

# Employee Noncompetition Law

2013 Edition

Donald J. Aspelund  
Joan E. Beckner

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# **Employee Noncompetition Law**

by Donald J. Aspelund  
Joan E. Beckner



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Note: In this work, every effort has been made to use gender neutral language. Where clarity requires, however, the masculine pronoun has been used. The reader should note that it refers to persons of either gender.

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## Dedication

For anyone who knew Don Aspelund, it is easy to understand the commitment of Arnold, White & Durkee and its successor firms to see Don's book published and updated each year. The idea for the book began three decades ago, when Don identified a need for this type of reference material and undertook the project in the interest of helping small law firms and general practitioners save a great deal of time and money. The original contract with Clark Boardman required that the book be finished in twenty-two months. Don had been working on the project for about a year when he became ill; but the more work he did on it, the more work he felt had to be done, and the more committed he became to its completion. After he fell ill for the second time in 1985, Clark Boardman extended the original contract, and Don spent several months completely devoted to the development of the book. When Don died in May 1986, he had completed all but the appendix and final editing. The final stages of the project were carried out by Arnold, White & Durkee, and the first edition was published soon after. This book should be appreciated from two perspectives. Technically, we are the beneficiaries of Don's impeccable research, for now we have a definitive work on noncompetition agreements, an excellent source of reference that did not exist before. This book, which was Don's dream, is now a reality, and there is no doubt that it has saved and will continue to save legal professionals countless hours. The second message of this book is the one found between the pages. It is a message about life and how to appreciate it, commitment and determination, and the courage to recognize one's own mortality with intelligence and dignity. It is, in fact, the message of how Don Aspelund lived his life.

Don Aspelund made the world a better place, professionally because of the integrity with which he approached his work, and personally because he was not afraid to show those he lived among and cared about what humanity means. We hope that those who benefit from this book will take the time to think of the man who wrote it, and to hear his unwritten message, that life is truly to be made the most of.

EMPLOYEE NONCOMPETITION

Arnold, White & Durkee  
Houston, Texas  
1986

Winston & Strawn LLP  
Houston, Texas  
2013

## About the Author

**Donald J. Aspelund** was an attorney with Arnold, White & Durkee (AWD). Mr. Aspelund is deceased and spent his last years working on this book.

**Joan E. Beckner** is a litigation partner with Winston & Strawn LLP, an international law firm with nearly 1,000 attorneys among 16 offices (including its AWD-legacy Houston office) that represents clients in business-related litigation, transactions, and regulatory matters. Ms. Beckner, who has provided the five most recent updates of this book, holds B.S. with Distinction and M.S. degrees from Stanford University and a J.D. from the University of Houston Law Center, where she served as the Chief Articles Editor of the Houston Law Review. Ms. Beckner counsels companies regarding all aspects of intellectual property enforcement and defense in disputes involving patents, trade secrets, and technology-related contracts such as noncompetition, nondisclosure, joint development, and licensing and settlement agreements.

Others have assisted in updating this work and deserve recognition and appreciation. Special thanks to Zachary C. Flowerree and Heather S. Lehman, labor and employment attorneys in the Chicago office of Winston & Strawn LLP, and to Renee T. Wilkerson and Andrew T. Ward, intellectual property litigation attorneys in the Houston office of Winston & Strawn LLP, for their invaluable assistance with the 2012 and 2013 updates.

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