

Indemnification Pitfalls in Commercial Contracts

Failure to pay proper attention to indemnification provisions in contracts can lead to painful surprises down the road, writes **Michael Didriksen** on the Baker Botts website. On the other hand, a modest amount of forethought can address some of the more common defects seen in indemnification provisions.

His article focuses on commercial contracts, as opposed to M&A transactions.

He presents a sample indemnification clause that seems comprehensive and coherent, but which contains some subtle infirmities, and then analyzes potential problems with the agreement. He then presents a revised version that's designed to avoid the problems in the first.

Read the article.