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California Asymmetrical Approach To Non-Competes

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One unintended consequence of California's voiding of many non-compete agreements is that it puts California employers at a disadvantage with respect to employee recruitment. Employers in other states are free to hire away employees in California while California employers may be subject to enforceable non-compete agreements when they attempt to hire employees in other states. Now, the California legislature intends to double down on this asymmetrical treatment by threatening members of the California bar with possible suspension or disbarment if they enter into with an employee or prospective employee, present an employee or prospective employee as a term of employment, or attempt to enforce any employee contract or other agreement that violates California's restrictions on restraint of trade. See [Bill Would Authorize Disbarment Of Attorneys Who Enter Into Non-Competes With Their Employees](#). Lawyers who are not members of the California bar would face no such threat and would be free seek enforcement of such agreements. The bill, [AB 747](#), is currently pending before the Assembly Labor & Employment Committee.

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