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Will social media kill the non-solicitation clause?

Dena Varah's article appears in the May 23, 2014 issue of the *Lawyers Weekly* published by LexisNexis Canada Inc.

"Social networking communication presents a challenge to traditional non-solicitation clauses, which often restrict direct communications with clients beyond a generic broadcast of departure. Social media blurs the distinction between directed communication and public communications. Posts on Facebook or LinkedIn are unlike letters or e-mails in that they are not directed to particular parties, but also unlike public communication as their viewership is often restricted to a narrow and specific class of users. This presents a problem for the drafting and enforcement of non-solicitation clauses as the new communication framework does not neatly fit into existing legal categories..."

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