



James M. Witz

Shareholder
Co-Chair, Unfair Competition and Trade
Secrets Practice Group

321 North Clark Street
Suite 1100
Chicago, IL 60654
main: (312) 372-5520
direct: (312) 795-3246
fax: (312) 372-7880
jwitz@littler.com



Focus Areas

Unfair Competition and Trade Secrets
Litigation and Trials
Discrimination and Harassment
Hiring, Performance Management and Termination

Overview

James M. Witz is a trial lawyer who has experience with a wide range of employment issues. He is widely recognized for his knowledge in the area of non-competition and trade secret disputes, and cases involving emergency and injunctive relief. He is the co-chair of the firm's Unfair Competition and Trade Secret Practice.

Jim has obtained multiple seven figure trial verdicts in high-profile trade secret and restrictive covenant cases in courts around the United States. Jim successfully argued a trade secret matter before a Florida state court jury receiving a total judgment of approximately \$2.4 million. In addition, he secured a \$1.9 million verdict after a bench trial before the U.S. District Court for the Northern District of Illinois. In addition, in 2015, after a one week jury trial, Jim obtained a \$2.1 million verdict in Minnesota state court on behalf of his client, one of the largest verdicts ever awarded in a restrictive covenant matter in that state, as well as an award of attorneys' fees. The case was settled prior to appeal with payment of the judgment in full as well as substantial attorneys' fees.

Jim routinely handles significant emergency and preliminary injunction matters, including some of the more notable restrictive covenant and trade secret matters that have been filed in Illinois for both the prosecution and defense side. For example, on behalf of a Fortune 500 company, Jim successfully obtained emergency injunctive relief in Illinois state court against a departing top executive based on trade secret, fiduciary duty and restrictive covenant claims,

including claims under both Texas and Illinois law. Similarly, Jim successfully defended restrictive covenant and trade secret claims on behalf of a senior executive of one of the nation's largest data companies, obtaining both a denial of a request for preliminary injunctive relief and also a dismissal order invalidating the executive's restrictive covenant agreement.

Jim has argued restrictive covenant and trade secret matters before the nation's higher courts as well, obtaining rulings that have been frequently cited in subsequent opinions. Jim successfully convinced the 5th Circuit Court of Appeals that a Texas district court had misapplied applicable Texas trade secret law as well as the federal standard for injunctive relief and obtained an order reversing the District Court's denial of a preliminary injunction.

Jim's clients have included some of the nation's largest and most successful companies, as well as smaller businesses and start-ups in a variety of industries, including insurance brokerage, data and advertising, printing, professional services and consulting, staffing and recruiting, large equipment manufacturing, medical devices and technology, software and food service and ingredients.

Furthermore, Jim counsels clients throughout the country regarding employee hiring, termination and related matters, including the drafting and implementation of effective employment agreements, confidentiality policies and restrictive covenants. He has led internal investigations of senior employees for multiple clients.

Jim is a frequent speaker on restrictive covenant and trade secret matters, and has authored or contributed commentary on such matters for leading legal publications.

Complementing his unfair competition and trade secrets practice, Jim also has extensive experience in commercial employment litigation and contract matters, as well as in more standard employment litigation claims involving:

- Title VII of the Civil Rights Act
- The Age Discrimination in Employment Act (ADEA)
- The Americans with Disabilities Act (ADA)
- The Family and Medical Leave Act (FMLA)
- The Fair Labor Standards Act (FLSA)

Recognition

- Recipient, Haight, Brown and Bonesteel Award, *UCLA School of Law*

Education

J.D., University of California, Los Angeles School of Law

B.A., Wesleyan University

Bar Admissions

Illinois

Courts

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Northern District of Illinois

Publications & Press

The Trend Continues: Illinois Imposes Additional Prerequisites and Restrictions on Employers' Use of Restrictive Covenants

Littler Insight

August 18, 2021

President Biden Seeks to Regulate (and Potentially Ban) Non-Competes

Littler ASAP

July 9, 2021

Littler Appoints New Practice and Industry Group Chairs

Littler Press Release

October 14, 2020

Time to Reassess Employee Nonsolicitation Clauses in Calif.

Law360

February 9, 2019

Unfair Competition: What Happened in 2018, and What's in Store for 2019

Littler Insight

February 8, 2019

Second California Court Adopts Position that Employee Non-Solicitation Clauses Are Invalid Restraints on Trade

Littler ASAP

January 24, 2019

Wis. Man Pleads Not Guilty To Trade Secrets Theft

Law360

July 25, 2017

What Employers Should Know About New Ill. Noncompete Law

Law360

September 23, 2016

Overreaching Noncompetes Criticized in New York and Illinois

SHRM Online

September 9, 2016

New Non-Compete Law Regarding Low-Wage Workers Passes in Illinois

Littler ASAP

August 31, 2016

Littler Appoints Two New Practice Group Chairs

Littler Press Release

July 25, 2016

Federal Court Split on Consideration Needed to Enforce a Restrictive Covenant in Illinois Remains Unresolved

Littler Insight

July 16, 2015

Illinois Appellate Court Finds Insufficient Consideration Where Employer Relied on Under Two Years Employment in Support of Noncompetition and Nonsolicitation Agreements

Littler ASAP

July 18, 2013

James (Jim) Witz Joins Littler In Chicago

Littler Press Release

December 18, 2012

The importance of computer forensics in trade-secret litigation

Westlaw Journal Intellectual Property

October 17, 2012

Drafting and enforcing restrictive covenants: Important dos and don'ts

Westlaw Journal Intellectual Property

August 22, 2012

Non-Competition and Trade Secret Advisor

Firm Newsletter

December 16, 2010

Non-Competition and Trade Secret Advisor

Firm Newsletter

May 25, 2010

Sunbelt Rentals: Are Restrictive Covenants Becoming More Enforceable in Illinois?

FlashPoint Series

April 1, 2010

Speaking Engagements

Seven Key Developments and Recommendations Affecting Your Restrictive Covenant Agreements and Unfair Competition Strategy

May 11, 2017

Unfair Competition Litigation and Electronic Information: Proactive Measures to Protect Your Secrets and Navigate Electronics

Chicago, IL

March 5, 2014

Safeguarding The Secrets of Your Success: Latest Developments in Trade Secret and Non-Competition Law

Firm Presentation, Chicago, IL

September 22, 2011