

Beyond MAE

New York Law Journal

WRITTEN BY

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New York Partner [Jeff Etherington](#) authored an article for New York Law Journal examining the impact of the COVID-19 pandemic on negotiations of M&A in the future. Etherington focused his article on provisions beyond the definition of material adverse effect, detailing provisions to review such as purchase price, earn-outs, financing, closing conditions, pre-closing covenants and representations and warranties. Etherington noted, “The pandemic has highlighted a business risk that may require more attention from M&A practitioners and their clients than previously given to pandemics in general. Over the next year or two, governments, businesses and the insurance industry are likely to develop responses to this risk, including risk management strategies, public health policies and regulations, changes to business practices and public/private insurance solutions, which must be monitored and, if necessary, addressed in M&A agreements.”

To read the full article, click [here](#) (*subscription may be required*).

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