



Michael S. Lee

Partner

Mike Lee focuses primarily on appellate litigation, and has represented a wide variety of corporate, non-profit, and governmental clients in cases pending before various appellate courts throughout the country, including the US Supreme Court. As a complement to his appellate litigation practice, Mr. Lee has developed a unique type of government-relations practice – one that draws upon his expertise in constitutional law and statutory construction, and is devoted to helping businesses formulate comprehensive legal and political strategies to hasten the resolution of regulatory and litigation-related threats to their success.

Michael S. Lee

170 South Main St.
Suite 400
Salt Lake City, UT 84101-3636
t. +1 801.350.7814
f. +1 801.531.1486

LeeM@howrey.com

ADMISSIONS

District of Columbia
Utah

EDUCATION

Brigham Young University, J.
Reuben Clark Law School (JD,
1997), *magna cum laude*

Brigham Young University (BA,
1994), *cum laude*

CLERKSHIP

Hon. Dee V Benson, United States
District Court for the District of
Utah (1997-1998)
Hon. Samuel A Alito, United
States Court of Appeals for the
Third Circuit (1998-1999)
Hon. Samuel A Alito, United
States Supreme Court (2006-
2007)

Following law school, Mr. Lee served as a clerk to Judge Dee V. Benson, of the US District Court for the District of Utah (1997-1998), and then to Judge Samuel A. Alito, then of the US Court of Appeals for the Third Circuit (1998-1999). After spending several years in private practice, Mr. Lee became an Assistant US Attorney in Salt Lake City, where he argued a total of eighteen cases before the Tenth Circuit, and prepared briefs in scores of others. Mr. Lee was named as General Counsel to Utah Governor Jon M. Huntsman in January 2005. As General Counsel, Mr. Lee’s duties included everything from interviewing judicial nominees to overseeing the State’s litigation and lobbying efforts in matters deemed important to the Governor’s policy objectives. He left the Governor’s Office in July 2006 to begin a US Supreme Court clerkship with Justice Alito.

REPRESENTATIVE MATTERS

- *State of Utah v. Nuclear Regulatory Commission et al.* Supervised efforts by the State of Utah to prevent Private Fuel Storage, LLC, from obtaining permission from various federal agencies to store spent nuclear fuel in above-ground storage casks 45 miles upwind from Salt Lake City.
- *United States v. Jeronimo-Bautista.* Persuaded the Tenth Circuit to overturn a district court determination that Congress lacks authority under the Commerce Clause to criminalize the possession of child pornography.
- *State of Utah v. Evans.* Represented the State of Utah in an action against the US Census Bureau, based on claims that the Bureau violated the Census Act and the Constitution’s Enumeration Clause by supplementing the 2000 Census with data obtained through the use of a prohibited statistical sampling methodology, and thereby deprived Utah of a fourth seat in the US House of Representatives.

Michael S. Lee

170 South Main St.
Suite 400
Salt Lake City, UT 84101-3636
t. +1 801.350.7814
f. +1 801.531.1486

LeeM@howrey.com

- *General Electric Co. v. Whitman*. Represented GE in an action challenging the constitutionality of EPA's use of unilateral administrative orders under certain circumstances arising under CERCLA.
- *Suzuki Motor Corporation v. Consumers Union*. Represented the manufacturer of the Suzuki Samurai in a trade libel action against the publisher of Consumer Reports.

COURTS & ADJUDICATIVE BODIES

- United States Supreme Court
- United States Court of Appeals for the Third Circuit
- United States Court of Appeals for the Tenth Circuit
- United States District Court for the District of Utah

PROFESSIONAL AFFILIATIONS

- Member, Federalist Society for Law and Public Policy Studies

LANGUAGES

- Spanish