

Dealing with Contracts in the Time of Coronavirus

In March 2020, Foster Swift “published an article about how the Coronavirus impacts your contracts and whether force majeure clauses could excuse non-performance. Since then, our attorneys have received a number of questions from clients related to the Coronavirus/Covid-19 and how our clients may address issues of performance, delivery, and payment when the Coronavirus impacts a company’s ability to complete its responsibilities under a contract,” write Amanda J. Dernovshek and Emily R. Wisniewski in ***Foster Swift’s Biztech Law Blog***.

“If any issues arise and your business ends up in court, the court will evaluate a contract and interpret the contract as written. Many contracts contain boilerplate provisions known as ‘force majeure’ clauses. Generally, a force majeure clause is used to excuse non-performance when performance becomes impossible. Whether or not a business’s circumstances rise to the level of being “impossible” will depend on a number of factors; however, a clearly written contract with a strong force majeure clause is essential.”

Read the article.