DarrowEverett LLP



Michael P. Burke - Partner

Email: mburke@darroweverett.com
Phone: (617) 443-4500

Bio

Michael P. Burke is the Co-Chair of DarrowEverett's Business Litigation & Dispute Resolution Practice Group with over a decade of trial and arbitration experience representing clients in court and arbitration venues across the country. Michael focuses his litigation practice on matters involving partnership contractual disputes, complex financial fraud, intellectual property, securities and consumer class actions, trade secret misappropriation, and governmental and internal investigations. He advises clients at all stages of disputes, from pre-litigation investigations through trial and appeal, with a focus on resolving matters in an efficient and economical manner.

Michael also has developed a focus on internet privacy litigation involving claims for violations of the federal Electronic Communications Privacy Act (ECPA), the California Invasion of Privacy Act (CIPA), and other state privacy statutes, handling more than 60 such matters in 2025 alone. He represents businesses in class actions and individual claims, in both court and arbitration, arising out of wiretapping claims and website tracking technologies, including session replay software, chat widgets, analytics integrations, and tools such as Meta Pixel. Michael's experience extends to counseling clients on risk mitigation strategies and defending

against claims designed to test the boundaries of rapidly evolving privacy frameworks.

In addition, Michael has experience litigating claims under the Lanham Act, the False Claims Act, the Private Securities Litigation Reform Act (PSLRA), and Section 230 of the Communications Decency Act.

Practice Areas

- Business Litigation & Dispute Resolution
- Data Privacy & Cybersecurity
- Intellectual Property & Technology
- Class Action Defense
- Government & Internal Investigations

Prior Experience

Prior to joining the DarrowEverett team, Michael was a litigation partner in the Boston office of an Am Law 100 firm. While attending Boston University School of Law, Michael was the Article Editor for the Journal of Science and Technology.

Representative Matters

- Secured a favorable ruling in a proposed class action in the U.S. District Court for the Western District of Washington concerning the use of website tracking pixels. Plaintiffs alleged sensitive health information—including addiction treatment inquiries and online assessment results—was improperly transmitted to third parties such as Google and Facebook. The Court granted our motion to dismiss six of nine claims, including negligence, invasion of privacy, breach of implied contract, and consumer protection claims under Washington, Ohio, and Indiana statutes. This decision eliminates the broadest theories of liability while leaving only a limited subset of claims to proceed, providing important guidance for similar matters across jurisdictions.
- Successfully obtained a favorable pre-hearing ruling in arbitration on behalf of a digital publisher following motion practice over the applicable substantive law. The arbitrator's decision to enforce this choice of law provision, and apply New York rather than California substantive law, allowed our client to avoid significant monetary penalties under California's Invasion of Privacy Act ($5,000 per website visit) based on plaintiff's alleged numerous visits to the client's website.
- DE's litigation and corporate transactional teams collaborated in representing a frozen-out shareholder of a renewable energy business. Following our initial demand regarding our

client's freeze-out from management, we negotiated a seven-figure buyout of our client's ownership interest that prevented protracted and expensive litigation and allowed our client to separate from his business partners on favorable terms.
- Successfully litigated complex construction dispute involving the build-out of a commercial food processing facility on behalf of the project owner, where the general contractor had dissipated project funds and failed to pay subcontractors. DE successfully resolved the lawsuit against the general contractor and obtained dissolution of several mechanic's liens recorded by project subcontractors.
- Successfully vacated judgment that had been entered against trucking company client on the basis that service was insufficient, resulting in no liability to the client.
- Obtained injunctive relief in Massachusetts Superior Court, resulting in favorable settlement for our client in complex dispute over ownership of a commercial services business.

Insights

- CIPA Defense Playbook Has Three New Chapters: Here's What's New - via JD Supra, September, 2026
- Tracking Pixel Litigation Expands: A State-by-State Guide to Wiretapping Risk
- CIPA Litigation Persists For Online Businesses While Reform Bill Sits Idle - via JD Supra, November, 2025
- Strong Operating Agreement Is Best Defense (and Offense) For Founders - via JD Supra, August, 2025
- Proactive Protections Against CIPA Mass Arbitrations? Updated Terms of Use - via JD Supra, July, 2024

Media Appearances

- Brands Quietly Exploit Right to Alter Influencer Content With AI, *Bloomberg Law* (July 2026)
- Web-Tracking Tools Expose Businesses to Lawsuits, *Dow Jones Risk Journal* (May 2026)
- Company Hit By Ransomware Attack Can Sue IT Firms For Negligence, *Massachusetts Lawyers Weekly* (March 2026)
- Regional Law Firm Facing Data Breach Class Action, *Massachusetts Lawyers Weekly* (Feb. 2026)
- 5 Things You Need To Become A Top Lawyer In Your Specific Field of Law, *Medium.com* (April 2024)

Bar Admissions

- Massachusetts
- United States District Court for the District of Massachusetts

Education

- Boston University School of Law, J.D.
  cum laude
- Providence College, B.A., Political Science and Government

Accolades

- Super Lawyers – 2026 honoree; Rising Stars honoree, 2024, 2025
- Massachusetts Lawyers Weekly, Business Litigation Go-To Attorney – 2024

