

Conflicting Noncompete Laws Create a Choice-of Law Chess Match

Articles

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By: Thomas A. Muccifori

In an article for *Bloomberg Law*, partner Tom Muccifori, chair of Archer's Trade Secret Protection & Restrictive Covenants Group, explores the growing uncertainty surrounding noncompete enforcement and highlights the critical role of choice-of-law and jurisdictional provisions in mitigating risk.

Noncompete agreements are becoming harder to manage as states move in opposite directions. Some states, like Florida, are making them easier to enforce, while others, including California, Minnesota, and now Wyoming, have banned them altogether. Many other states add their own unique rules, such as wage thresholds or limits on duration, creating a confusing patchwork for employers with operations in multiple locations.

Because an agreement that is valid in one state may be unenforceable just across the border, employers should carefully consider how their noncompetes are written and which state's laws will apply. Recent court cases show that employees are increasingly challenging these restrictions by seeking out states with more favorable rules.

For businesses, the message is clear: consult experienced counsel when drafting or enforcing noncompetes. A well-structured agreement, supported by thoughtful choice-of-law provisions, can help reduce uncertainty and protect important business interests.

Read the complete article [here](#).

Related People



Thomas A. Muccifori

Partner

✉ tmuccifori@archerlaw.com

☎ 856.354.3056

