

It's Back: Proposal To Ban Massachusetts Non-Competes (And Related Economic Theories)

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I have written here before about [efforts in Massachusetts to ban non-competes](#), which seem to have been kicking around for years without any real change. Last week, [Massachusetts Governor Patrick announced](#) that he is proposing legislation to largely ban non-competes, as they are in California. The theory behind this is that Massachusetts loses tech talent to California, where tech wizards can be employed usually with little concern about being bound by a noncompete when they change jobs, and that non-competes stifle innovation. It is common for opponents of non-competes to make these arguments and sometimes even to suggest there are [scientific studies supporting their arguments](#). I am still waiting for a study that convinces me of anything as to the impact of non-competes on an economy and/or human behavior. In the meantime, employers who could conceivably be “competed with” from Massachusetts – remember it is not just [where you are located](#) or what law you specify in your contracts – should keep an eye on this legislation, though recent history would suggest major changes are unlikely.