# HIRING A WEB DEVELOPER:

## 5 Nightmare Scenarios and How to Avoid Them

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# HELLO!

## We are Saper Law: Daliah, Matt, Chad & Tommy
We represent dozens of small businesses, and have seen the web development process go well… and not so well.


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# The Scenarios

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# SCENARIO 1:

A business owner pays a third-party developer to build a website, only to have them reuse that code to build a similar site for a competitor.

**Own the intellectual property rights to the code.**

- Work -for-hire agreement

- Copyright assignment

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# SCENARIO 2:

You tell your idea to a third-party web developer and then they leave and do it themselves.

**Have the developer sign a nondisclosure agreement, as well as non-compete and/or non-solicitation agreements.**

- ▪ NDA

- ▪ Non-compete

- ▪ Non-solicitation

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# SCENARIO 3:

The third-party developer starts working on the project, but then they disappear. Now you have no code and your launch date is significantly delayed.

Have the developers archive the code for your website in a code repository that you have access to, even after they leave.

- Software Escrow

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# SCENARIO 4:

The third-party developer starts working on the code for your website, but doesn't have the skills to scale the site to fit your needs and now you have to start all over.

**Be sure the developer can build a website that meets your needs.**

- Clearly lay out your needs: mobile-friendly, e-commerce, et cetera
- Review past work by the developer
- Consider the platform (template service like SquareSpace, building from scratch with CSS or HTML, Wordpress, etc.)

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# SCENARIO 5:

The third-party developer outsources your project to a foreign country where you can't control your intellectual property.

**Research the developer and determine if this is something they have done in the past.**

- Draft an agreement that maintains control over your IP nationally and internationally
- Avoid developers who outsource internationally

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# SCENARIO 6:

Upon finishing the project, your developer tells you that you must let other people use the code because he used open-source software to build the site.

**Make sure the developer informs you before starting the project if he intends to use open-source software.**

- Some open-source software is better than others

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# More Tips

# Always get 2-3 proposals

So that you can compare and contrast.

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# Have a budget

So you know what is realistically possible.

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# Evaluate the Web Development Company

- How long have they been around?
- What experiences have other clients had?
- What does their recent work look like?
- Do they communicate well?
- Can they meet your business goals?

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# Firms v. Freelancers

Firms have the advantage of specialized team members and are generally more reliable.
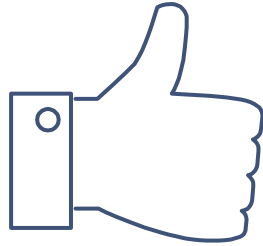
# Consider the Platform

Is it a proprietary or third-party system? The latter is much more flexible.

# Consider Site Management

- ▪ Will you be able to edit the site?
- ▪ Will they bill you for future troubleshooting?
- ▪ Will they fix bugs and do security and other updates?

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# THANKS!

Any questions?

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