

Mike Dowling

Associate



PRACTICE AREAS

Litigation

- › Antitrust Litigation
- › Complex Business Litigation
- › Federal Litigation

White Collar Defense and Investigations

EDUCATION

Duke University School of Law
J.D., 2010; Editorial Board, *Duke Law Journal*, Volumes 58 & 59

Duke University
B.A., 2006, *summa cum laude*; Phi Beta Kappa

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OFFICE

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Mike Dowling focuses his practice on general commercial litigation and federal criminal defense. An experienced litigator and tough competitor, Mike thrives in the courtroom and spends much of his time in the state and federal trial courts of North Carolina.

MY PRACTICE

FEDERAL CRIMINAL DEFENSE

Mike represents individuals facing serious felony charges in the federal courts, both at the trial and appellate levels. Mike has experience with a wide array of federal criminal matters, including those involving multi-defendant drug conspiracies, firearms violations, immigration fraud, mail fraud, wire fraud, environmental crimes, EBT benefits fraud, money laundering, false statements to federal agents, trade secret theft, and other white collar criminal matters.

Mike has developed substantial experience with complex pre-trial motions in federal criminal matters addressing, and attempting to exclude the use of, electronic and technical evidence, including evidence related to emails, chats, computer programs, and similar digital media.

CLERKSHIP

Law Clerk to The Honorable Terrence W. Boyle, U.S. District Court for the Eastern District of North Carolina, 2010-11

BAR & COURT ADMISSIONS

Illinois
North Carolina
US Court of Appeals
4th Circuit
US District Court - North Carolina
Western District
Middle District
Eastern District

Mike tried what is believed to be the very first computer hacking prosecution in the United States District Court for the Eastern District of North Carolina under 18 U.S.C. § 1030(a)(5)(A), the most serious violation possible under the federal Computer Fraud and Abuse Act.

REPRESENTATIVE CRIMINAL DEFENSE MATTERS

Appeals:

Successful defense on appeal of a Snow Hill, North Carolina man who was sentenced, under the Armed Career Criminal Act, to 262 months of imprisonment. After arguing on appeal that the crime of common law robbery was not a “violent felony” under the Armed Career Criminal Act, and therefore his client should not be sentenced under that statute, the client received a sentence of 120 months imprisonment, less than half of his original sentence.

Successful outcome on appeal for a Fayetteville, North Carolina man who pled guilty to a number of federal drug felonies and received an upward departure and a sentence of 108 months. Mike took over the case on appeal. He drafted and filed a brief in the Fourth Circuit Court of Appeals, arguing that the district court violated his client’s constitutional rights by relying on a bare arrest record in imposing the higher sentence. The United States government conceded that the district court committed an error at the first sentencing, and the case was remanded for resentencing. Mr. Dowling represented the client at the resentencing, where the client received a reduced sentence of 84 months imprisonment.

Trial Court Cases:

Money Laundering:

Successful defense of a Raleigh professional against charges that she actively participated in a vast money-laundering conspiracy. The client’s potential sentencing guidelines, were she convicted at trial, were 70 to 97 months of imprisonment. After Mike and co-counsel negotiated a favorable plea agreement, which yielded an advisory guideline range of 18 to 24 months of imprisonment, they then argued for and obtained (against the request of the government) a sentence of probation, with a condition of six-months house arrest.

Drug conspiracies:

Successful obtaining of a favorable plea agreement for a Fayetteville, North Carolina man who was charged by a federal grand jury with conspiracy to distribute 280 grams or more of cocaine base (crack), triggering a mandatory minimum penalty of 10 years imprisonment and a maximum penalty of life imprisonment. As originally charged, the client’s advisory guideline range upon conviction would have been 262-327 months imprisonment. However, Mike negotiated a plea agreement without a mandatory minimum sentence, and which included other favorable concessions from the government. The client’s advisory guideline range under this favorable plea arrangement was 151-188 months of imprisonment. At sentencing, the client received a sentence of 50 months imprisonment.

Successful obtaining of a favorable plea agreement for a Raleigh man who was implicated in a substantial cocaine distribution conspiracy. Based on his prior record, this client could have been sentenced to a mandatory life term of imprisonment upon conviction, based on the potential for 2 Section 851 enhancers. After successfully negotiating a plea agreement ensuring that the 851 enhancements would not be filed, the client ultimately received a sentence of 84 months of imprisonment.

Firearms:

Successful reduction in sentence for a Fayetteville man who was charged with felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). The client’s recommended sentencing range was 70 to 87 months imprisonment. Mike argued at the sentencing hearing and obtained a sentence of 40 months imprisonment for the client.

** No reference on this website to a prior case result is a guarantee of a similar outcome in any current or future case.*

BUSINESS LITIGATION

Mike has experience in a broad range of business and commercial litigation in federal and state court. His experience includes cases involving contract disputes, unfair business practices, the Lanham Act, the North Carolina Trade Secrets Protection Act, as well as the federal Fair Debt Collection Practices Act. Mike also has substantial experience litigating a wide array of tort claims arising under the common law of North Carolina, including claims for breach of fiduciary duty, fraud, unfair competition, and negligent misrepresentation. A small sampling of the type of matters Mike has handled includes:

The defense of a building supply company against claims for breach of warranty and defective construction with respect to a multi-family condominium project.

The defense of a hospital accounting/billing firm against alleged violations of the federal Fair Debt Collection Practices Act as well as state consumer protection laws.

The defense of two home sellers, one of whom was a licensed realtor, against claims of fraud, negligent misrepresentation, and violation of the North Carolina Unfair and Deceptive Trade Practices Act.

The representation of a commercial landlord in a dispute with a former tenant over lost rent and other damages.

The representation of a major lender in an action against several borrowers and guarantors who defaulted on a commercial loan worth over a million dollars.

HONORS

Selected by his peers for inclusion in [*The Best Lawyers in America*](#)® in Commercial Litigation (2020)

Recognized in [*North Carolina Super Lawyers*](#) (Thomson Reuters) as a "Rising Star" in Criminal Defense (2017-2019)

Recognized by his peers for inclusion in *Business North Carolina's "Legal Elite"* in the Young Guns category (2018)

Recognized and honored by the [North Carolina Bar Association Young Lawyers Division](#) as a "Young Lawyer of the Quarter," in connection with his work on the Young Lawyers Division's "Legal Feeding Frenzy" food drive (2013)

COMMUNITY INVOLVEMENT

Appointed by the Office of the Federal Public Defender for the Eastern District of North Carolina to serve as a panel attorney for the Criminal Justice Act Panel

Appointed by the United States Court of Appeals for the Fourth Circuit to serve as a panel attorney for the Fourth Circuit's Criminal Justice Act Panel

Member, Tenth Judicial District Attorney Grievance Committee

Pro Bono Committee Chair, Eastern District of North Carolina Chapter of the Federal Bar Association

PUBLICATIONS & MEDIA

Presenter, "Identifying and Challenging Technological Surveillance," Part II of Digital Evidence Series, North Carolina Office of Indigent Defense Services, January 2018 (presentation authored by Elliot Abrams)

NC Supreme Court Reinforces Need for Precision in Trade Secret Misappropriation Claims, May 21, 2018

Brooks Pierce Lawyer Wins Key Court Decision in Fourth Circuit Court of Appeals, July 19, 2016

SPEAKING ENGAGEMENTS

Mike Dowling Speaks on Technological Surveillance at Digital Evidence Series, January 24, 2018

Brooks Pierce White Collar Criminal Defense Attorneys Speak at Federal Criminal Practice Seminar, September 25, 2015