

After the Storm – Key Force Majeure Issues in Contracts

A “force majeure” clause is a contract provision that relieves the parties from performing their contractual obligations when certain circumstances beyond their control arise, making performance commercially impracticable or impossible, write **Raedtha A. Vasquez** and **Edward Hart Bergin**, partners in **Jones Walker LLP**.

In their article, they explain, that, in Louisiana, absent agreement to the contrary, force majeure excuses parties from liability when they fail to perform due to a fortuitous event that makes performance impossible.

“So, in determining whether the doctrine applies, it is necessary to determine (1) whether performance is impossible and (2) whether the impossibility was caused by a fortuitous event.”

They discuss some of the points to consider when confronting force majeure issues.

Read the article.