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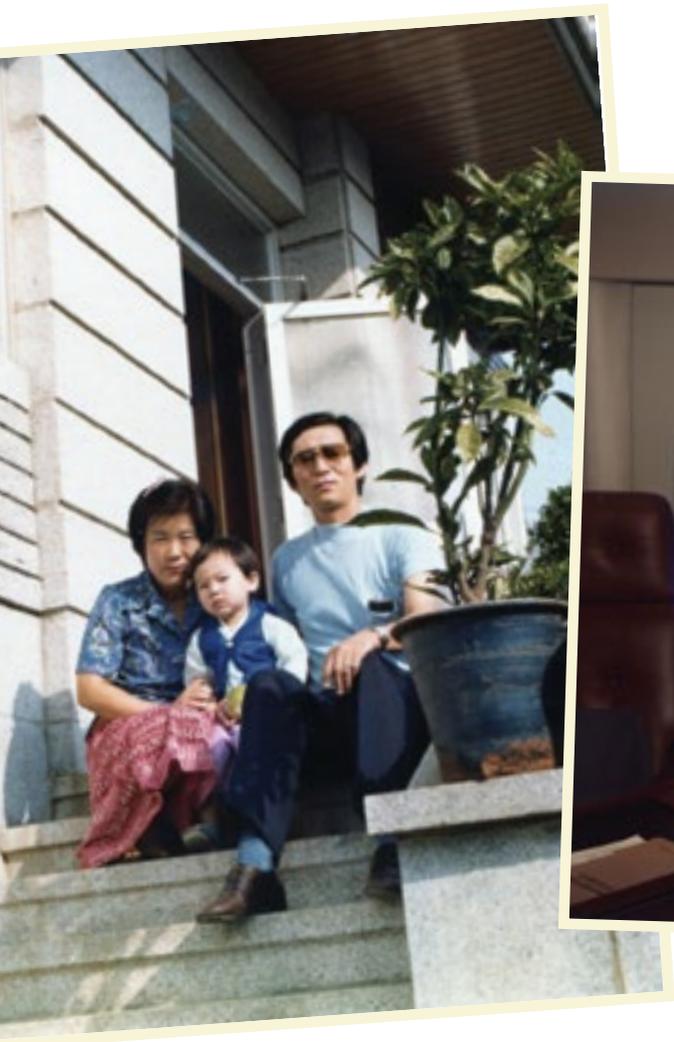
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A QUINTESSENTIAL AMERICAN STORY

**Ken Lee's journey from Seoul, to Koreatown,
to 1600 Pennsylvania Avenue**

BY JOE MULLICH
PORTRAIT PHOTO BY DUSTIN SNIPES

When Ken Lee boarded Air Force One for the first time in late 2008, he was struck by the enormity of the plane, and, for him, the enormity of the moment. Lee was an associate counsel for the White House in the waning days of the George W. Bush administration, and staffers who had never been on Air Force One were invited to take a flight with the president. After the plane was airborne, Lee, wanting to share the once-in-a-lifetime experience, asked for a call to be placed to his father. >>



KENNETH K. LEE

- PARTNER, JENNER & BLOCK
- CLASS ACTION/MASS TORTS, BUSINESS LITIGATION, CRIMINAL DEFENSE: WHITE COLLAR
- SOUTHERN CALIFORNIA RISING STARS: 2013-2015; UP-AND-COMING 100: 2015



A few minutes later, the crewman who operated the phone system told Lee there was a problem. The senior Lee, whose grasp of English was unsteady, couldn't understand where the call was coming from. He thought it was a telemarketing pitch so he kept hanging up on Air Force One.

Lee, now a partner at Jenner & Block, laughs about the incident in his downtown Los Angeles office, which is decorated with a photo of President Bush, various types of baseball memorabilia, and a portrait of his favorite founding father, Alexander Hamilton. "Hamilton was the quintessential American," Lee says. "He was an orphan who came to the United States, worked his way up from nothing, and was a forward-thinking, modern guy."

Lee has a quintessential American story as well. He is a first-generation immigrant who went from his birthplace in South Korea to the White House. His stops along the way coincided with some of the most important moments in recent U.S. history, including the appointment of a chief justice of the U.S. Supreme Court and the legal aftermath of 9/11. He is currently representing various food corporations in nearly two dozen class-action lawsuits involving "all-natural" labeling despite allegations of genetically modified ingredients.

"He has a business mind in addition to a legal mind," says Jaclyn A. Bryk, senior manager and senior corporate attorney at The J. M. Smucker Co., who has hired Lee as outside counsel. She notes that he has a talent for putting business people at ease.

Lee is also known for creative strategies. Take a class action case against his client WholeSoy & Co., a yogurt manufacturer, that hinged on a draft guidance from the FDA regarding how "evaporated cane juice" should be listed on a food label and whether it was a form of sugar or not. Instead of trying to brush aside the FDA guidance, Lee made it the point of his case. He argued that because the FDA hadn't finalized the draft, the matter should be removed from the court and referred back to the regulatory agency. The judge agreed.

All of this speaks to Lee's style: low-key and focused on making things happen quietly. "In a profession where a lot of people are happy to toot their own horn, he is simply a very humble and nose-to-the-grindstone person," says Bryk. "When I receive work product from an outside counsel, it's very rare I don't have to mark something up. His files usually go as is."

At the White House, Lee was the person who organized luncheons, bowling evenings, and other events so his colleagues could get to know each other in social settings. For such reasons, Michael M. Purpura, who served with him in the White House counsel office, calls Lee "the glue guy: the adhesive that kept the place together."

LEE WAS ONLY 4 YEARS OLD WHEN HIS

family moved from Seoul, South Korea, to Koreatown in Los Angeles. At the time, neither of his parents spoke English. His father, an engineer, opened a shop repairing spray-paint equipment; his mother, a pharmacist, became an acupuncturist.

Lee recalls his parents taking him to Disneyland, and being horrified because they had brought their own food. "They had packed Korean food to save money," he says. "I was mortified because everyone looked at this funny and strange-smelling food, but now I can look back on it and laugh. I have so much pride now for the things my parents did. I can't imagine being in their shoes: in their 40s and moving to a new country where they didn't speak the language."

Because their own careers had been hampered by their inability to communicate in English, his parents were adamant that he would succeed in that regard. At one point, Lee's father even declared his son would no longer attend a Korean church; he was afraid it would leave him with a thick accent that would reduce his chance for success. "Like any good Asian parent, they wanted their kid to go to medical school or law school," Lee says. "They saw the law as an honorable profession, and thought everything in the United States was so open and honest in comparison to South Korea, which was very corrupt."

At Cornell University, Lee studied government; then it was off to Harvard Law, where he earned his J.D. in 2000. After a stint clerking for appeals court Judge Emilio Garza, he went to Wachtell, Lipton, Rosen & Katz, where his first two years were spent on a case that gripped the nation.

Six weeks before 9/11, real estate mogul Larry Silverstein entered into a 99-year lease for the World Trade Center. He had an insurance policy that provided \$3.5 billion in coverage for a terrorist act, and afterward legal arguments raged about whether the two separate plane crashes into the towers represented one occurrence or two. If the latter, Silverstein was entitled to an additional \$3.5 billion—which was the position that Lee, as part of his legal team, took. "A lot of people at the firm thought it was more than a business dispute," Lee says. "It was an important task to get the money to rebuild downtown New York. It was exhilarating to start my career on such a high-profile case that had such real-world consequences."

Lee was involved in the case from inception to appeal—writing briefs, deposing witnesses, and second-chairing the trial. "I had a particular focus working on experts focusing on damages issues," he says. "For example, I worked with structural engineers to better understand how the twin towers collapsed and how they would have collapsed in the counterfactual hypothetical scenarios."

The insurers tried to limit the amount of damages by arguing that the first collapse of the tower would have destroyed the second tower, even if only one plane had struck one of the twin towers. In the end, some of the insurance companies had to pay for two occurrences and some for one, depending on how the individual policies were written. Essentially, the court ruled the 9/11 attacks represented 1.4 occurrences: a stance, Lee says dryly, "only lawyers could come up with."

Lee's original plan was to spend two years in private practice, just long enough to pay off his student loans, but he remained with the firm for five years. After a three-month leave of absence in the summer of 2005, he received

a call from U.S. Sen. Arlen Specter's chief counsel, who was looking for legal guidance in filling the vacancy left by the death of Supreme Court Chief Justice William Rehnquist. "Specter didn't want the hearings to devolve into politics, but wanted to expound to the American public how the system worked," Lee says.

There were wrinkles. The nominee, John Roberts, had originally been tapped to replace Justice Sandra Day O'Connor, who was retiring; but before he could be confirmed, Rehnquist died and President Bush chose Roberts for chief justice.

Specter, who had served as the district attorney of Philadelphia, assembled a team of lawyers to prepare detailed memos on every hot-button topic the Senate Judiciary Committee might bring up with the candidate, from the Free Exercise Clause to federalism. "Specter was smart, demanding and ornery," Lee says. "He wasn't the type of guy who wanted to read talking points that a staffer had given him. He wanted to understand everything. And he was not short on making cutting remarks if he was not pleased with what you gave him."

During the hearings, there were allegations that Roberts masked his politics; but Lee says the success of the process was demonstrated by the fact that hardly anyone remembers the process. "If you remember a hearing, it's because something highly political happens," he says. "This showed how the process should work in theory, and be an educational show for the American public about how key issues worked."

Afterward, Lee returned to Wachtell but longed for government work. So he sent his resumé to the U.S. attorney's office, hoping to become a federal prosecutor, and contacted friends about jobs in Washington. Finally, a friend told him of an opening ... at the White House. Soon, Lee had interviews with White House counsel Harriet Miers, deputy counsel William Kelley and chief of staff Josh Bolten.

His first day walking into the White House, he says, was "nervous and humbling." There was not much of an orientation and no manual covering his duties. "A person came to my office to have

me fill out paperwork, and they asked if I knew what my salary was," he says. "I told them I had no idea." He hadn't thought to ask. (For the record, it was \$108,000.)

Lee was given a diverse portfolio—from representing the White House in congressional and other governmental investigations to providing advice for the president and senior White House officials on legal and compliance issues. "At first, it was somewhat terrifying," Lee says. "In the private sector, you can often get extensions. But in the White House you have to make decisions without the benefit of all the time you want and all the information you want."

It was never boring. In December 2006, seven U.S. attorneys were dismissed midterm—an unprecedented event that some felt was politically motivated—and a congressional investigation was launched. "To further fuel the media fire, there were allegations that Karl Rove and his aides had used private RNC email accounts in violation of the Presidential Records Act and to supposedly evade congressional oversight," Lee says.

The White House was pummeled with questions about the dismissals, and Lee had to advise the press office on what information it could release and how to respond to Congress' demands. He became known for finding solutions that balanced legal and political needs. "He is a nuanced, critical thinker with tremendous judgment," Purpura says. "He can apply the law world to the real world."

Lee notes, "We had a strong basis to withhold White House emails on privilege grounds, but the press would then unfairly accuse the White House of a cover-up. We ended up making compromises where necessary. It was a stressful, whirlwind experience: The media, Congress, and eventually a special prosecutor all had their own separate agenda in investigating the White House. We had to navigate around pitfalls and balance the competing demands."

After the investigation concluded, Lee helped devise a new email compliance policy to ensure that employees of the Office of Political Affairs adhered to the record-keeping requirements of the

Presidential Records Act. "Some people didn't like this new policy, but sometimes, as lawyers, we have to deliver difficult or bad news to the client," Lee says.

AS FOR HIS THOUGHTS ON PRESIDENT BUSH? Lee met with him on average every six to eight weeks, sometimes as part of a group, sometimes as an observer at policy time—when the president made a final decision on a matter. "He grasps key issues very quickly," Lee says. "A senior adviser will drone on for 10 minutes and the president would immediately distill it down to a few key points; and you'd wish the senior adviser had done that and saved us a lot of time."

The president, Lee says, also used humor to make his point. One of Lee's tasks was to interview and recommend federal judges, attorneys and marshals. The marching orders were to provide a diverse slate of candidates—relatively easy in Los Angeles, New York and San Francisco; much harder in other parts of the country. "It turned out that nearly everyone was a white male," Lee says. "You really noticed that as we went through the names. Finally, the last guy we recommended was for the U.S. marshal for the district of Puerto Rico." He was, not surprisingly, Latino. Bush's comment: "You couldn't find a white guy for the job?"

During Lee's White House tenure, his most rewarding moment, he says, was bringing his parents to a White House staff event, where they got to meet the president. Lee's father bought a new suit for the occasion but forgot to take the tag off the sleeve. His wife, noticing this, carefully hid the tag with her arm for the presidential photo. In his unsure English, Lee's father told President Bush: "It would not have been possible for me to meet the president of Korea in all my life. But I am meeting the president of the United States because of my son." [SI](#)

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