

Corporate Advisory

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M&A Activity in the United States

Corporate Partner Jeremy Silverman recently authored an article in *Financier Worldwide's Global Reference Guide 2010: Mergers and Acquisitions*. The article focuses on the continued importance of high quality due diligence as M&A activity picks up and more potential deals are in play. As evidenced by market metrics, M&A deal activity is certainly on the rise in 2010 and the outlook is positive for a continued uptick. More deals are coming to the market for a variety of reasons, including sellers' expectations being more in line with market realities, better availability of financing and in some instances, concern about a potential increase in capital gains rates. As a result of the pick up in deal activity, the importance of conducting high quality due diligence has increased. This is particularly true in heavily regulated industries such as the aerospace and defense, health care and life sciences sectors, where there is significant regulatory exposure. Buyers must be careful to not walk into regulatory problems and liabilities that can quickly devalue their investment.

To read the article in its entirety, please click [here](#).

Updates to MLA's *M&A Guide* to be released in October

In June 2006, MLA first released our M&A Quick Reference Guide. The Guide, which received rave reviews, was the product of much thought and hard work by various members of our Corporate Department, each of whom proudly refers to himself or herself as a "deal lawyer," and all of whom have worked on numerous M&A transactions over the years and around the globe. Our M&A practice is ranked among the nation's top 50 firms in M&A league tables and is one of ten firms in the U.S. to be ranked "Tier One" for Mergers, Acquisitions and Buyouts for deals up to \$500 million by *The Legal 500*. The publication observed that the practice is "an excellent choice for middle-market companies seeking practical advice in a wide variety of legal matters. Service is always good and the attorneys' industry knowledge makes them indispensable."

We are now issuing updates to our M&A Guide and these will be sent to you as hard copies via regular

CONTACTS

For further information regarding the information discussed in his advisory, please contact the professionals below, or the attorney or public policy advisor with whom you regularly work

[Wayne Bradley](#)

Partner
404.527.4044

[Jeremy Silverman](#)

Partner
404.527.4901

mail. Specifically, you will receive updated chapters on: *Due Diligence and the Data Room*, *Non-Disclosure Agreements/Engagement Letters with Investment Bankers/Letters of Intent*, *Basic Tax Considerations*, *Representations and Warranties/Rep and Warranty Insurance Coverage*, *Disclosure Letters*, *ERISA Concerns in M&A Deals*, and *Public Company Concerns/Post-Closing Issues*. Additionally, we have added new chapters on *Cross-Border Transactions* and *Intellectual Property Considerations*.

We welcome your thoughts on our updates to the M&A Guide. On behalf of our entire “deal team,” we hope you find the M&A Guide an informative and helpful tool to assist you in better understanding the various issues that often arise in M&A transactions.

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