VLP Founding Partner David Goldenberg Quoted in the Law360 Article “How to Draft a Noncompete that Won’t Irk Workers”

VLP Founding Partner David Goldenberg was quoted in the *Law360* article “How to Draft a Noncompete that Won’t Irk Workers, Courts.”

The article reported on the complexities of noncompete agreements, noting that poorly crafted noncompete agreements can be equally frustrating for employers and employees, providing the former with a false sense of security and the latter with excessive restrictions.

The author noted that, while noncompete agreements are complex, employment attorneys say the broad strokes of putting together an agreement that will survive in court and keep employees happy are relatively simple.

The article went on to explain that what an employer can and can’t include in an employment agreement is dependent on state law. California is one of a handful of states that bar noncompete agreements altogether, while other states have implemented various restrictions on which workers can be covered and how long an agreement can last.

Mr. Goldenberg noted that California employers aren’t totally without tools for protecting themselves. He said that if one company buys another, the buyer can bar the former owner from opening a competing shop down the street for a certain length of time.

Mr. Goldenberg also said that employers can protect trade secrets in the Golden State, which becomes doubly important when companies can’t otherwise restrict their workers’ movement, even to direct competitors.

He noted, “That’s your best bet, typically, again assuming you’re working in tech or doing something where trade secrets are important. It’s harder where it’s … the auto mechanic, where there’s no real intellectual property or technology to try to protect.”

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