



BENESCH OFFERING:

# Complimentary Restrictive Covenant Agreement Review Related to Changes in Illinois Law

The Passage of Illinois Public Act 102-0358 amended the Illinois Freedom to Work Act and altered nearly 200 years of Illinois Restrictive Covenant Law. This Act, which is correctly being called the "Illinois Restrictive Covenant Statute," establishes new rules, parameters, and guidelines for the enforcement of Non-Competition, Employee Non-Solicitation, and Customer Non-Solicitation Agreements in Illinois. Hence, any Illinois corporation or firm that relies on Restrictive Covenant Agreements, as well as any corporation or firm with employees in Illinois that are subject to Restrictive Covenant Agreements, needs to ensure that its Agreements are in compliance with the new Statute when the Statute takes effect on January 1, 2022. Indeed, compliance with the Statute is essential since failure to comply with the Statute may not only result in the striking and non-enforcement of a company's restrictive covenants, but also a court order requiring the company to pay the attorneys' fees of its former employee.

Benesch's Trade Secrets, Restrictive Covenants and Unfair Competition Group understands the importance of having enforceable Restrictive Covenant Agreements that protect a company's and firm's trade secrets, client relationships, employee work force and other legitimate business interests. Accordingly and since now is the time for companies and firms to review their Restrictive Covenant Agreements in order to assess whether their Agreements will comply with Illinois law on January 1, 2022, Benesch is offering a complimentary one

hour consultation with a member of **Benesch's Trade Secrets, Restrictive Covenants and Unfair Competition Group**. Each member of this group is adeptly skilled at analyzing and writing Restrictive Covenant Agreements, has spent time studying the Illinois Restrictive Covenant Statute, and, as a result, can assist your company or firm with:

- Ensuring that your Restrictive Covenant Agreements comply with Illinois compensation thresholds;
- Identifying and developing consideration that is considered "adequate" under the Statute so that your Restrictive Covenant Agreement is immediately enforceable;
- Clarifying in your Restrictive Covenant Agreement the specific "consideration" given in exchange for agreeing to the Restrictive Covenant(s), and incorporating into your Agreement the various portions of the Statute that cover the factors an Illinois court will consider when deciding whether to enforce a Restrictive Covenant;
- Developing and implementing best practices and processes for complying with the Statute's "attorney consultation" and "notice" provisions.

Members of Benesch's Trade Secrets, Restrictive Covenants and Unfair Competition Group will also handle any other questions you may have regarding the statute or restrictive covenant laws in other states.

**To schedule a complimentary consult** with members of Benesch's Trade Secrets, Restrictive Covenants and Unfair Competition Group, please contact J. SCOTT HUMPHREY at [shumphrey@beneschlaw.com](mailto:shumphrey@beneschlaw.com) or 312.624.6420 to schedule the consultation. We look forward to working with you.