

Employee Mobility and Trade Secrets

Almost every company has something to protect and maintain as secret. And all of those companies must disclose those assets and secrets and formulae to their employees. Every company is looking for skilled knowledgeable employees. And more than ever before, employees are willing to move from job to job. This environment creates risks.

When an employee gives notice – how does your business react? When a new candidate for employment is currently employed by a competitor – what should your business do? The challenge today for employers is to hire and retain skilled, trustworthy employees, and navigate today’s mobile workforce, all while safe-guarding their business secrets and competitive advantage, and to take steps to minimize disruption due to allegations of theft, misuse or misappropriation of trade secrets.

Our Employee Mobility and Trade Secrets Team works in a proactive manner to keep your client information and trade secrets safe from departing employees who might impact revenue. We represent companies seeking to protect their trade secrets, departing employees who do not comply with confidentiality restrictions and employers seeking to recruit skilled, high-level employees.

Our interdisciplinary team includes lawyers with business law, employment law, business litigation and intellectual property protection backgrounds. Our approach involves the audit and identification of trade secrets, and the creation, analysis and, if necessary, enforcement of Non-Disclosure Agreements, Non-Solicitation Agreements and Non-Competition Agreements aimed at protecting them, including Executive Employment Agreements and Stock Option Plans.

Our team has experience in the following:

- We conduct intellectual property and trade secret audits, so that clients understand what is valuable and must be protected – and what is protected by their existing employment agreements;
- We draft Executive Employment agreements for both executives and for corporations;
- We help executives and employers navigate separations;
- We draft and enforce agreements aimed at protecting confidential information, and trade secrets, including Non-Disclosure Agreements; Non-Piracy Agreements; Non-Solicitation Agreements; and Non-Competition Agreements;
- We provide guidance and litigation expertise aimed at limiting overbroad restrictive covenants in such agreements;

Members

- Christopher Cole
- Elizabeth A. Bailey
- Peter S. Cowan
- James P. Harris
- Michael J. Lambert
- David W. McGrath
- Peter A. Nieves
- James P. Reidy
- Brian D. Thomas
- Mark J. Ventola
- Karen A. Whitley

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- We prosecute and defend litigation involving the misuse and misappropriation of trade secrets;
- We help to create and enforce intellectual property rights.