

Preface

*Current through December 2017
with selected later additional developments*

Employees often have access to the proprietary information, trade secrets, and other confidential data of the employer. The disclosure or competitive use of such information can gut an employer's competitive advantage, and such conduct increasingly has become the subject of courtroom battles and settlement negotiations. *Trade Secrets: A State-by-State Survey*, which I have prepared with the help of members of the Employment Rights and Responsibilities Committee, is designed to help labor and employment law attorneys, as well as intellectual property law practitioners, in counseling on and litigating issues of trade secret protection.

Attorneys familiar with the three other surveys in this series—*Covenants Not to Compete: A State-by-State Survey*; *Employee Duty of Loyalty: A State-by-State Survey*; and *Tortious Interference in the Employment Context: A State-by-State Survey*—will find in this title an in-depth analysis of state statutory and common law protections of trade secrets and other confidential information.

For each state, the book provides: the text of the relevant civil and criminal statutes; a detailed review of case law examining the definitional and other issues critical to trade secret litigation in each state; in-depth guidance on exemption from disclosure under state and federal Freedom of Information Acts and on the issuance of protective orders in the litigation context; and explanation of the policy considerations underlying case and statutory law developments.

Just as importantly, this survey outlines the specific types of evidence that have secured—or doomed—protection for asserted trade secrets. The inclusion of finding lists makes it easy for practitioners to immediately determine what particular types of information in any given state have been afforded—and denied—trade secret protection.

Trade Secrets also contains detailed guidance on obtaining injunctive relief, damages, and attorney's fees; discusses the interplay of law

protecting information not quite rising to the level of a trade secret; and provides references to state-specific law review articles and other scholarly resources in this area.

Trade Secrets completes a small but rich library tightly focused on issues of protecting—and defending against efforts to protect—interests in proprietary information, both within and beyond the law of contract. Employing a question-and-answer format, this treatise provides a thorough analysis of the law in each jurisdiction and, thus, a source of immediate answers to client questions in the counseling context.

By using this book, both corporate counsel and private practitioners can answer clients' questions in just minutes and at only a fraction of the cost that otherwise might have been incurred. It is designed to be just as valuable in the litigation context, where it quickly brings the litigator up to date on an ever-changing host of critical issues.

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