the inclusion of "pay-if-paid" contractual clauses,"according to Shutts & Bowen's Construction Law Blog.

Company Lawyers Automate Contracts to Ease Pain of

Quote-to-Cash

Insight

Diginomica reports that some company lawyers explained how they automate contracts to remove manual, paper-based logjams from the process.

Court Issues Warning To The Bar Regarding Use Of ‘Boilerplate’ Discovery Objections

Insight

Writing in the Jackson Lewis blog, Joshua Scott and Brett M. Anders explain that the issue arose when the court was reviewing a discovery dispute between the parties and noticed numerous objections that the court deemed to be improper “boilerplate objections.”

Mitigation of Construction Defect Litigation – Top 10

Construction Contract Issues

Insight

A construction contract will need to be reviewed thoroughly and revised to better protect the owner, and in the case of residential construction, should in particular, address 10 key issues, advises Rebecca W. Dow in Holland & Hart's Construction Law Blog.

Is 'Class Arbitration' an Oxymoron?

Insight

"Class arbitration" – the utilization of a class action mechanism in an arbitration proceeding – is considered by some to be the unicorn of ADR; desirable but elusive, writes Gilbert Samberg on Mintz Levin's blog, ADR: Advice from the Trenches.

How Policies Can Defeat a Breach of Contract Claim

Insight

Employees often seek to use an employer's handbook, code of conduct, or policies as the basis for a breach of contract claim, writes John J. Buckley in a blog on the site of Norris

McLaughlin & Marcus.

Negotiating Technology Contracts – Insurance Requirements

Insight

Stephen F. Pinson of Scott & Scott LLP provides a list of insurance provisions that parties should include in technology contracts for the different types of claims scenarios between contracting parties.

Best Practices for Limiting Liability Arising from Smart Contract Vulnerabilities

Insight

Jared Butcher, writing in the Steptoe Blockchain Blog, offers six best practices to consider when implementing a smart contract.