

Kevin Goldstein Discusses FTC Ban on Worker NonCompetes with *The New York Times*

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Winston & Strawn partner Kevin Goldstein discussed the Federal Trade Commission's (FTC) rule that would ban worker noncompetes, and the decision from the Texas court presiding over the challenge to the ban with *The New York Times*. In the article, Kevin touches on the various steps employers can take to protect their interests when workers depart, whether or not the FTC's noncompete rule goes into effect.

In April, shortly after the FTC voted to adopt the ban on non-competes, a tax firm and multiple business groups sued to block the rule which they argue would limit the ability of businesses to protect trade secrets and confidential information. Judge Ada Brown of the U.S. District Court for the Northern District of Texas granted a preliminary injunction in favor of the plaintiffs, stating that the FTC lacked "substantive rule-making authority" with respect to unfair methods of competition and that the plaintiffs were "likely to succeed on the merits" of their challenge.

In a [blog post](#) after the FTC adopted its noncompete ban, Winston attorneys suggested additional options employers can adopt to protect their interests in the face of increasing scrutiny of noncompetes, such as appropriately tailored nondisclosure agreements, non-solicits, incentive forfeitures and clawbacks, garden leaves, and training repayment agreements.

"Focus on these additional protections has become greater," Kevin said.

[Read the full article.](#)

[Read Winston's latest Competition Corner blog post on the FTC Noncompete Ban.](#)

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