

# Non-Compete: Who is the Bad Actor?

The **Labor & Employment Law Perspectives** blog of Foley & Lardner discusses the increased attention paid to restrictive covenants and the increase in litigation as employers seek to protect their confidential information and prevent a loss of business.

**Don Schroeder** asks and answers the question: What does this mean if you are considering a new hire who is saddled with an employment agreement that contains non-competition and/or non-solicitation provisions?

“As a threshold matter, you should know that regardless of the states where you operate, if you are faced with litigation by the former employer, the judge assigned to the case will look very closely at your new employee’s pre-hire conduct as he/she exited the former employer,” Schroeder explains.

**Read the article.**