



## Esther H. Lee

Partner

[elee@foxrothschild.com](mailto:elee@foxrothschild.com)



Denver, CO

Tel: 303.383.7645

Fax: 303.292.1300

Esther is an experienced litigator and trial attorney who represents businesses in high-stakes commercial disputes in state and federal court as well as arbitration.

She has handled lawsuits involving complex business disputes and torts, legal cannabis businesses, financial services companies, contract breaches, bad faith and extra-contractual claims, shareholder derivative and construction defect actions. Esther represents clients through all stages of litigation and on appeal.

Her recent successes include obtaining an award of more than \$100 million in a high-stakes, bet-the-company litigation for a legal cannabis business, securing a \$1.4 million award for a construction contractor after a two-week arbitration proceeding and achieving a verdict in favor of a construction contractor on all counts following a two-week jury trial in Denver County District Court.

### Services

- Litigation
- Cannabis Law
- Construction

### Before Fox Rothschild

Prior to joining Fox, Esther worked as an associate in two Denver-area law firms and as managing attorney at a firm in Omaha. During law school, Esther was a law clerk in the U.S. Public Defender's office for the District of Nebraska. She was also a law clerk for Judge James P. McCarthy of the Cook County Circuit Court in Chicago.

### Beyond Fox Rothschild

Esther is a mentor with Denver Law Ascent with University of Denver Sturm College of Law, a program designed to welcome and support University of Denver Sturm College of Law students from communities historically underrepresented in the legal profession such as students of color, LGBTQ+ students, students with disabilities, and first-generation college students.

She is also program faculty and a panelist with the Colorado Bar Association's Continuing Legal Education (CLE) Webinar – WebEx for Attorneys and was a presenter for "Ethics for Business Attorneys, EDI and Business Law."

## Bar Admissions

- Colorado

## Court Admissions

- U.S. District Court, District of Colorado
- U.S. District Court, District of Nebraska
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Tenth Circuit

## Education

- Creighton University School of Law (J.D., 2011)
- University of Southern California (B.A., 2006)

## Memberships

- National Asian Pacific American Bar Association
- Asian Pacific American Bar Association of Colorado
- International Association of Korean Lawyers
- Colorado Bar Association
- Colorado Defense Lawyers Association
- Legal Counsel on Legal Diversity
- Colorado Diverse Attorney Community Circle

## Volunteer and Community

- National Sports Center for the Disabled, volunteer
- University of Southern California Alumni Network

## Honors & Awards

- Selected to the "Ones to Watch" list for Commercial Litigation in Denver, CO by *Best Lawyers* (2021-2024)
- Selected as a Pathfinder for the Legal Council on Legal Diversity (2022)
- Featured as a "Leading Female Attorney" in the cannabis industry publication *Mg Magazine*
- Selected into the two-year Colorado General Counsel Mentor Program (2023-2024)

## Representative Matters

- Represented a member and shareholder of a cannabis company in obtaining a \$100+ million award in a high-stakes, "bet-the-company" litigation, plus attorneys' fees.
- Secured a complete victory on all claims for a construction industry client in a two-week jury trial in Denver County District Court. The jury returned a verdict in favor of the client on all claims.
- Achieved a \$1.4 million award in favor of a construction contractor in a two-week arbitration.
- Second-chaired a three-week, high-stakes arbitration for a shareholder derivative action involving breaches of an operating agreement and right-of-first-offer issues.
- Won a motion to dismiss all claims, and secured indemnification on a third-party claim, on behalf of a leading national health insurance network involving bad faith breach of contract claims.
- Represented and defended a national natural energy gas exploration & production company in obtaining a favorable dismissal on an issue of first-impression in Colorado, resulting in a published opinion by the Colorado Court of Appeals: *Tug Hill Marcellus LLC v. BKV Chelsea LLC* (February, 2021).
- Obtained a favorable settlement for the largest independently owned third-party administrator in the Southwest in an ERISA action involving claims for wrongful denial of benefits.
- Obtained preliminary and permanent injunctions for a minority shareholder against one of the largest real estate development company and developer in Colorado.

- Represented one of the nation's largest and most recognized homebuilders in commercial, contract and employment disputes.
- Represented one of the nation's top public homebuilders in contract disputes and construction defect actions.
- Won summary judgment on behalf of a Colorado Premier Guest Ranch on a statutory employer defense.
- Lead attorney in complex immigration appeal before the Eighth Circuit Court of Appeals.
- Represented a national bank in obtaining a favorable outcome in federal interpleader and receivership actions.
- Represented and defended a national bank in an appeal to the Tenth Circuit Court of Appeal.
- Successfully negotiated bad faith and settlement of diminishing Bankers Professional Liability Policy involving securities fraud.
- Successfully negotiated reimbursement of defense costs involving an insurance coverage dispute and misappropriation of trade secrets.
- Successfully negotiated dismissal of a lawsuit against an insurance broker on a claim for misrepresentation.
- Represented numerous corporations in negotiating favorable settlements and multiparty global settlements through mediation, including drafting multiparty settlement agreements and releases.