Overview

Dykema draws on its “excellent breadth and depth of knowledge” (Chambers USA) to represent a diverse group of middle-market and Fortune 500 companies, including automotive, financial services, energy, health care and insurance industry clients, in mergers and acquisitions (M&A) transactions. We have also handled significant transactions for manufacturing, distribution, telecommunications, pharmaceutical, gaming, retail, sports and entertainment, technology-based and business services clients. Additionally, through our Private Equity and Venture Capital practice, we have represented private equity and venture capital firms and other investors in M&A deals and a wide variety of capital-raising transactions.

Our attorneys deliver excellent representation and customized solutions built on a thorough knowledge of each client’s business and objectives. We offer comprehensive counsel on a broad spectrum of transactions, including public and private mergers; stock and asset purchases and sales; spinoffs; acquisitions and divestitures involving ESOPs; leveraged buyouts; exchange and tender offers; proxy contests; divisional purchases and sales and cross-border transactions involving businesses throughout the world.

We work with clients from inception through closing of a transaction, providing them with a full menu of M&A-related services that include:

- Negotiating investment banker engagement letters
- Counseling on preliminary planning, and structure, as well as the tax implications of a deal with support from the Firm’s tax group
- Conducting due diligence investigations of potential targets or acquirers
- Negotiating and drafting complex business purchase and sale agreements
- Advising boards and special committees on the transaction process and related fiduciary responsibilities
- Strategic advice on M&A-related corporate governance, compliance and stockholder relations issues
- Preparing proxy materials for stockholder approved transactions
- Planning and implementing sale transactions conducted as “auctions”
- Preparing pre-merger notification reports under the Hart-Scott-Rodino Antitrust Improvements Act
- Obtaining governmental approvals
- Drafting and negotiating transaction financing documentation

Our M&A practitioners also work closely with the Firm’s attorneys in other practice areas—such as intellectual property, tax, environmental, real estate, labor and employment, and benefits—who have substantial experience in M&A within their disciplines. In addition, our M&A attorneys work with the Firm’s bankruptcy group to represent companies seeking to acquire businesses or assets out of bankruptcy, as well as companies in bankruptcy seeking strategic partners or potential acquirers.
Annual Mergers and Acquisitions Outlook Survey

Since 2005, Dykema, with the help of our top deal community clients and friends, has developed a premier annual “State of the M&A Market” analysis cited by a range of national media including The Wall Street Journal, The Deal, Dow Jones, UPI and Bloomberg.

In the 15th annual edition of this survey, we canvassed senior executives—CEOs, CFOs and other professionals involved in M&A activities with their respective firms—to gauge their insights and perspectives on the mergers and acquisitions market in the coming 12 months. The results provide a snapshot of the M&A market and the economy this year and how they compare from previous years.

To read a summary of Dykema’s 2019 Mergers & Acquisitions Outlook Survey, please click here.

Experience Matters

Dykema attorneys have represented:

- A global private equity firm in its acquisition of a global automotive OEM and Tier 1 supplier of aluminum and ductile iron components including chassis, powertrain components and modules.
- A leading global supplier of systems and components for the automotive industry in its acquisition of a company that provides an exclusive hard-coating process for bright trim assemblies.
- A publicly traded medical professional liability insurance holding company in connection with its sale to a California-based medical professional liability insurance company in a $386 million all-cash merger.
- Compuware Corporation in its $265 million acquisition of Dyna Trace Software, Inc.
- Palace Sports & Entertainment, Inc. in its sale of the NHL franchise Tampa Bay Lightning.
- The Majestic Star Casino, LLC in its $253 million acquisition of Trump Indiana, Inc.
- Two rural electric cooperatives, Rock Energy Cooperative and Jo-Carroll Energy Cooperative, in acquiring the natural gas and electric service territories of Alliant Energy Corporation’s South Beloit Water, Gas and Electric Company and Interstate Power & Light Company.
- Cloverland Electric Cooperative as lead outside regulatory and corporate counsel in its purchase of Edison Sault Electric Company—an investor-owned utility operating as a subsidiary of Wisconsin Energy Corporation.

Publications

2019 Mergers & Acquisitions Outlook Survey
November 7, 2019
“Coming to a Deal Near You: Representations and Warranties Insurance”
November 2019
Illinois Bar Journal

“Representations & Warranties Insurance and Why Business Acquisition Parties Should Consider It”
April 30, 2019
Insurance Coverage Law Report

“4 Takeaways From Sunny 2019 M&A Forecast”
January 11, 2019
Law360

2018 Mergers & Acquisitions Outlook Survey
October 17, 2018

“Representations & Warranties Insurance: The New Frontier in Private Deal Making”
Fall 2018
Association of Corporate Counsel - South/Central Texas
"Positioning Your Business For A Successful Sale"
March 28, 2018
California CEO Magazine

2017 Mergers & Acquisitions Outlook Survey

"M&A in 2017: Starting to Cool Off?"
November 18, 2016
CFO Magazine

"Is It Time to Pull the M&A Trigger?"
February 2, 2016
CFO Magazine

"Optimism Shifts Despite Record M&A Year"
December 16, 2015
Law360

"Optimism continues for private M&A market"
December 8, 2015
Chicago Daily Law Bulletin

2015 Mergers & Acquisitions Outlook Survey
October 30, 2015

"The Many Facets of the Attorney-Client Privilege in Mergers and Acquisitions"
July 17, 2015
Metropolitan Corporate Counsel

"FCC Liability Lurks for Unwary in Mergers and Acquisitions"
February 2015
Metropolitan Corporate Counsel

"Privacy and Data Security Moving Up On the List of Issues in M&A Transactions"
January 27, 2015
Inside Counsel

2014 Mergers & Acquisitions Outlook Survey
October 31, 2014

"Top 10 Issues for Cross-Border M&A and Strategic Investments in 2014"
April 2014
Metropolitan Corporate Counsel

"2013 Mergers & Acquisitions Outlook Survey"
October 31, 2013

"Understanding the Rules of the Road for Acquiring Companies in Brazil and India"
June 2012
ACC Docket

"Getting it Right: Conducting the Proper Due Diligence to Ensure a Successful Acquisition"
April 2012
Smart Business Detroit

**Speaking Engagements**

Merge Briefing Executive Seminar
March 7, 2019
Dykema’s 14th Annual M&A Outlook Survey  
October 30, 2018  

Succession Planning and Implementation: The Good, the Bad and the Ugly  
November 17, 2016  

May 3-5, 2016  

*Mergers & Acquisitions*, Panelist, Crains Detroit Business General & In-House Counsel Summit  
June 10, 2015  

*Public and Private Spin-offs*, Panel Moderator, ABA Business Law Section Spring Meeting, San Francisco, California  
April 16, 2015  

Driving Enhanced Value in a Transaction Through Preparation  
September 18, 2014  

CFIUS and FINSA Hot Topics in 2014  
July 8, 2014  

*9th Annual Mergers & Acquisitions Outlook Survey Results*, Chicago and Dallas  
October 30 and November 5, 2013  

Completing Successful Cross-Border M&A Transactions  
April 11, 2013  

*Merge & Purge: Understanding Deal IR Strategies*, Chicago Chapter of the National Investor Relations Institute (NIRI), panelist  
February 13, 2013  

Crowdfunding and the IPO On-Ramp  
June 5, 2012 (Los Angeles-area)  

Crowdfunding and the IPO On-Ramp  
May 23, 2012 (Detroit) and May 24, 2012 (Chicago)