

Sectors

Data Centers and Digital Infrastructure

Data centers are being sited, financed, built, and powered at a pace few other classes of commercial real estate have seen, and the legal work spans more disciplines than almost any other project type: land and entitlements, power, design, construction, tax incentives, capital, and the leases and other agreements that govern how the facilities are used. Akerman represents participants across that ecosystem, including developers and operators, hyperscalers, neoclouds, and other AI compute users, site and powered-land developers, lenders and investors, energy providers, and the technology companies that supply the industry.

We staff data center matters as a single cross-practice team drawing on our Real Estate, Corporate, Tax, Construction, Energy, and Litigation practices, which are recognized by publications including *Chambers USA*, *The Legal 500*, and *Best Lawyers*. John Neary and Paul Russo lead the team and coordinate each matter across those groups, from site acquisition through power and financing.

Who We Work With

Each participant in a data center project sits in a different seat, with distinct deal structures, counterparties, and risks. Our team is organized around the clients themselves:

- **Developers and operators** — companies that develop, own, lease, and operate data center campuses and colocation facilities.

Connect With Us



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Our Team

Related Work

AI Governance
Bankruptcy and
Reorganization
Construction
Corporate
Corporate Finance and
Lending
Economic Sanctions
and Export Controls
Energy and
Infrastructure
Land Use and
Development
Litigation
Project Finance and
Development
Real Estate
Renewable Energy and
Electric Power
Tax
Telecommunications,
Fiber, and Wireless

- **Hyperscalers, neoclouds, and AI compute users** — tenants and users negotiating data center leases, build-to-suit and powered-shell arrangements, and colocation and services agreements.
- **Powered-land and site developers** — landowners and developers assembling, entitling, and delivering development-ready and powered sites.
- **Capital providers** — lenders, investors, funds, and REITs financing and investing in digital infrastructure.
- **Energy and power** — utilities, independent power producers, and energy developers serving data center load.
- **Design and construction** — architects, engineers, design-builders, EPC contractors, general contractors, construction managers, and subcontractors that design and build data center facilities.
- **Technology and supply chain** — equipment manufacturers, service providers, and technology companies supporting the sector.

Site Acquisition, Development, and Entitlements

Data center projects begin with land, and increasingly with land that already has power or a credible path to it. We advise developers, operators, and investors on site acquisition and assembly, annexation, zoning and entitlements, environmental review and permitting, development agreements, community benefits agreements, and purchase and sale agreements for both raw sites and properties to be redeveloped as data centers. Our land use and environmental lawyers engage with local governments and utilities early in the process, because entitlement risk and power availability now drive site selection as much as price does. More of these projects also turn on public process, as moratoria and new data center zoning rules spread

across counties and cities. Our land use lawyers appear before plan commissions, zoning boards, and city councils, and they meet with community groups about proposed developments.

Design, Construction, and Project Delivery

We represent owners, developers, operators, tenants, design professionals, and contractors in contracting for and delivering data center projects. Our work covers architect and engineering agreements, EPC and design-build contracts, construction management at-risk and general contractor agreements, and the long-lead equipment procurement agreements particular to this asset class, including for transformers, switchgear, generators, and cooling systems. These contracts must address issues that are especially acute for data centers: phased and campus-wide delivery, guaranteed completion and energization dates, liquidated damages, commissioning and testing, supply chain risk, and the coordination of construction milestones with lease delivery obligations. Our construction lawyers handle both front-end contracting and the disputes that can follow, including delay, defect, and payment claims, on projects where a missed delivery or energization date can trigger lease credits, termination rights, and significant lost revenue.

Financing Data Center Assets

We advise investors, sponsors, and capital providers on data center and digital infrastructure transactions, including joint ventures, preferred equity structures, acquisition, construction, and project financings, and similar transactions.

Tax and Development Incentives

State and local tax treatment can decide where a data center gets built. We counsel clients on data center tax incentive and exemption programs, negotiate incentive agreements with state and local authorities, and advise on the legislative and

regulatory issues surrounding the taxes imposed on data center construction and operation. This work draws on our state and local tax and public finance lawyers, for whom incentive, exemption, and development finance work is a core practice. We also help clients manage the ongoing tax burden of operating facilities and navigate the questions raised by digital products and services that existing tax law does not squarely address.

Power and Energy

Power availability is the defining constraint on data center development, and data center work and energy infrastructure work increasingly run together, sharing construction contracts, equipment procurement, incentives, and real estate. We advise on power purchase agreements, interconnection, special contract and tariff arrangements, electrical service, facility extension, construction development and similar agreements, on-site and behind-the-meter generation, and renewable and alternative energy projects serving data center load, including project siting, permitting, regulatory compliance, and construction and offtake contracting. We also represent clients before FERC and state utility commissions, including on issues relating to interconnection, large-load tariffs, and colocation. Our Energy and Construction teams frequently collaborate to ensure the efficient delivery of services to support rapid project execution.

Export Controls

Advanced computing integrated circuits, GPUs, supercomputers, and servers bring export control and Validated End User (VEU) authorization questions into data center transactions involving cross-border owners, users, or suppliers. Our export controls lawyers advise on licensing and end-use questions for that equipment. Where foreign investment is involved, we also advise on CFIUS filings and related national security considerations

for data center transactions, including declarations, notifications, mitigation measures, and enforcement.

Data Center Leasing, Colocation, and Services Agreements

Data center leasing for hyperscalers, neoclouds, and other AI compute users is a discipline of its own. We represent landlords, developers, and tenants in negotiating wholesale and single-tenant data center leases, build-to-suit and powered-shell leases, campus-wide and multi-phase expansion arrangements, and leases of high-density facilities built for GPU-intensive AI workloads. These transactions turn on terms that ordinary commercial leases lack or treat as routine: power capacity commitments and delivery schedules, delivery-date credits and termination rights tied to construction and energization milestones, expansion and ROFO/ROFR rights, cooling and infrastructure specifications, security and access rights, service levels and remedies, disaster recovery and business continuity, credit support, assignment and subleasing, wind-down, and holdover. We also negotiate colocation agreements and the master services agreements and service level agreements that govern them.

M&A, Joint Ventures, and Investment Structures

We advise buyers, sellers, and investors on acquisitions and dispositions of data center businesses and assets and of the technology and equipment companies that serve the sector, on joint ventures and recapitalizations, and on the private equity, REIT, and fund structures through which capital reaches the sector, including fund formation, equity and debt offerings, and REIT transactions and taxation.

Connectivity and Telecommunications

Lawyers in our Telecommunications, Fiber, and Wireless Facilities Infrastructure practice have significant experience representing leading technology firms, carriers, data center operators, and enterprise customers on sophisticated network transactions that connect data center campuses, including dark fiber and subsea cable system builds, leases, and indefeasible rights of use (IRU) transactions; international private line (IPL), circuit, and wavelength transactions; tower and rooftop leases; caching node and content delivery network services; and colocation and other network transactions. We have negotiated numerous master services agreements, service schedules, and service level agreements with carriers and ISPs around the world. Akerman lawyers have represented a hyperscale software platform provider on a dedicated basis in its global cloud infrastructure build-out, founding members and developers of subsea cable systems, leading carriers on product development and customer sales templates, and enterprise customers on their network procurement transactions.

Data Center Disputes

Our litigators handle the disputes particular to this sector, including construction delay, defect, and payment claims, data center lease disputes, incentive compliance matters, and challenges to zoning approvals, denials, and moratoria, in court, in arbitration, and through negotiated resolutions. When a tenant, customer, or counterparty becomes insolvent, our bankruptcy lawyers represent data center and colocation providers as creditors, protecting their claims and contract rights in the bankruptcies of the telecommunications, internet service, and enterprise customers that occupy their facilities.

Data Use and AI Governance

Data centers exist to serve data- and AI-driven businesses, and the facilities increasingly carry

regulatory obligations of their own. Working with the firm's AI Governance Sector Team, we counsel clients on the data protection, privacy, and AI regulatory questions that accompany this infrastructure — from data processing and security terms in hosting and services agreements to the compliance considerations attached to AI compute workloads.