Litigation Shows Buyout Clauses Don’t Always Provide Certainty as Designed

White Paper

Although the purpose of the “buyout” is to allow both coach and university to avoid future costs of litigating a breach of contract case, some recent lawsuits reveal that is sometimes easier said than done.

Data Privacy: You May Call It Personal Data But Who Actually Owns It?

White Paper

Experts continue to argue over the rights of states and businesses to access personal data – and who actually owns it, according to a report by ZDNet.

What to Do If Your Computer is Taken Over By Ransomware

White Paper

Cyber criminals are now using the most modern cryptography to

encrypt stolen files and are getting really good at making their dangerous links and downloads seem perfectly benign, Business Insider reports.

NACD Offers Report on ‘Governance Challenges: 2015’

White Paper

The National Association of Corporate Directors report discusses imperatives for board leadership in a complex, changing environment.

Courts Say There’s No Claim for “Reverse Bad Faith.” Could They Be Wrong?

White Paper

While every policyholder – as a party to a contract – owes a contractual duty of good faith and fair dealing, the court explained that a tort claim for bad faith arises out of a different duty.

Buy-Sell Agreements: Good For Business and Good For Your Estate Plan

White Paper

A buy-sell agreement is a legally binding contract that requires or allows remaining owners in a business to buy a departing owner’s interest in the business.

Reevaluate Commercial Sales Contracts That Incorporate Other Documents by Reference

White Paper

Consumers consent to numerous terms and conditions scattered across the web, often without even being aware of them.

Religious Accommodation in the Workplace – More Decisions, Fewer Answers?

White Paper

The Supreme Court has simultaneously clarified and muddied

employers' obligations when faced with having to make religious accommodation for job applicants and potential employees.

Executive Order Proposed to Cover 'Blacklisting' for Government Contractors

White Paper

The new regulations will add an employer's workplace law compliance record as a criterion to determine whether an employer should be awarded, or be allowed to retain, federal contracts.

Requirements Contracts and the Duty to Act in Good Faith

White Paper

Whether you are a supplier or purchaser, a requirements contract will have a material impact on your rights and obligations, writes Greensfelder, Hemker, & Gale.

9th Circuit Again Clarifies That Arbitration is Creature of Contract

White Paper

Arbitration remains a preferred forum for many employers, yet courts are often wary of enforcing arbitration agreements against employee-plaintiffs.

To Manage 3rd and 4th Party Risk, Think — and Act — Like a Regulator

White Paper

Being proactive will help any bank prove it’s doing an effective job at regulating all of its service providers, both third and fourth party, all the while reducing its risk of exposure.

Transportation Expert on Rail Safety

White Paper

A transportation and traffic engineering expert has posted the

first part of an examination of a broad range of safety issues involving rail activity.

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10 Things Every Business Lawyer Should Know about Contract Management

White Paper

Berkman Solutions has compiled a list of 10 techniques to enhance the value of legal services after a contract is signed, with a goal of helping build deeper, sustainable relationships for every outside legal counsel.

Protecting Intellectual Property Through Enterprise Risk Management

White Paper

The whitepaper outlines how companies can better safeguard key corporate intellectual property assets and better mitigate risks by integrating intellectual property protection into their Enterprise Risk Management programs.

First Circuit Affirms Confirmation of Arbitration Award

White Paper

The agreements between the parties contained an honorable engagement provision, which directs the arbitrators to consider each agreement as an honorable engagement, not merely a legal one.

Can a Non-Signatory to a Contract Enforce an Arbitration Provision?

White Paper

Apart from comporting with common law principles of agency, the enforcement of an arbitration provision by a non-signatory agent conforms with traditional notions of justice and fair play

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Gartner Names 2015 E-Discovery Software Leaders

E-Discovery

The report analyzes the landscape of the e-discovery software market and factors driving market growth and technology advancement.

NACD Offers “Governance Challenges: 2015”

White Paper

The 2015 report stresses the importance of early engagement in discussions of strategy, risks, and succession planning in the boardroom, as well as the need for proactive communication and engagement with shareholders and other key stakeholders.

Limitations on the Government’s Right to Terminate a Contract for Default

White Paper

When appealing the contracting officer’s decision, contractors

should make sure that they have sound documentation of communications that could work in their favor on appeal.