

In The News

Michael Marsh Discusses M&A Cases to Watch in 2015 with *Law360*

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Michael Marsh was quoted in a *Law360* article titled, “M&A Cases to Watch in 2015: Midyear Update,” which examined significant court rulings and state legislation slated to impact shareholder litigation and deal-making practices. Marsh weighed in on the pros and cons behind recent legislation passed by Delaware lawmakers, which regulates fee-shifting bylaws and arbitration provisions for state-based stock companies. *Law360* noted Delaware has one of the nation’s most advanced corporation statutes, under which state-incorporated businesses can designate Delaware courts as the exclusive forum for shareholder litigation.

“There’s an interplay between mandatory arbitration bylaws and the exclusive forum provision of the new statute,” Marsh told *Law360*. “It’s good on one hand because it establishes exclusivity in the state of Delaware, but it raises concerns for companies with mandatory arbitration bylaws.

“How does that impact companies with a mandatory arbitration bylaw, which would preclude a shareholder from going to Delaware state court? I’m sure time will tell, especially in an environment where there are attacks on protective measures by creative plaintiffs’ lawyers.”

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