

Michael J. Hoefling

Partner

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Litigation can be difficult, expensive and stressful. The lawyer a client hires shouldn't cause clients' blood pressure to rise even further. I do everything possible to be responsive and communicate openly about the intellectual, factual and procedural aspects of a client's case. They can count on me to be both their best thinker and fighter.

Michael Hoefling is a commercial litigator with broad experience, varied clients, and an emphasis on business, construction, and employment disputes. While practicing for over a decade, Michael has represented contractors, executives, home builders, physician groups, churches, property developers, trustees, personal representatives, healthcare companies, banks, and a number of individuals and corporations. Such representation leads him to serve his clients within state and federal court as well as North Carolina's business court and private arbitration proceedings. His focus is on serving his client's goals through effective advocacy and communication. He has provided strategic advice to company executives, in-house counsel, and has served as local counsel for companies throughout the country on various matters.

His representative work includes, among other things, assisting clients in obtaining emergency restraining orders in the context of employment covenants; asserting and defending against business torts, breaches of contract, and conduct in violation of North

Practices

Fiduciary Litigation
Litigation
Construction
Employment Practices and Benefits

Industries

Financial Services
Healthcare
Manufacturing
Sports and Entertainment

Bar Admissions

North Carolina

Court Admissions

All Federal and State Courts in North Carolina

Education

Notre Dame Law School (JD)
University of Notre Dame: Bachelor of Arts, Magna Cum Laude (2003); Master of Education (2005); Master of Arts (2008)

Associations

Professional

- American Bar Association
- North Carolina Bar Association

Carolina's Unfair and Deceptive Trade Practices Act; navigating the various issues in construction defect claims and related multiparty litigation; recovering assets and amounts owed on behalf of banks and other creditors; and, advising clients on contract negotiation and other business matters prior to and outside of the context of litigation.

Michael is known for being comprehensive and pragmatic and takes seriously his role as both counselor and advocate. He served as the lawyer liaison to the law firm's network of affiliated international law firms known as Meritas.

Representative Experience

- Routinely represented local and national contractors, subcontractors, suppliers, owners, and developers in construction litigation, arbitrations, and mediations.
- Obtained a \$350K+ arbitration award on behalf of a national, residential developer concerning the deficient construction of a retaining wall by defendant subcontractor.
- Successfully enforced restrictive covenants within employment agreements obtaining temporary restraining orders and injunctions against non-complying, former employees.
- Represented financial institutions in suits and related proceedings concerning financial instruments, including notes, leases, guaranties, and security agreements.
- U.S. Bank, N.A. v. Cuthbertson, 205 N.C. App. 324, 697 S.E.2d 526 (2010) (unpublished). Successfully obtained a unanimous decision before the North Carolina Court of Appeals affirming the trial court's order granting our client equitable reformation of a deed of trust to pursue its foreclosure rights against the individual defendants.

- Mecklenburg County Bar
 - Young Lawyers Division
 - Education Committee, Chair
 - Charlotte-Mecklenburg Schools Academic Internship Program, Coordinator and Speaker
 - "Lunch with a Lawyer" Program, Mentor

Community

- MiraVia, Board of Directors
- United Way, Fundraising Representative
- St. Thomas More Society, Vice President
- Harris YMCA, Youth Basketball and Soccer Coach

Publications

- Co-Author, *"Effects of Bankruptcy: Perspective of the Contractor and Subcontractor / Supplier,"* North Carolina Bar Association, February 2012
- Co-Author, *"Construction Lien Law in North Carolina,"* Lorman Education Services, August 2012
- Co-Author, *"Bankruptcy, Lien Law, & The General Assembly: Then, Now, and the Future,"* North Carolina Bar Association September 2012
- Co-Author, *"Navigating Amended Chapter 44A: Its Benefits and Pitfalls,"* Paralegal Division Annual Meeting, May 2013
- Co-Author, *"Liens for Parties Not Dealing Directly with Owner,"* Lorman Education Services, November 2013

Honors

- *Super Lawyers®* North Carolina - Rising Star - Business Litigation (2014-2019)
- *Business North Carolina* "Legal Elite" - Construction (2015), Young Guns (2016-2018), Litigation (2019)
- Mecklenburg County Bar Leadership Institute, Graduate (2012)