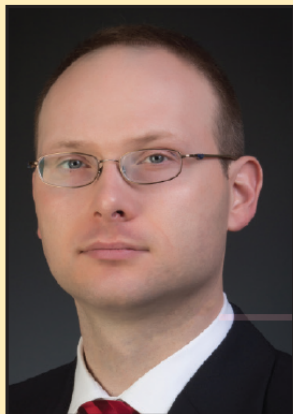


“Ask the Legal Professional”

Question and answer articles on legal topics featured in the Pittsburgh Business Times



PROTECTING YOUR BUSINESS

Q A competitor is poaching my employees and I want to start using a non-compete. Are there any issues of which I should be aware?

A Covenants not to compete are disfavored by the courts in Pennsylvania, but they will be enforced under the right circumstances. In order to be found valid, a non-compete must be sufficiently limited in duration and geographic scope. The limitations imposed by a non-compete also must be reasonably necessary to protect an employer's legitimate interests. Crucially, non-competes must be supported by consideration. When signed by a new-hire, consideration can be the fact of employment itself; however, additional consideration is required for existing employees. Determining whether a non-compete is appropriate depends on the specific factual circumstances involved. If you are considering using a non-compete, you should speak with an attorney knowledgeable in this area of the law to ensure that it meets Pennsylvania's strict standards.

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