Preparing for “After” Legal Strategies for the New Normal

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Agenda

• **Short-Term Issues**
  • PPP and Loan Programs
  • Business interruption and other insurance issues
  • Real estate, leases, and renegotiation strategies
  • Contracts and force majeur clauses, contract issues, and claims

• **Reopening strategies**
  • Re-staffing and employment issues
  • Workplace safety
  • Liability issues

• **Longer-term strategies**
  • Funding strategies
  • Mergers, dissolutions, bankruptcy, and reorganization options
Payroll Protection Act and Other Loan Programs
Insurance Issues

• Business Interruption Coverage
  • Generally allows a business to recover certain losses if the business suffers physical damage or loss that prevents it from operating its business

• Civil Authority Coverage
  • Generally allows a business to recover losses when a civil authority issues an order that closes a business or prevents it from normal operations

• Event Cancellation Coverage
Real estate, leases, renegotiation strategies and landlord-tenant disputes
Contracts and force majeur clauses

Force Majeur Clauses:
• What is the triggering event?
• Is the triggering event covered by the force majeure clause?
• Applicable state law?
• Triggering event foreseeable?
• Is performance impossible or impracticable? Mitigation efforts?
• Available remedies?
• Notice requirements?
• Remedies or options available to the other party?
Re-staffing and employment issues
The Four Rules

• Health and safety first
• Follow government orders and health directives
• Make a plan
• Document everything
Funding Strategies

• Individual donors
• Foundation grant funding
• Impact investing
  • Convertible notes
  • PRIs and MRIs
• Philanthropic contributions from businesses
  • Cause marketing
  • Benefit corporations can deduct 100% of charitable contributions
Options for Reorganizing

• Mergers and acquisitions
• Dissolutions
• Bankruptcy
• Partial or complete voluntary workouts
What questions do you have?
Please check out REDFworkshop’s Coronavirus Resource Page for more information and resources to assist your enterprise address the challenges presented by the Coronavirus. This resource is being updated regularly.

Thank You!

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