



Thomas A. Muccifori

Partner

Business Litigation /

Trade Secret Protection & Restrictive Covenants



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Overview

During his 40 years in practice, Tom has litigated business disputes of all types, ranging from complex matters for Fortune 500 companies to mid- and small-sized businesses and individuals, including a variety of labor and employment issues in both the public and private sectors. Utilizing his background in business and full knowledge of his clients' businesses and industries, Tom identifies and evaluates potential risks, resolves issues through pre-suit negotiations and, when necessary, strategically, aggressively and efficiently navigates his clients through all law, chancery and complex business courts throughout New Jersey, as well as its Federal District Courts, the Third Circuit Court of Appeals and the United States Supreme Court.

In particular, Tom has gained nationwide experience in drafting, negotiating, counseling and litigating non-compete agreements of all types, on behalf of employers, employees and others. He has successfully litigated and defended a number of such cases in state and federal court on behalf of employees and employers seeking injunctive and monetary relief in a wide variety of contexts, including sales, technical employees, and key senior management. He is the founder and Chair of Archer's Trade Secret Protection & Restrictive Covenants Group. Tom is also Chair of the firm's Commercial Collections and Consumer Litigation Group, which represents both creditors and debtors in all facets of commercial litigation.

Utilizing cutting-edge restrictive covenant and inevitable disclosure claims and theories to protect his clients' interests, Tom has obtained temporary restraining orders, preliminary injunctions and other relief for clients, including a leading biotech company, a leading plastic supplier company, numerous office supply companies, and many large and small employers riddled with key employee defections to competitors.

Tom has spent his entire professional career with Archer, beginning with summer clerkships.

Representative Experience

- Successfully litigated a contentious, complex dispute between a New Jersey distributor of graphic art and printing supply materials against an international printing company and its majority owner. Following a fourteen-day non-jury trial, helped the distributor obtain and collect in full a \$1,543,761.75 million judgment against the printing company and its owner for breach of contract, reformation and fraud. The \$1,543,761.75 judgment entered by the Court was composed of \$792,115.68 in compensatory damages, \$662,775.00 in punitive damages and \$88,871.01 in pre-judgment interest.*

**Results may vary depending on your particular facts and legal circumstances.*

Professional and Community Involvement

- Member, Equity Jurisprudence Committee, New Jersey State Bar Association
- Senior Fellow, Litigation Counsel of America
- American Bar Association, Advisory Panel and Committee on Business & Corporate Litigation (2003-present)
- Burlington County Bar Association, Chair, General Equity Committee (2005-2018)
- Camden County Bar Association, Creditor Rights and Commercial Litigation Committees (1986-present)
- Moorestown Business Association
- New Jersey Bar Association, Equity Jurisprudence Committee
- Atlantic County Bar Association
- New Jersey State Bar Association
- Ocean County Bar Association
- Society for Human Resource Management
- Trial Attorneys of New Jersey (1986-present)
- Burlington County Bar Foundation (2002-present)
- Burlington County Chamber of Commerce
- Moorestown Business Association
- Moorestown Education Foundation
- Rutgers President's Council
- Rutgers School of Law, Dean's Leadership Council



- SJ Magazine, Editorial Advisory Board (2015-present)
- Established the Honorable Thomas J. Muccifori Scholarship Fund at Rutgers School of Law, Camden (September 2003)
- Burlington County Bar Association, Chair, Continuing Legal Education Committee (2008-2009)
- Burlington County Bar Association, Chair, General Equity Section (2003-2010)
- Burlington County Bar Association, Trustee (2005-2008)
- Camden County Bar Association, Chair, Commercial Litigation Committee (2002-2004)
- Brigantine Historical Society, Board of Directors (2004-2006)
- Steininger Behavioral Care Services, Golf Committee (2001-2003)
- Moorestown Department of Recreation (2000-2014) Volunteer
- Rutgers Law School, Lecturer, New Jersey Practice (1994-2004)
- Moorestown Youth Baseball Federation, Manager, Coach and Volunteer (2000-2008)
- Raman Condominium, Brigantine, New Jersey, Board of Directors and President (1999-2005)

Select Articles

- [“The “Ban-Wagon” Has Arrived in Pennsylvania Banning Many Non-Competes for Health Care Practitioners,”](#) *Archer Client Advisory* (July 2024)
- [“Federal Court in Texas Puts Hold on FTC’s Ban - but Only for the Plaintiffs in That Case,”](#) *Archer Client Advisory* (July 2024)
- [“A Fast-Approaching Valentine’s Day Deadline for Employers with California Employees Subject to Non-Compete Agreements,”](#) *Archer Client Advisory* (February 2024)
- [“Another One Bites the Dust - Minnesota Becomes Fourth State to Ban All Future Employment Non-Compete Agreements,”](#) *Archer Client Advisory* (May 2023)
- [“Pennsylvania is Considering Banning All Non-Competes for all Healthcare Practitioners,”](#) *Archer Client Advisory* (March 2023)
- [“The Proposed Workforce Mobility Act is Back, This Time with Gusto,”](#) *Archer Client Advisory* (February 2023)
- [“Audacious” Federal Trade Commission Proposed Rule Banning Non-Compete Agreements is Now Subject to Public Comment,”](#) *Archer Client Advisory* (January 2023)
- [“Deja Vu All Over Again,”](#) *Archer Client Advisory* (November 2022)



- “You Can’t Unring a Bell,” *Archer Client Advisory* (May 2022)
- “The Tumultuous Year in Noncompete Agreements and What to Expect in the Year to Come,” *Archer Client Advisory* (January 2022)
- “More Than One Way to Skin a Disloyal Cat: Common Law Duty of Loyalty Claim Saves the Day,” *Archer Client Advisory* (November 2021)
- “Common Law Duty of Loyalty Claim Saves the Day,” *Archer Client Advisory* (November 2021)
- “The Houston Astros Stole Bases and Signs - But Did They Also Steal Trade Secrets?” *IPWatchdog* (August 2021)
- “The Houston Astros Stole Signs, But Did They Also Steal Trade Secrets?” *Archer Client Advisory* (July 2021)
- “Pennsylvania Supreme Court Invalidates “No-Hire” Agreement between Businesses as a Violation of Public Policy,” *Archer Client Advisory* (May 2021)
- “When You Hire Someone with a Non-Compete, You Roll the Dice and the House (Often) Wins,” *Archer Client Advisory* (May 2021)
- “Bad Contracting Can Leave a Bad Taste in Your Mouth,” *Archer Client Advisory* (August 2020)
- “Is Noncompete Legislation a Bridge Too Far?” *HR Executive Magazine* (January 2020)
- “Consider Yourself Warned: Pennsylvania Supreme Court Set to Consider Long-Standing Consideration Requirement for Pennsylvania Noncompetes,” *Archer Client Advisory* (January 2020)
- “Employers Beware: The Workforce Mobility Act of 2019,” *Archer Client Advisory* (November 2019)
- “The Potential Pitfalls to Hiring Candidates with Noncompete Agreements,” *Human Resource Executive* (May 2019)
- “Navigating the Intersection of the Social Media Highway and Restrictive Covenants,” *New Jersey Lawyer* (April 2019)
- “Eureka!: How to Strike Gold in California While Avoiding Its Anti-Non-Compete Agreement Policy,” *Archer Client Advisory* (November 2018)
- “Caution: Your Over Broad Non-Compete Agreement,” *Archer Client Advisory* (September 2018)
- “The Assault Continues: Recent Developments Would Severely Curtail Employers’ Rights to Enforce Non-Compete Agreements,” *Archer Client Advisory* (May 2018)
- “Proposed State Senate Bill Would Substantially Change Restrictive Covenant Law in New Jersey,” *Archer Client Advisory* (November 2017)
- “Social Media Mayhem Continues- Invitations to Connect on LinkedIn Held Not Violative of Non-Solicitation Agreement,” *Archer Client Advisory* (September 2017)



- “The Defend Trade Secrets Act—One Year Later,” *The Legal Intelligencer* (May 2017)
- “Jam Recipe Yields 1st STSA Verdict,” *Archer Client Advisory* (March 2017)
- “Caught with their Hands in the Fig Jar—Pirating Companies Pay Big for a Secret Recipe in the First Jury Verdict Under the DTSA,” *Archer Client Advisory* (March 2017)
- “New Federal Defend Trade Secrets Act Prompts Businesses to Revise Their Contracts,” *Archer Client Advisory* (May 2016)

Select Speaking Engagements and Seminars

- “Chancery & Injunction Practice in NJ State & Federal Court,” Burlington County Bar Association (March & May 2018)
- “Small Business Focus: Archer Law’s Trade Secret Protection and Non-Compete Practice Group,” Moorestown Business Association (December 2017)
- “What to Do When You Get that Bill,” Emergent Litigation Topics, NJSBA (April 2016)
- “What to Do When You Get That Call: Legal Answers in Emergency Situations,” NJSBA (March 2016)
- “Demystifying Chancery Practice,” Burlington County Bar Association (2008-2016)

In the News

- “DraftKings Case Shows Limits of California Noncompete Ban Reach,” *Bloomberg Law* (October 2024)
- “The Future of the Noncompete Ban isn’t Totally Bleak,” *Axios* (August 2024)
- “FTC Fails 1st Test Of Rulemaking Push In Noncompetes Loss,” *Law360* (August 2024)
- “Companies Delay Voiding Noncompetes With Fate of Ban Uncertain,” *Bloomberg Law* (July 2024)
- “Employers Brace for Lawsuits, Higher Costs Amid Seismic Rule Changes,” *American City Business Journal* (May 2024)
- “States Add to ‘Fire Hose’ of Noncompete Issues Vexing Employers,” *Bloomberg* (June 2023)
- “Lawyers Anticipating the New Normal Call Post-Boundary Life ‘a Gift and a Curse,’” *New Jersey Law Journal* (May 2021)
- “Is Noncompete Legislation a Bridge Too Far?” *Human Resource Executive Magazine* (January 2020)
- “Mentors Guide Attorneys Through ‘Precarious Intersection,’ Archer’s Muccifori Says,” *New Journal Law Journal* (June 2019)
- “Noncompete Agreements a Tricky Target for Obama Administration,” *Business Insurance* (May 2016)



- “Revise Nondisclosure Agreements to Comply with New Law,” *Society for Human Resource Management* (May 2016)

Recognitions

- Named to New Jersey “Super Lawyers” list for Business Litigation (2005-2008, 2013-2019)

Click [here](#) for methodology.

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

Credentials

Education

- Rutgers University School of Law, JD, *cum laude*
- Rutgers University, BA, *magna cum laude*; Phi Beta Kappa

Admissions

- New Jersey
- U.S. Court of Appeals for the Third Circuit
- U.S. District Court for the District of New Jersey
- U.S. Supreme Court

Offices

- Voorhees, NJ

Areas of Focus

Practice

- Business Litigation
- Trade Secret Protection & Restrictive Covenants

