



Non-Compete & Trade Secrets

Burr & Forman's non-compete and trade secrets service group is comprised of litigation and transactional attorneys throughout the firm's Southeastern footprint. The group represents and counsels businesses in connection with all types of unfair competition issues, including those involving non-compete, non-solicitation, and non-disclosure agreements, and employee raiding, trade secrets, and employee loyalty.

Our attorneys represent financial services companies, consulting firms, technology companies, medical practices, insurance companies, media and publishing businesses, franchisors, and a wide variety of sales-oriented businesses. Our group includes attorneys licensed to practice in all state and federal courts in Alabama, Georgia, Tennessee, Florida, Mississippi, and multiple other states, along with significant experience in Financial Industry Regulatory Authority (FINRA) arbitrations and other forms of alternative dispute resolution (ADR).

The services we provide to our clients include the following:

Counseling on Non-Compete & Trade Secrets Issues

Our team counsels clients on ways to employ best practices in protecting a business's valuable customer relationships and business information. Such counseling often involves working with a client to help develop policies and procedures for better protecting its trade secrets and other confidential information. Our attorneys assist clients with general employee on-boarding and exit strategies geared toward avoiding disputes involving non-compete and trade secrets issues, as well as getting involved with specific new or departing employees for the purpose of resolving unfair competition issues before they flare up into litigation.

PROFESSIONALS

Jacob A. Burchfield
Michael K. K. Choy
John J. Coleman, III
William "Chip" Collins, Jr.
Benjamin B. Coulter
Marcel L. Debruge
Devin C. Dolive
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RELATED AREAS

Employer Advising, Policies & Training
Employment Litigation
Intellectual Property
Labor & Employment
Unfair Competition & False Advertising

Non-Compete & Trade Secrets

Drafting Non-Compete Agreements

We assist employers in preventing unfair competition by a departing employee in drafting comprehensive non-compete agreements for executive-level, sales, and other employees with access to customers and/or confidential information.

These agreements address all or some combination of the following:

- Confidentiality/non-disclosure
- Non-competition
- Non-recruitment of employees
- Non-solicitation of customers
- Return of employer property
- Trade secrets protection
- Ownership of intellectual property

The law governing these types of agreements is state-specific, so it is crucial for employers to have their non-competes drafted by an attorney well-versed in the relevant law of the state where an agreement will need to be enforced. Our multi-state footprint allows us to work together to customize our clients' non-compete agreements to satisfy the particular requirements of the states in which our clients do business. We work with each client to tailor an agreement that will be enforceable and protect the client's valuable business interests.

Litigation & Alternative Dispute Resolution

Should litigation be unavoidable, our team of litigators is prepared to move fast to ascertain the pertinent facts, secure an injunction to protect the client's customer relationships and confidential information, and move to a judgment for damages if necessary. Our attorneys are equally adept at defending against non-compete and trade secrets claims when a client's needs necessitate such representation.

For up-to-the-minute updates on news and developments relating to non-compete and trade secrets law, visit our non-compete and trade secrets blog.

News

- 58 Burr Attorneys Named to 2023 Mid-South Super Lawyers and Rising Stars List
Firm News, 11.28.2023
- Burr & Forman Earns National and Metro Rankings in 2024 Best Law Firms List
Firm News, 11.02.2023
- Two Burr & Forman Attorneys Recognized in Lawdragon 500 Leading Corporate Employment Lawyers Guide
Firm News, 10.06.2023

Non-Compete & Trade Secrets

- Beth Shirley Highlights IP Considerations for AI Tools in *SHRM Online* Media Mention, 05.15.2023

Events

- The Burr Morning Show Webinar - Will the Federal Trade Commission Succeed in Ending Non-Compete Clauses Between Employees and Employers? Webinar, Online, 03.24.2023

Publications

- Emily Mack and Chandler Aragona Discuss How to Avoid the Pitfalls of AI in the Workplace on *HR.com* Articles / Publications, 07.17.2023
- Five Things Employers Should Know About the FTC's Noncompete Proposal Article, 05.02.2023