The Case for Automating Statements of Work

Article

While Statements of Work (SOWs) have been, and will continue to be a major part of the professional services framework, they can sometimes be a major barrier to properly scoping, estimating, completing, or even performing the work correctly, reports ContractRoom.

CIO’s Guide to Creating Sound Software Contracts

Article

It’s important to start the procurement process by outlining the desired features of a software system in a requirements document.

Artful Pleading Fails to Circumvent Contractual Liability Exclusion

Article

D&O policies are not intended to insure contracts entered into by insureds: that is why D&O policies routinely contain

contractual liability exclusions.

CobbleStone Systems Releases Enhanced Docusign Integration

NEWS

The latest version of Contract Insight Enterprise allows Docusign users to access additional DocuSign functionality within Contract Insight and provides a new interface for managing documents within DocuSign.

The 3 Rules of Contract Drafting

Article

One of the rules concerns the importance of simplicity, to avoid writing that can lead to confusion, litigation, and results contrary to the purpose of a contract.

Be Careful When You Decide to

Breach a Contract

Article

A recent case from the Massachusetts Superior Court presents a stark reminder that whether conduct is viewed as a “mere breach” or part of a deceptive or unfair course of conduct can be in the eye of the beholder

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Non-Disclosure Agreement Enforceable Although Unlimited in Time and Area

Article

A nondisclosure covenant that prohibits the use or disclosure of narrowly tailored and carefully defined “confidential information” may be enforceable.

Duty to Negotiate in Good Faith: Much Ado About Nothing?

Article

A recent ruling is a noteworthy development in the law of contracts and a caveat for practitioners and their business clients.

Beware Of Being Burned By the China MOU/LOI

Article

Dan Harris writes in the Above the Law blog about how U.S. companies relying on a Letter of Intent (LOI) or a Memorandum of Understanding (MOU) detailing the terms of their proposed China deal may be exposing themselves to substantial liability.

The Wonderful World of Waivers

Article

The article discusses the enforceability of waivers, consideration, applicable risks, representations and warranties, release language, and five pitfalls to avoid when drafting waivers.

Transforming Handbooks into

Contracts in *Langenkamp v. Olson*

Article

Injudicious handling of employee handbooks can have the unhappily transformative effect of converting an employer's guidelines into binding contractual language.

Can Insurers Sue for 'Reverse Bad Faith'?

Article

The insurance relationship is contractual, but when policyholders claim insurers failed to honor their obligations, they typically invoke the tort of "bad faith."

Two Recent Arbitration Cases Address Impact of Underlying Contract Provisions

Article

The trends of delegating arbitrability questions to the arbitrator, and precluding parties from contractually modifying appellate rights, are here to stay.

Building a Transformative Contract Management Practice

Article

ContractRoom has published an ebook on building a transformative contract management practice.

A Cheerful Guide to Legal Risk

White PaperThe effort to measure and manage legal risk pays dividends in the reduction of real losses from legal issues and also pays dividends through improved collaboration between the legal team, operations, and senior management.

An ‘Anti-Reliance’ Contract Clause May Prevent a Fraud Claim

Article

An individual should not slip into a comfortable feeling of having a personal relationship in a commercial transaction.

How to Recruit the Best Contract Managers

Article

In a recent article, ContractRoom examines some of the best practices for determining whether candidates for contract manager possess the necessary qualities to perform the job.

Termination Provisions – Maximizing Flexibility in Contracts

Article

The ability to walk away from negotiations regarding modifications or renewals can be a powerful tool for creating negotiating leverage.

Pre-Dispute Arbitration Clauses: Taking the

Alternative Out of Dispute Resolution

White Paper

Binding individual customers to mandatory arbitration before a dispute arises, rather than encouraging its voluntary use, is harmful to public interest and consumer protection.

Cardoni v. Prosperity Bank: Useful Contracts Law Teaching Case

Article

A Houston attorney discusses a useful teaching case for people drafting merger-and-acquisition agreements, and related employment agreements.