

CASE STUDY: Trusted Counsel Develops Business Agreements that Scale with High-Growth Tech Firm



Trusted Counsel
ASHLEY LLC

Challenge:

The Trusted Counsel client provided cloud services to middle-market and national companies desiring to transition from their internal infrastructure. The client served an industry in which highly sensitive information is stored into the cloud. As a result, contract negotiations with its customers could be difficult, with extensive negotiation concerning data breaches, uptime, and liability. This negotiation process had an adverse effect on the ability to close sales quickly, and the client sought Trusted Counsel's services to create business agreements that suited – and scaled with – its business model and needs.

Solution:

Trusted Counsel worked with the client's leadership team to understand its business practices and goals. An emphasis was placed on easy-to-understand contracts that would create re-occurring revenue and limit the risk exposure of the client. Trusted Counsel focused on the following areas:

- Appropriate contract durations that locked in re-occurring revenues and established long-term value.
- The client's web services contracts with its own vendors, determining any gaps in the contracting process that would expose the client to liability if the vendor breached.
- Proper caps on the limitations of liability for the client's services.
- Suitable remedies to provide client's customers in the event of downtime.
- Appropriate insurance coverages and policies were in place for cybersecurity.
- State and federal data security laws and implementing appropriate policies.

Results:

Trusted Counsel drafted a Cloud Services Agreement and Service Level Policy, which the company adopted as its standard agreement. The agreements simplified and expedited the company's sales process, while also limiting its exposure to liability in the event of security incidents. In addition, Trusted Counsel provided an in-depth explanation of the contractual provisions to the client's Contract Administrator. This allowed the client to negotiate many of its agreements internally and cost efficiently, with the option to utilize Trusted Counsel's services for heavily negotiated agreements.



About Us:

Trusted Counsel is a unique and refreshing kind of legal partner. We provide seasoned, business anchored legal advice in a highly personalized way. We don't wait to be asked – we anticipate your needs, respond quickly and always in your best interest.

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