

Peter Steinmeyer Quoted in Article, "5 Tips for Drafting Employment Pacts in the Social Media Era"

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Peter Steinmeyer, a Member of the Firm in the Labor and Employment practice and Managing Shareholder of the Chicago office, was quoted in an article titled "5 Tips for Drafting Employment Pacts in the Social Media Era." (Read the full version — subscription required.)

Following is an excerpt:

Facebook, LinkedIn and Twitter have radically changed how companies and employees connect to each other as well as clients or customers, and those changes have left the law — and employment contracts — struggling to keep up, lawyers say.

"Technology and society move quicker than the law, and the law is catching up right now," said Peter Steinmeyer, co-chairman of the noncompetes, unfair competition and trade secrets practice group at Epstein Becker Green. ?...

Exactly what constitutes "solicitation" may be the biggest unresolved question for lawyers trying to enforce agreements barring departing workers from luring clients or former co-workers away from a company in the social media realm, Steinmeyer said. ?...

"In the social media era, it makes sense to have a more specific definition of solicitation, but an awful lot of agreements simply use the word 'solicit' without defining what that means,"

People



Peter (Pete) A. Steinmeyer
Member of the Firm
Trade Secrets & Employee
Mobility
Chicago
312-499-1417
psteinmeyer@ebglaw.com

Steinmeyer said. ?...

But in light of the uncertainty swirling around what constitutes a solicitation on the social media sphere, employers might want to go against the grain and make sure their nonsolicitation agreements are accompanied by restrictions that prohibit departing employees from doing business with their former customers, Steinmeyer said. ?...

In addition to making sure workers understand the significance of any confidential information they may have access to, companies should clearly label confidential information as such and hold exit interviews with departing employees that stress the need to protect confidential data, according to Steinmeyer.