

On Your Terms Episode 106:
Sam's Sidebar Q&A
How Do You Make Your Contracts Enforceable?

Sam Vander Wielen: So, you might not know this, but it's not good enough to just have a contract. You want to make sure that that contract is enforceable so that it has some teeth and will actually legally protect you.

Hey there. This is Sam Vander Wielen, and welcome back to another episode of On Your Terms, where, on Thursdays, I tackle your essential legal questions about starting and growing your online business in ten minutes or less. This week we're talking all about what makes contracts enforceable.

Stephanie asked, "So, how do you make your contracts enforceable?" Well, I really love this question, Stephanie, because so many people get any old contract and they think that as long as they just have a contract, it generally works the same. But it's kind of like car insurance. You can have car insurance on paper, but if it doesn't actually cover anything or pay for anything if something happens, then what's the point? At the end of the day, you get to say, "I have car insurance," but it doesn't really help you.

So, here's what actually makes a contract enforceable, meaning it'll actually do something to protect you if and when there's a problem in your online business.

Number one, that contract has to be properly written. So, for a contract to be enforceable, it's got to have language in it that you actually need to be protective. So, sometimes I see contracts that are kind of randomly thrown together and that don't have any of the provisions in it that you really need. Other times, I see copy and pasted contracts that have lots of sections in them, but those sections would never actually stand in a court of law.

I even build in sections to my contract templates that cover you if a court ever found that any part of your contract, even a section of it, a sentence, a word, even, was unenforceable. The section that I have built into your contract keeps the rest of the contract intact. And I see so many of your DIY contracts don't have that. That's really the benefit to having an attorney drafted contract is, like, max protection.

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The second way that you make sure that your contracts are enforceable is that they have to be signed and sent correctly. So, even if you have the best contract in the world - like, I don't know, from me, for example - if you don't send it to your client the right way or you don't have them sign it the right way, it won't be enforceable. Meaning, that you won't actually be able to use it in court to protect yourself.

You can actually learn more about how to send and sign contracts correctly in Episode 8 of On Your Terms, so I'll link to that in the show notes below.

The third way to make sure your contracts are enforceable is to get the right client info. So, whenever you onboard a new client or you have a checkout process for a program, a product, or a course, you want to gather as much information as you can about that client during that process. If you can get their full name, their mailing address, their phone number, email, et cetera, it's going to give you the information that you need - hopefully don't need. But if you needed it down the line, if you ever had to enforce a missed or skipped payment or you needed to send them some sort of legal notice.

All right. So, if you're working with clients without a contract, you can visit my DIY legal template shop today for all the contracts, policies, and disclaimers that you need to get paid, to protect your content, and grow your online business, and make sure that they're enforceable. So, just head to samvanderwielen.com/shop down below or click the link in the show notes.

I hope that this was helpful in learning how to make sure that your contracts are actually enforceable. I'll link to everything I talked about down below.

If you liked this episode, please rate and review the show and send this episode to a friend. I can't wait to chat with you next week.

Thanks so much for listening to the On Your Terms Podcast. Make sure to follow on

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