

James R. Kalyvas

Partner

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James (Jim) Kalyvas is a partner and transactional lawyer with Foley & Lardner LLP. Jim advises companies, public entities, and associations on all matters involving the use of information technology, including structuring technology initiatives (e.g., outsourcing, ERP, CRM), vendor selection (RFP strategies, development and response review), negotiation, technology implementation (professional service agreements, SOWs, and SLAs), and enterprise management of technology assets. Jim has extensive experience in structuring and negotiating outsourcing transactions, Enterprise Resource Planning initiatives, and unique business partnering relationships. He has incorporated his experience in handling billions of dollars of technology transactions into the development of several proprietary tools relating to the effective management of the technology selection, negotiation, implementation, and management processes. He is a member of the firm's national Management Committee. He is the firm's chief strategy officer, chair of the firm's Technology Transactions, Cybersecurity, and Privacy Practice, co-chair of the Privacy, Security & Information Management Practice, and a member of the Technology Industry Team.

Technology acquisition issues that Jim counsels clients on include: vendor representations on system performance and integration; cloud computing; ownership issues relating to custom programming and other intellectual property rights; acceptance testing; vendor accountability; and remedies for varying degrees of breach of warranty or system failure. Implementation issues include service level and statement of work development, system response time and downtime protection, data security and privacy, and disaster avoidance and recovery.

In addition, Jim assists clients in developing "pay for performance" technology relationships that tie compensation to the achievement of meaningful and measurable business objectives. These strategies have been successfully applied in outsourcing; ERPs; and clinical, financial, CRM, manufacturing, and other critical system transactions.

Awards and Recognition

Jim has been Peer Review Rated as AV Preeminent®, the highest performance rating in Martindale-Hubbell® Peer Review Ratings™ system. He has been selected by his peers for inclusion in *The Best Lawyers in America*® in the area of privacy and data security law (2016 – 2023) and *The Legal 500* recognized him for his technology work, specifically in the areas of outsourcing and transactions (2010 – 2016), and data protection and privacy (2015). In addition, Jim was recognized in *Chambers USA* for his IT & outsourcing work (2012 – 2023). Further, the practice he leads has been recognized among the “World’s Best Outsourcing Advisers” by International Association of Outsourcing Professionals in three consecutive years between 2013 and 2015.

Presentations and Publications

Jim has authored articles and books relating to Big Data and cybersecurity issues, including *Big Data: a Business and Legal Guide* (CRS Press, 2014) and *Taking Control of Cybersecurity: a Practical Guide for Officers and Directors*.

Jim’s other publications include those relating to software licensing and the negotiation of information systems. He co-authored the publication *Software Agreements Line By Line* (Aspatore Books, 2004) and *Negotiating Telecommunications Agreements Line By Line* (Aspatore Books, 2005). Together with colleagues in his practice, Jim co-authored the whitepaper “Cloud Computing: A Practical Framework For Managing Cloud Computing Risk.”

Sectors

- Artificial Intelligence
- Cloud Computing Infrastructure & Solutions
- Health Care & Life Sciences
- Innovative Technology
- Manufacturing
- Smart Manufacturing
- Supply Chain

Practice Areas

- Cybersecurity
- Intellectual Property
- Privacy, Security & Information Management
- Technology Transactions, Cybersecurity, and Privacy

Education

- University of Michigan Law School (J.D., 1981)
- Oakland University (B.A., 1977)

Admissions

- California Bar (1981)