



FP's Top 2026 Predictions for Employee Defection and Trade Secrets

Insights

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Our Employee Defection and Trade Secrets thought leaders have pulled together their top predictions for the new year so that employers can get a running start to 2026. If you want more, [register for our FP Forecast 2026 Webinar here](#).

A dark-themed graphic with a background of overlapping, layered paper. The title 'TOP PREDICTIONS FOR EMPLOYEE DEFECTION AND TRADE SECRETS' is written in large, white, sans-serif capital letters. Below the title, a list of three predictions is shown, each preceded by a white checkmark inside a circle. The year '2026' is displayed in large, bold, white numbers in the bottom left corner. The Fisher Phillips logo is in the bottom right corner.

**TOP PREDICTIONS FOR
EMPLOYEE DEFECTION
AND TRADE SECRETS**

- ✓ The FTC Isn't Done – Healthcare Will Become Ground Zero
- ✓ Noteworthy Local Trends Will Reshape the Landscape
- ✓ AI Will Become a Central Player in Trade Secret Battles

2026

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The FTC Isn't Done – Healthcare Will Become Ground Zero

Even with a scaled-back agenda, [the FTC will target non-competes and mobility-restricting agreements in healthcare](#), including B2B no-hire arrangements. Expect more enforcement actions focusing on competition in the labor market even without a federal non-compete ban.

Noteworthy Local Trends Will Reshape the Landscape

2026 will bring major local developments that create real compliance headaches for multi-state employers:

- [Florida's CHOICE Act](#) will produce its first mandatory injunctions, raising fights over how federal courts apply state substantive law versus federal procedure.
- [New York City](#) will ban non-competes, setting up a jurisdictional clash with the state legislature.
- California courts will [clarify the reach of its non-compete ban](#) and confirm that California employers can still enforce lawful restrictive covenants in other states where they're permitted.

AI Will Become a Central Player in Trade Secret Battles

Trade secret litigation will increasingly revolve around AI systems. We'll see AI notetaker transcripts, voice records, and auto-summaries will become critical discovery material. Employees departing with custom AI agents or model-trained assets will give rise to new misappropriation claims. And courts will wrestle with ownership questions involving model weights, training sets, and AI-generated engineering artifacts. This means employers will need stronger controls around AI-enabled workflows, clearer IP assignments, and updated exit protocols.

Want More?

- You can read our entire [FP Forecast 2026 here](#), full of predictions spanning many practice areas and industries.
- [You can register for our FP Workplace Law Forecast 2026 Webinar here.](#)

Conclusion

We will continue to monitor developments related to all aspects of workplace safety law. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Employee Defection and Trade Secrets Team](#).

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