



## Michael P. McCloskey

Senior Counsel

[michael.mccloskey@wilsonelser.com](mailto:michael.mccloskey@wilsonelser.com)

San Diego, CA – 619.881.3326

San Francisco, CA

Michael McCloskey is a distinguished business trial lawyer recognized for his success in handling complex commercial matters involving federal securities fraud, state and federal derivative actions, and anticompetitive business practice claims. As a member of Wilson Elser's Securities Practice and the firm's Commercial Litigation Practice, Mike defends corporations as well as their officers and directors before the SEC, the U.S. Attorney's Office, state Attorneys General and in shareholder litigation. He also defends clients in antitrust matters, trade secret and non-compete litigation, consumer class actions, and business dissolutions or other disputes among business partners.

In an effort to reduce litigation risk, Mike advises his clients on corporate governance measures and best business practices. Among his clients are the boards of directors and audit committees of consumer product companies, computer manufacturers, high tech communications companies, biotech and pharmaceutical companies, and household manufacturing companies.

Mike has taught Securities Regulation as an adjunct professor of law at the University of San Diego. He is also certified as an instructor by the National Institute of Trial Advocacy and frequently lectures on current securities litigation issues and corporate matters.

Mike retired as a Colonel in the Marine Corps Reserves after 30 years of service. Before his civilian practice, he spent six years prosecuting criminal cases and defending the Department of the Navy and the Secretary of the Navy in federal district courts and circuit courts of appeal.

### Securities Litigation

Mike regularly defends corporations and their officers and directors in disputes involving the alleged violation of state and federal securities laws. He represents his clients in SEC investigations and enforcement actions, including those accompanied by companion

### Services

- Securities
- Commercial Litigation
- Directors & Officers Liability
- Cybersecurity & Data Privacy
- Accountants
- Alternative Dispute Resolution
- Government Investigations

criminal investigations, as well as in shareholder class-action litigation, derivative actions, mergers and acquisition litigation, and proxy contests. Mike also represents investment advisors and broker-dealers in industry and customer arbitrations before the Financial Industry Regulatory Authority.

### **Trade Secret and Non-compete Litigation**

Chief among the business cases Mike has litigated are those involving trade secrets and non-compete claims. He has resolved cases alleging statutory violations of the federal Defend Trade Secrets Act and state Uniform Trade Secrets Act and breach of fiduciary duty, business interference torts, breach of non-compete agreements, and unfair competition and unfair business practices claims.

### **Commercial Litigation**

Mike has more than 35 years of experience as a trial lawyer litigating complex commercial and business tort matters. He has led the defense in an impressive variety of cases in state and federal courts, including technology transfer and license disputes, deceptive trade practices, and intracompany disputes between partners, shareholders and joint venturers. Mike frequently is called upon to represent nonprofit corporations and their principals in investigations commenced by Attorneys General and to provide a defense if subsequent litigation develops. Mike also has represented clients in antitrust actions brought under the Sherman Act and Clayton Act and defended clients at trial in a massive consumer class action seeking damages in the nine-figure range.

Mike has an enviable track record of success defending clients in the courtroom. He demonstrates equal success in meeting client objectives through arbitration and other types of alternative dispute resolution. General counsel of corporations often call on him to provide innovative legal strategies or execute focused litigation plans within designated time frames and budgets. Mike strives to accelerate resolution through procedural dismissals, substantive dismissals, successful tenders and negotiated settlements. But when early resolution is not possible, Mike does not hesitate to try cases in court. Best known for his involvement in high-exposure cases, Mike also handles less far-reaching matters with the same level of rigor and discipline.

### **Education**

- University of the Pacific, McGeorge School of Law (J.D., 1982)
  - writer and managing editor, Pacific Law Journal
- University of Southern California (B.S., 1976)
  - cum laude

### **Bar Admissions**

- California

### **Court Admissions**

- Supreme Court of the United States

- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, District of Colorado

### **Professional Affiliations**

- San Diego Military Advisory Council, Chair, Board of Directors
- Association of Business Trial Lawyers
- American Bar Association
- San Diego County Bar Association
- American Inns of the Court, master
- Phi Delta Phi legal fraternity, lifetime member

### **Awards & Honors**

- Selected for inclusion in *The Best Lawyers in America*®, 2024-2026
- Rated AV® Preeminent™ by Martindale-Hubbell
- Selected for inclusion in the San Diego *Super Lawyers*®, 2008–2014, 2017-2021
- Director of the Year Award for Service to the Corporate Directors Forum, 2014