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Bio

Drawing on over 30 years of trial work and federal government experience, Toby Dilworth represents individuals and businesses in complex criminal and civil litigation and investigations.

In his civil practice, Toby has represented businesses and business owners in disputes about contracts, corporate governance, fiduciary duties, and trade secrets. He has achieved notable and varied successes in the courtroom and arbitration. Representative matters include:

- Prevailed in an appeal to the Maine Supreme Judicial Court that established new law regarding Maine's Anti-SLAPP statute.
- Following a six-day bench trial, the Court found in favor of Toby's client, the co-owner of a large family business. The Court concluded that the opposing party had breached his fiduciary duties and ordered him to sell his shares in the business to Toby's client at a stipulated price.
- Tried and obtained a judgment for his clients arising from a dispute about family trusts, and prevailed on the opposing party's appeal to the Maine Supreme Judicial Court.
- Won an arbitration award worth \$2.5 million for his client arising from a dispute relating to the proceeds from the sale of a housing development in Portland.
- Obtained a \$1.7 million award in arbitration for an employee in a dispute with his former employer.

Toby brings meaningful insights and skills to clients facing investigation of criminal offenses in state and federal courts. While a federal prosecutor, Toby received the U.S. Department of Justice's Director's Award for sustained superior performance. He successfully prosecuted

Practice Areas

Litigation
Appellate
Attorney Discipline
Business & Commercial
Litigation
Securities Enforcement &
Litigation

Admissions

Maine
Massachusetts
U.S. Court of Appeals for the
First Circuit
U.S. District Court for the
District of Maine
U.S. District Court for the
District of Massachusetts
U.S. District Court for the
District of Michigan

the second case in the nation to go to trial under the Economic Espionage Act; the defendants were convicted of stealing trade secrets from a biotechnology firm. He also prosecuted a case arising from a conspiracy to smuggle an avian influenza virus into the U.S., mail and wire fraud cases, tax evasion cases, and a case involving the laundering of millions of dollars derived by an interstate prostitution ring. In private practice, Toby achieved the dismissal of federal Clean Water Act and conspiracy charges against his client in federal court in Michigan, and after trial in state court in Maine, obtained the acquittal of a client charged with a \$1.6 million securities fraud.

Highly regarded by his peers for his diligent representation, lawyers and law firms have turned to Toby for representation in professional malpractice and legal ethics cases. He has successfully represented large firms, small firms, and individual lawyers before the Maine Board of Overseers as well as malpractice actions. The Board of Bar Overseers has retained Toby to testify on professional ethics and standards of care. In November 2023, Governor Janet Mills appointed Toby to the seven-member Independent Commission to Investigate the Facts of the Tragedy in Lewiston.

Toby has been named to Best Lawyers in America for Bet-the-Company Litigation, Commercial Litigation, and White Collar Criminal Defense. Four times, Best Lawyers named him Portland, Maine Lawyer of the Year in the category of White Collar Criminal Defense (2013, 2017, 2019, 2021), and most recently he was named Portland, Maine Lawyer of the Year in the category of Bet-the-Company Litigation (2022). He is also listed in Chambers USA and in the New England Super Lawyers Directory in the category of White Collar Criminal Defense (2010-2024).

Toby has served as an adjunct faculty member at the University of Maine School of Law, teaching courses on trial practice and computer crimes, and has lectured at seminars on intellectual property thefts, computer crimes, internal investigations, and trial advocacy.

Education

Boston College School of Law, J.D., 1987

Yale University, B.A., 1980

Judicial Clerkship

Hon. Gene Carter, U.S. District Court for the District of Maine (1987-88)

Recognition

Criminal Defense: White Collar Lawyer of the Year, Portland, ME
(Awarded by Best Lawyers) 2013, 2017, 2019, 2021, 2023

Bet-the-Company Litigation Lawyer of the Year, Portland, ME
(Awarded by Best Lawyers) 2022

New England Super Lawyers, Business Litigation, Criminal Defense:
White Collar, Professional Liability 2010-2024

Best Lawyers USA

- Bet-the-Company Litigation 2014-2024
- Commercial Litigation 2013-2024
- Criminal Defense: White-Collar 2011-2024
- Legal Malpractice Law – Defendant 2011-2024

Benchmark Litigation, Local Litigation Star – General Commercial,
Product Liability, White Collar Crime 2013-2023

Chambers USA, Maine, Litigation: General Commercial, Band 2

Martindale Hubbell, AV Preeminent

Katahdin Counsel, Honoring Pro Bono Legal Services in Maine 2012-
2013, 2015, 2018, 2019

Memberships

Cumberland County Bar Association

Maine State Bar Association

Maine Bar Foundation

Fellow

Maine Association of Criminal Defense Lawyers

Community/Public Service

Maine Campaign for Justice

Co-Chair (2019)

Maine Association of Criminal Defense Lawyers

Former President

University of Maine School of Law

Former Adjunct Faculty Member

U.S. Senator Paul E. Tsongas

Special Assistant (1981-84)

