

Preparing for Contract Disputes: Litigators' Tips

1. Attorney Client Privilege Issues
 - a. Lack of work product protection for transactional lawyers and protecting internal documents
 - b. Attorneys copied on business documents
 - c. How to protect communications with consultants
 - d. Preventing waiver
2. Arbitration Clauses
 - a. FAA v. RUAA/HRS 658A
 - b. Discovery
 - c. Selecting Arbitrator
 - d. Appeals
 - e. Mediation Requirement
3. Attorneys' Fees Provisions
 - a. Expert costs
 - b. Prevailing party
 - c. Rates
4. Governing Law / Forum Selection Clauses
5. Liquidated Damages Provisions
6. Insurance Requirements
7. Break Up Provisions or Resolutions of Issues Among Owners of Business
8. Confronting Issues that Expose Clients to Litigation Risks
9. When to Bring in a Litigator