

Michael Farhang and George Adams Author Global Arbitration Review's “Navigating Fraud Carve-Outs and Risk Allocation in M&A Agreements”

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Partner Michael Farhang and of counsel George Adams have authored [Global Arbitration Review's](#) [PDF] “Navigating Fraud Carve-Outs and Risk Allocation in M&A Agreements,” where they discuss what happens when a contractual representation or warranty in an M&A agreement turns out to be wrong. The article covers strategic considerations related to contractual representations and warranties and related fraud carve-out provisions, including forum and choice of law considerations and other key terms that drafters may wish to consider when formulating fraud provisions in a purchase or merger agreement.

“All these issues should be approached with care and diligence and parties will be well served by looking to clear guidance — including the case law and evolving market standard language — in drafting their agreement terms,” they write. “Adhering to such guidance may prove to be determinative in the outcome of later disputes.”

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