

Charles F. Marshall

Partner



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Charles helps companies solve complex legal problems that span civil litigation, regulatory enforcement, and governmental affairs. He has counseled clients through data breaches, business disputes, constitutional issues, election law matters, and various investigations by government regulators.

MY PRACTICE

PRACTICE OVERVIEW

Charles is an advocate for clients who often face complex legal problems in multiple forums. Solving these problems often requires him to shift comfortably between litigating in federal or state court, negotiating with regulators, and crafting public policy solutions (sometimes in the same case).

Charles draws on his diverse experiences in all three branches of the federal government—coupled with more than a decade in private practice—to be a flexible advocate in each of these forums.

PRACTICE AREAS

Governmental Relations & Public Policy
Litigation
› Complex Business Litigation
› Federal Litigation
› North Carolina Business Court
Media and Publishing
Privacy

INDUSTRIES

Accounting & Professional Services
Advertising
Banking, Investment & Financial Services
Media, Publishing, & Communications
Trade Organizations

EDUCATION

University of North Carolina School of Law
J.D., 1996, with honors; Member,
North Carolina Journal of International Law and Commercial Regulation, 1995-96
University of North Carolina at Chapel Hill
B.A., 1992, with distinction; Phi Beta Kappa

CLERKSHIP

Law Clerk to the Honorable John D. Butzner, U.S. Court of Appeals, 4th Circuit

BAR & COURT ADMISSIONS

North Carolina
US Court of Appeals
4th Circuit
9th Circuit
11th Circuit
D.C. Circuit

Charles is originally from Charlotte. He began his legal career as a law clerk to the Honorable John D. Butzner on the U.S. Court of Appeals for the Fourth Circuit in Richmond, Virginia. He then spent almost four years as an appellate litigator in the U.S. Department of Justice in Washington, D.C., before spending two years as a policy adviser on the staff of now-Majority Leader Mitch McConnell (R-KY).

US District Court - North Carolina
Middle District
Eastern District

When Charles returned to Raleigh in 2003, he combined his federal experiences to develop a flexible practice that has included successfully defending North Carolina's ethanol-blending law in federal court, successfully challenging a state law restricting the development of adult care homes, advocating for media clients on Capitol Hill, representing national Presidential campaigns, advising media organizations on political broadcasting issues, and even helping a local flea market repair its relationship with a city government.

Charles has recently expanded his practice into digital media and data privacy. He has counseled a number of clients—both large and small—on how to respond to a data breach and how to institute policies to avoid future breaches. He also advises clients on the risks of digital and social media, including copyright law and the growing federal regulations regarding online marketing and privacy. He is a frequent speaker on digital media and data privacy topics and a contributor to the Firm's Digital Media and Data Privacy blog.

As election and ethics laws continue to expand, Charles has helped companies navigate the new constitutional landscape—including the use of independent expenditures, "SuperPACs." He has also guided clients through campaign finance investigations.

DIGITAL MEDIA AND DATA PRIVACY

Charles has counseled companies responding to data breaches, including notifications to consumers, state regulators, insurers and vendors in various states. He also helps companies identify data privacy issues on the "front-end" and implement policies to reduce the risk of a future data breach. Charles also helps digital media and e-commerce companies draft privacy policies for online services and mobile applications and to avoid risks.

Charles draws on his media law experience to help clients identify and address digital and social media content, including copyright, trademark, right of publicity, and online marketing issues. He has worked with "start-up" online services, large media companies and even a national presidential campaign.

Charles regularly advocates before Congress and the FCC on broadcast law issues for several state and federal trade associations.

BUSINESS LITIGATION

Charles has litigated complex business cases in federal and state court, including matters involving constitutional claims, class actions, trade secrets and other business torts, and intellectual property matters. He appears regularly in the North Carolina Business Court, and he argued more than 15 cases in the federal courts of appeals as an attorney at the United States Department of Justice. Most recently, Charles successfully defended a state gasoline law against federal constitutional challenges.

Charles also defends clients against enforcement actions by regulatory boards and state agencies regarding professional licensure issues, unfair and deceptive practices, election and ethics law violations, as well as tax, real estate and mortgage lending matters. He often works with regulators to negotiate settlements and obtain proactive regulatory guidance.

ELECTION AND ETHICS LAW

Charles is a leader in the firm's political and election law practice. He counsels clients on state and federal campaign finance laws, including the use of "SuperPACs" and other activities by corporations and tax-exempt organizations. He also

counsels media companies on political advertising rules and regulations during each election season.

Charles has handled several confidential investigations into election and ethics law matters, and he has worked with regulators to obtain proactive regulatory guidance on various election law topics. He has been a speaker and presenter on various election law topics.

HONORS

Selected by his peers for inclusion in [*The Best Lawyers in America*](#)® in Commercial Litigation and Government Relations (2013-2019)

Recognized in [*North Carolina Super Lawyers*](#) (Thomson Reuters) in Business Litigation (2012-2019); Top 100 (2013-2014)

Recognized in [*Super Lawyers Business Edition*](#) for Business Litigation (2015)

COMMUNITY INVOLVEMENT

Board of Visitors, [University of North Carolina](#) (2012 – 2016)

Board of Directors, [Justice Matters](#) (2016 - 2018)

Youth Flag Football Coach, [Salvation Army of Wake County](#)

Contributing Writer, [Walter Magazine](#)

PUBLICATIONS & MEDIA

Panelist, "Human Risk + Vulnerability - Can You Close the Human Gaps in Your Security Plan?" NC TECH State of Technology Conference, Raleigh, NC, May 10, 2019

Presenter, *Business North Carolina* Cybersecurity Roundtable, Raleigh, NC, November 2018.

Presenter, "A Wrench in the Gears: How to Prevent a Data Breach from Disrupting Your Operations & Customer Relationships," mfgCON 2018, Durham, NC, November 14, 2018.

Presenter, "Data Breaches & Cybersecurity," 2018 CFO/CPA Risk Management Conference, Greensboro, NC, October 16, 2018

Presenter, "Data Privacy - A Legal Assessment," CFO Roundtable event, High Point, NC, August 16, 2018

Co-presenter, "You've Been Breached: What Next?," *Business North Carolina* CEO Summit, Pinehurst, NC, March 27, 2018

Panelist on cybersecurity concerns for entrepreneurs, Greater Women's Business Council's POP Too! Conference, Raleigh, NC, March 9, 2017

Co-presenter (with Thomas Varnum), "Digital Marketing Blues," Raleigh Social Media Marketing Meetup, Raleigh, NC, January 18, 2017

Co-presenter (with Thomas Varnum), "Digital Marketing Blues," Internet Summit, Raleigh, NC, November 16, 2016

Presenter, "Digital Media and Marketing," UNC Festival of Legal Learning, February 14, 2015

- Presenter, "Responding to a Data Breach," Banking Security Summit, North Carolina Bankers Association, October 16, 2014
- Presenter, Digital Legal & Compliance 101 Panel Discussion, North Carolina Association of Broadcasters, June 24, 2014
- Presenter, "Tax Consequences of Lobbying and Political Advocacy," North Carolina Association of Certified Public Accountants, May 2014
- Panelist, Representing Your Local Broadcaster, ABA Forum on Communications Law, April 2014
- Co-author, "Commercial Free TV and Aereo: What Lies Ahead for Content Owners in the Wake of the Ninth Circuit's AutoHop Decision," Communications Lawyer, November 2013
- Co-author, "[Prior Restraint 2.0: A Framework for Applying Section 230 to Online Journalism](#)," 1 Wake Forest J.L. & Pol'y 75 May 2011
- Co-author, "Supreme Court Rocks Campaign Finance Boat," Triad Business Journal, 2010
- Moderator, "Recent Developments in Election Law," North Carolina Professional Lobbyists Association, October 2013
- Panelist, "Copyright and the Internet: Giving Broadcasters the Cold Shoulder?" American Bar Association, Representing Your Local Broadcaster, April 2013
- Presenter, "Citizens United and Corporate Political Speech: New Opportunities and Obstacles," North Carolina Professional Lobbyists Association, October 2010
- Presenter, "Indemnification, Attorneys' Fees and Arbitration Provisions in Contracts," North Carolina Bar Association, Business Law Section Annual Meeting, February 2010
- North Carolina Legislative Update, June 28, 2019, June 28, 2019
- North Carolina Legislative Update, June 21, 2019, June 21, 2019
- North Carolina Legislative Update, June 14, 2019, June 14, 2019
- North Carolina Legislative Update, June 7, 2019, June 7, 2019
- North Carolina Legislative Update, May 31, 2019, May 31, 2019
- North Carolina Legislative Update, May 24, 2019, May 24, 2019
- North Carolina Legislative Update, May 17, 2019, May 17, 2019
- North Carolina Legislative Update, May 9, 2019, May 9, 2019
- North Carolina Legislative Update, May 3, 2019, May 6, 2019
- North Carolina Legislative Update, April 18, 2019, April 18, 2019

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SPEAKING ENGAGEMENTS

- Brooks Pierce Partner Charles Marshall Discusses Cybersecurity with Business North Carolina , November 8, 2018
- Charles Marshall Speaks on Data Privacy at Continuing Professional Education Seminar, October 17, 2018
- Charles Marshall Speaks on Data Privacy At CFO Roundtable , August 24, 2018
- Charles Marshall to Speak on Cybersecurity at Business North Carolina CEO Summit, March 21, 2018