2026 Trade Secrets and Restrictive Covenants Symposium

How To Protect Your Trade Secrets, Navigate a Changing Legal Landscape and Manage AI

Wednesday, Jan. 28, 2026 | 1:00 PM – 4:15 PM
3.0 total CLE hrs.

Register for Webcast

DESCRIPTION

Trade secret protection has become increasingly vital for emerging technologies and related intellectual property. As a result, litigation over trade secrets has steadily climbed since the enactment of the Defend Trade Secrets Act, and substantial jury verdicts over the misappropriation of trade secrets have increased. Concurrently, one of the key tools for protecting those trade secrets, restrictive covenants, is increasingly under withering scrutiny by legislators, regulators and courts. This webcast, presented by distinguished trade secret practitioners from around the country, will provide in-house counsel, business leaders, outside counsel and litigators with guidance about the legal and technological developments that are impacting the ability to protect trade secrets in a world increasingly without noncompetes. Learn how technologies such as generative artificial intelligence (AI) may be fundamentally changing the legal landscape of trade secret law and what your clients need to do to adapt to those rapidly unfolding changes.

PLANNING COMMITTEE

John F. Marsh, Esq.; Bailey Cavalieri; Columbus

PROGRAM AGENDA

1:00 **Introduction**
Why trade secrets are more critical than ever for protecting intellectual property.

Speaker:
John F. Marsh, Esq.; Bailey Cavalieri; Columbus

1:05 **Key Developments in Trade Secret and Restrictive Covenant Law**
This panel will address the latest legislative, judicial and administrative law trends in trade secret and restrictive covenant law throughout the country. Topics will include:

- Pending state and federal legislation.

- Curtailing noncompetes.
- Important decisions applying the Defend Trade Secrets Act and the Uniform Trade Secrets Act.
- Recent efforts by federal and state regulators to scale back restrictive covenants.

Speakers:
Russell Beck, Esq.; Beck Reed Riden, LLP; Boston, Mass.
Hannah T. Joseph, Esq.; Regeneron Pharmaceuticals, Inc.; New York, N.Y.
John F. Marsh, Esq.; Bailey Cavalieri; Columbus
Eric W. Ostroff, Esq.; Meland Budwick, P.A.; Miami, Fla.

1:50 **The Impact of AI on Trade Secrets: What Every Lawyer and Client Needs To Know**

As AI continues to reshape the business and legal landscape, this panel will address what businesses should be doing to protect their trade secrets in this ever-changing environment. This panel will also address emerging legal authorities that may define how courts consider the impact of AI on trade secret law in the future, including the ability of a competitor to reverse engineer information through AI.

Speakers:
Jim W. Ko, Esq.; Ko IP & AI Law PLLC; Phoenix, Ariz.
Dean A. Pelletier, Esq.; Pelletier Law, LLC; Chicago, Ill.
Sarah Tishler, Esq.; Beck Reed Riden, LLP; Boston, Mass.

2:30 **Break**

2:45 **Minimizing Your Client's Risk and Protecting Their Trade Secrets: Reasonable Measures That Clients Should Consider To Avoid Trade Secret Disputes**

As more courts critically analyze the safeguards companies take to protect their trade secrets, this panel will address what companies can and should be doing to protect their information and if litigation ensues, blunt any challenges to the reasonableness of those measures. This panel will also address the other side of the coin – namely, what companies can do to minimize the risk of "contamination" when they hire employees from their competitors to defuse claims of misappropriation by the former employer.

Speakers:
Benjamin I. Fink, Esq.; Berman Fink Van Horn, P.C.; Atlanta, Ga.
Mark A. Klapow, Esq.; Crowell & Moring LLP; Washington, D.C.
James H. Pooley, Esq.; James Pooley, PLC; Palo Alto, Calif.

3:25 **Tips From the Trenches: Litigating Trade Secret and Restrictive Covenant Litigation**

This panel will explore the benefits of seeking an early injunction, including what effective motion practice requires and how to marshal forensic evidence and expedited discovery to support those remedies. We'll also examine the key differences between restrictive covenant and trade secret disputes, highlighting the pros and cons of each approach and when one may better serve a client's interests. Then we'll turn to critical tactical and strategic considerations, before concluding with an analysis of the growing emphasis on damages in trade secret litigation, evaluating disputes from both the plaintiff's and defendant's perspective and addressing how to build and challenge unjust enrichment damages theories that increasingly drive substantial jury verdicts.

Speakers:
Greg Kelley, BS, EnCE, DFCP; Senior Director, Digital Forensics & eDiscovery; ArcherHall; Medina
Rachel Powitzky Steely, Esq.; Foley & Lardner LLP, Houston, Texas
Christopher W. Tackett, Esq.; Bailey Cavalieri; Columbus
Michael D. Weil, Esq.; Morgan Lewis; San Francisco, Calif.

4:15 **Program Concludes**