SCOTUS Ranks Last for Transparency on Fix the Court List; How Did Other Courts Fare?

News

The 9th U.S. Circuit Court of Appeals at San Francisco is No. 1 for public access, according to Fix the Court.

2019 Case Law Mash-Up: Can You Assign Exaggerated Representations and Warranties to a Locked-In Vendor?

Insight

Several court cases in 2019 dealt with (or are still dealing with) key issues faced by parties to commercial contracts, including contracts for technology products and services, writes Eric Begun.

Firearms Industry: Supreme Court’s Pass on Sandy Hook Gun Case Presages Litigation Onslaught

News

The firearms industry, gun owners, the National Rifle Association and states that strongly back gun rights gave the Supreme Court doomsday warnings about potential litigation.

7th Circuit Benchslap: Lawyer’s ‘Gibberish’ in Brief Draws Sanction Threat

News

The court found the brief to be “chock-full of impenetrable arguments and unsupported assertions, and it is organized in ways that escape our understanding.”

Fake Mineral Leases Thwarted

by the Texas Legislature

Insight

The 2019 Texas legislature enacted a new Property Code Section 5.152 to protect mineral and royalty owners from a certain species of fraudulent transactions.

Breach of Contract Claim Does Not Arise Under Patent Law

News

The U.S. Court of Appeals for the Federal Circuit reversed a district court decision that retained jurisdiction over a breach of contract action.

Drafting Representations and Warranties in a Contract

Insight

D.C. Toedt III, writing in the On Contracts blog, offers some lessons for drafting representations and warranties in contracts.

Federal Court Sends Ominous Signal on Cannabis Contracts

Insight

The order to show cause states that the contract at issue may be unenforceable under the federal Controlled Substances Act.

Trump Flips Second Circuit With Controversial Judge

News

Menashi’s dodging of questions during his confirmation hearing before the Senate Judiciary Committee stirred controversy in the Senate.

East Texas Attorneys Secure $1.9m Jury Verdict in West Texas Courtroom.

News

Jurors in Ward County, Texas, came back with a $1.9m verdict against Go Rhino Trucking, LLC.

Facing Investigation, Giuliani Needed a Lawyer, but Firms Stayed Away

News

At least four prominent attorneys declined to represent President Trump’s personal lawyer for various reasons.

Ex-Hershey In-House Lawyer Barred From Suing on Race, Gender Bias Claims

News

Kurt L. Ehresman, a 52-year-old white man, worked as Hershey’s senior counsel for global intellectual property until Hershey told him it was eliminating his position.

Trump Tax Return Case

Confronts Supreme Court With a Momentous Choice

News

The court can agree to hear the case and rule by June, or it simply can deny review, leaving in place the appeals court ruling and effectively requiring Trump’s accountants to turn over his tax returns.

O’Melveny Notches Win in Long-Running Legal Malpractice Suit

News

A federal judge ruled in favor of O’Melveny & Myers in a case alleging the Biglaw firm was conflicted in its representation a decade ago of a now-defunct investment firm.

Conspiracy Theorist Loses Case Against Robert Mueller

News

A federal judge dismissed a lawsuit against former special counsel Robert Mueller, rejecting a conspiracy theorist’s claim that Mueller pressured him to commit perjury.

Signature Page Mixing-and-Matching Leads to Trouble in Delaware Case

Insight

D.C. Toedt III, writing in the On Contracts blog, describes how parties to a contract often circulate just signature pages to be signed, and the problems that can arise with that practice.

NDAs Do NOT Work for China But NNN Agreements Do

Insight

The China Law Blog has published part one of an expected series of posts setting out exactly what foreign companies should do (and not do) to protect their intellectual property in China.

Court Enforces Arbitration

Clause in Clickwrap Agreement

News

The defendant’s terms of service, which were hyperlinked in the sign-up box, contained a clause providing for arbitration of disputes with a class-action waiver.

Special Order Your Forum Selection Clause

News

Author Glenn D. West takes a look at a recent Delaware ruling on an anti-suit injunction attempting to prevent a suit being prosecuted in Texas.

Another Trump Judicial Pick Rated Unqualified Advances

News

Three other federal district court nominees also advanced, but action on two controversial appeals court picks was again deferred.