

List of General Questions

Note: Page numbers for answers to the questions below are provided state by state in the finding list beginning at page xxxi. A list of additional topics exploring issues beyond the general questions below and providing the relevant page numbers for information on those topics appears beginning at page xlv.

1. Is there a state statute of general application that governs the enforceability of covenants not to compete?
 - a. What state statutes govern the enforceability of covenants not to compete as regards specific professions?
2. What is an employer's protectable interest and how is that defined?
3. What must the plaintiff be able to show to prove the existence of an enforceable covenant not to compete?
 - a. Does the signing of a covenant not to compete at the inception of the employment relationship provide sufficient consideration to support the covenant?
 - b. Will a change in the terms and conditions of employment provide sufficient consideration to support a covenant not to compete entered into after the employment relationship has begun?
 - c. Will continued employment provide sufficient consideration to support a covenant not to compete entered into after the employment relationship has begun?
 - d. What factors will the court consider in determining whether time and geographic restrictions in the covenant are reasonable?
 - e. Who has the burden of proving the reasonableness or unreasonableness of the covenant not to compete?
 - f. What type of time or geographic restrictions has the court found to be reasonable? Unreasonable?

