|  |  |  |  |
| --- | --- | --- | --- |
|  | Time/Duration | Geography | Type |
| Employer’s Conduct  -legitimate business decision?(LBD) | *3 years immediately following expiration or early termination*  More facts on the practice of homeopathy medicine with alternative techniques and natural medicine is needed. It is stated that this is a newer practice but with being newer does that mean this type of practice is not done anywhere else? Is it a practice that will be done elsewhere anytime soon? How long is the “shelf life” of this practice? Also, how old is Williams? And does that effect his ability to work?  LBD: Williams agrees he’s receiving new information and practice techniques from Newton Family Homeopathy. Three years give Newton Family Homeopathy less fear of competition in the area and more time to focus on improving techniques. Medicine over economic business battles. | *Directly or indirectly within Newton city limits*  Quieter community than the large urban areas Williams disliked before.  LBD: This is the only facility that offers this specialized service in the area. If more were offered in this area it would affect their business.  For example:  -in maintaining cliental  -maintaining work in a small town | *Directly or indirectly*  *engage in the practiced of medicine or “become employed by, or serve as an officer, director, shareholder, partner, health care consultant, or medical director of any physician’s office, health care provider or managed care organization that provides patient care”*  LBD:  Newton’s homeopathy practice offers more natural and alternative medicine choices. Williams wants to expand past traditional practices. Williams agrees he’s receiving new information and practice techniques from Newton Family Homeopathy. If he takes their techniques, he could create his own practice train others and undermine Newton Family Homeopathy. Obviously Newton doesn’t want this. |
| Revised  -explanation | Williams worked his way from pediatrician to associate physician to partner of the children medical center. This took over five years. If he is to wait three years he may not be able to expand this field and help as many people as possible. Point of doctors is to learn and expand their practices in the overall goal to help people. Stopping his practice stops help to those in need.  Revision would be difficult to state outright bc:  If this practice is up and coming in the sense it will be practiced in other medical places semi soon (within three years) then it seems justified to have a three year waiting period within the city limits of newton to practice.  But if this truly is the only or one of very few places this type of medicine is practiced and doesn’t seem to be growing anytime soon it seems illegitimate to stop one of few doctors working in this practice with experience from doing this work for three years after termination or expiration of the K. | New practices can’t be held captive only in one geographic location That would cause a magnitude of problems including but not limited to overpopulation, death or illness in many areas that this practice doesn’t exist, and a hierarchy in medicine no one wants.  Revision:  Without knowing the geographical location or distance Newton city takes up it is hard to argue whether it’s reasonable to not allow Williams to practice within the limits.  If the limits are small it doesn’t seem unreasonable to live in Newton still (to get benefits of smaller quieter community) and work outside the limits. There is possible short travel distance.  But the same could be said in the opposite case. The limits of the city may be huge and it may be unreasonable to live in the city and practice elsewhere. Typically, city limits don’t stretch too far so seems semi reasonable to do so. A better revised version to surpass the confusion of unknown distance of Newtons city limits would be to say no practicing at the specific newton facility Williams had been practicing at before. | Stopping his practice stops doctors from being able to learn new techniques and expand the new use else where again to overall help all kinds of people.  On the other hand, if a Doctor takes all new information and techniques and creates his own successful practice it might undermine the original place he learned those techniques(Newtons).  Revision:  Follow fiduciary duties. And specify specific new techniques not to be used (use an older technique until approved). Allow Williams to be involved in medicine in one form. Disallowing him, for example, to even be a shareholder seems unreasonable. If he is a great doctor and does well and expands this new field continuing his involvement seems like a legitimate business reason for Newton not against. |

Need all three, time/duration, geography, and type to be reasonable in order for the noncompete to stand. Here it seems as though there are too many missing facts to deem this reasonable. The practice is so new it isn’t known if it would be unreasonable or even impossible for Williams to be able to continue work if this noncompete is kept. Is the “shelf life” for this type of practice expanding and if so how quickly? Three years to wait to practice medicine seems like a long period but if this practice is offered elsewhere, outside city limits, this won’t matter and thus be deemed unreasonable. Is newton city the only place practicing this type of medicine? If so it seems unreasonable to not allow Williams to do any thing with medicine within the city limits for three years. If not, it seems reasonable to only stop Williams in one but allow him work freely elsewhere. Is newton city small? So is it reasonable to travel outside limits for employment or not? And the type of work being in medicine in general gives it a high regard of public importance. Safety and health of individuals is always a topic of importance. Will this agreement stop doctors from being able to help people in the future?