



## James M. Witz

Shareholder

Co-Chair, Unfair Competition and Trade Secrets Practice Group

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## Practice Areas

Unfair Competition and Trade Secrets

Litigation and Trials

Discrimination and Harassment

HR Advice and Counsel

## 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 5<sup>th</sup> 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

- Named, The Best Lawyers in America®, 2025
- Named, Stand-Out Lawyer, *Thomson Reuters*, 2023-2024
- 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

Colorado

## **Courts**

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Northern District of Illinois

## **Publications & Press**

### **Littler Team Secures A Quick Preliminary Injunction for CyberCoders**

*Press Release*

April 30, 2025

### **The Global Guide Quarterly (Quarter 2, 2024)**

*Littler Global Guide Quarterly*

July 24, 2024

### **The Littler Annual Employer Survey 2024**

*Littler Report*

May 8, 2024

### **Employers Expect Increased Regulatory Enforcement Amid Legislative Slowdown in Election Year, Littler Survey Finds**

*Press Release*

May 8, 2024

### **Non-compete agreements – are employers already making their own minds up?**

*TLNT*

April 29, 2024

### **FTC Issues Final Rule Effectively Banning Workplace Non-Compete Agreements**

*Littler ASAP*

April 23, 2024

### **Businesses face 'seismic shift' after FTC bans noncompetes. Here's what they should do next**

*American City Business Journals*

April 23, 2024

### **FTC Bans Most New Noncompete Agreements Nationwide**

*SHRM Online*

April 23, 2024

**Delaware Supreme Court Upholds Forfeiture for Competition Provisions, Holding Departed Partners Bargained Away Their Right to Have Their Cake and Eat It, Too**

*Littler ASAP*

February 6, 2024

**The year in unfair competition and trade secrets: 2023 developments and what is on the horizon for 2024**

*Westlaw Today*

January 23, 2024

**The Year in Unfair Competition and Trade Secrets: 2023 Developments and What Is on the Horizon for 2024**

*Littler ASAP*

December 20, 2023

**Pending noncompete ban raising concerns**

*Business Insurance*

February 1, 2023

**FTC proposed ban on noncompetes may face strong resistance**

*Business Insurance*

January 17, 2023

**FTC Proposes a Ban on Noncompetes in Employment Contracts**

*WorldatWork*

January 12, 2023

**6 Things Cos. Should Do Following FTC Noncompete Proposal**

*Law360*

January 12, 2023

**FTC Proposes Rule Banning Non-Competes**

*Littler ASAP*

January 5, 2023

**A Veritable Blizzard of Litigator of the Week Runners-Up and Shout Outs**

*The American Lawyer*

December 23, 2022

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

*Littler ASAP*

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**

*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 ASAP*

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**

*Press Release*

July 25, 2016

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

*Littler ASAP*

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**

*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

**Events & Speaking Engagements**

**AI in Organizations: Working Session on Best Practices for HR Leaders**

Denver, CO

April 16, 2025

**2024 Rocky Mountain Regional Employer Conference**

Denver, CO

October 18, 2024

**Everything You Need to Know About the FTC's Final Rule on Noncompetes in 30 Minutes**

April 25, 2024

**Are Restrictive Covenants and Trade Secrets in Jeopardy? Updates and a Practical Plan for the Future**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

**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