

Restrictive Covenants, Trade Secrets and Employee Mobility

Restrictive covenants are a critical element of many employment and business relationships, designed to protect proprietary information, customer relationships, and competitive advantage. These agreements often sit at the intersection of business protection and employee mobility, seeking to preserve valuable assets without unduly restricting an employee's ability to pursue new opportunities or advance their career. Whether representing an employer seeking to safeguard its business interests or an employee evaluating post-employment obligations, Saiber provides the insight and guidance necessary to navigate this complex and evolving area of law.

We counsel clients on all forms of restrictive covenants, including non-competition, non-solicitation, non-disclosure, and confidentiality agreements. The enforceability of these agreements varies widely by jurisdiction and continues to evolve through new legislation and regulatory developments. As such, it is critical for employers and employees to review new and existing restrictive covenants with a full understanding of the current state of the law.

Our seasoned business attorneys have decades of experience working closely with employers and employees to analyze and understand the implications and potential risks associated with contracts that include these types of restrictive covenants. We regularly advise clients at every stage -- at the onset of negotiations, when disputes arise, and when litigation becomes necessary to protect their interests and proprietary assets.

Saiber's attorneys also counsel clients on the protection and enforcement of trade secrets and other confidential business information. We help clients develop and implement strategies to identify, protect, and maintain the secrecy of valuable proprietary assets, including technical capabilities, business processes, customer data, and other competitively sensitive information. When trade secrets are misappropriated or improperly disclosed, we work swiftly to pursue or defend against claims under state trade secret statutes and the federal Defend Trade Secrets Act (DTSA).

In addition, we assist clients in drafting and reviewing employment, shareholder, membership, and partnership agreements that contain restrictive covenants, ensuring that each agreement aligns with the client's strategic goals while remaining compliant with the latest legal standards and best practices for protecting trade secrets and confidential information.