

## Rising Star: King & Spalding's Alvin Lee

By Keith Goldberg

*Law360 (June 4, 2021, 4:54 PM EDT)* -- Alvin Lee of King & Spalding LLP has handled and won high-stakes global litigation throughout the renewable-energy sector, earning him a spot among the energy law practitioners under age 40 honored by Law360 Rising Stars.

### **THE MOST CHALLENGING CASE OF HIS CAREER:**

Lee represented Hemlock Semiconductor Corp. in a slew of cross-border cases over take-or-pay supply agreements in the solar industry, which emerged out of the solar trade war between the U.S. and China that began around 2011.

Among the wins Lee helped secure for Hemlock was a \$793 million damages award in 2016 against Germany's SolarWorld Industries Sachsen GmbH over a soured solar panel polysilicon supply agreement. The Sixth Circuit upheld the judgment in 2017.

The litigation had Lee helping coordinate a global legal strategy with attorneys in several countries, including Japan, China, Germany and Taiwan.

"We might be in litigation against a Japanese solar company in the U.S., and then the company would turn around and sue us in the court of Tokyo," Lee said. "I would have to be pretty well-versed in Japanese law quickly."

Meanwhile, shifting trade policies between the U.S. and China affected both litigation strategy and settlement negotiations, Lee said.

"It was fascinating to try and learn about foreign jurisdictions and try to game-play all of that with the background context of moving targets in terms of what our settlement options might be in light of the trade policies," Lee said.

### **OTHER NOTABLE CASES HE'S WORKED ON:**





**Alvin Lee**  
King & Spalding

Age: 37  
 Home base: New York  
 Position: Partner  
 Law school: Harvard Law School  
 First job after law school: Associate at Orrick  
 Herrington & Sutcliffe LLP

Lee is currently serving as lead counsel to JPMorgan Chase & Co. in a closely watched contract fight with a Texas wind farm stemming from the blackouts caused by the winter storm there.

JPMorgan has urged a federal court to make Canadian Breaks LLC pay a \$71 million bill for failing to produce during the winter storms the required amount of electricity under a hedge contract the parties signed in 2018. Canadian Breaks says it should not have to pay because the storm triggered the force majeure clause in the contract.

While the dollar amount is significant, Lee said, the case's stakes are even greater, both for renewable-project owners and their contractual counterparties.

"It's going to be interesting to see if these arrangements survive, or if the financial services industry and renewable-energy industry are going to have to come up with a new type of arrangement," Lee said. "These agreements haven't been stress-tested before, and I'll be interested to see how the law develops and how the industry develops."

#### ***WHY HE'S AN ENERGY LITIGATOR:***

Lee didn't plan to focus on renewable energy when he started his litigation career, but as a young associate, he found himself assigned to sprawling solar trade-related cases he said "occupied my life" for several years.

Not only did Lee build up a lot of knowledge about renewable and power industry litigation, he built up a lot of love for it as well.

"In the renewable space we're dealing with novel issues," Lee said. "I love trying to map out how the law on these issues is going to develop and apply."

And Lee doesn't even have to look very far to share his passion. His older brother, Brian, is an investment bank equity analyst focusing on the renewable-energy sector.

"When the most recent power crisis started bubbling up in Texas, he was following it as closely as I was," Lee said. "We could swap notes about what we were seeing. It's kind of nice that we get to talk about this stuff."

#### ***WHAT MOTIVATES HIM:***

Lee said he likes to think of himself as a creative thinker. The evolution of the renewable-energy sector offers many opportunities to tackle novel legal issues and help shape new law affecting the industry, he said.

"My favorite thing about my job is to look at the law today, look at what it was five years ago, and realize that I had a hand in causing the law to develop in the way it did," Lee said. "I know that what we're doing will have an impact, not just legally, but on the industry as a whole."

That's especially the case as energy litigation, which historically has been dominated by the oil and gas sector, produces more renewable cases, Lee said.

"That balance will just continue to shift over time as more of the world starts using more renewable energy and less fossil fuel," Lee said. "I think it's an incredibly exciting time to be an energy litigator."

— As told to Keith Goldberg

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.*

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