

## The Lawyer Behind the Wen Ho Lee Deal



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It began with the journalists. Last fall five reporters were held in contempt for refusing to reveal their sources to **Wen Ho Lee**, the former nuclear weapons scientist suing the government for violating his privacy rights by leaking information that he was allegedly a spy for China. Their prospects didn't look good. Earlier that year another reporter, **Judith Miller**, had gone to jail for failing to reveal her sources in a separate First Amendment case. So the journalists—represented by **Lee Levine** of **Levine Sullivan Koch & Schulz**, **Kevin Baine** of **Williams & Connolly**, **Floyd Abrams** and **Joel Kurtzberg** of **Cahill Gordon & Reindel**, and **Charles Tobin** of **Holland & Knight**—turned to the only other option they could think of: mediation. “We had to start thinking about alternatives, and we had to start thinking creatively about them, because we were running out of time,” says Levine, who represented *Los Angeles Times* and Associated Press reporters in the settlement.

Enter **Andrew Marks**, a partner at **Crowell & Moring** and a former president of the **D.C. Bar**. After just one session last fall between the journalists and Lee's lawyers, **Brian Sun** and **Betsy Miller** of **Jones Day**, Marks made a bold call: Bring in the government. “I had a sense that it wasn't so outlandish that it might not be something you could work with,” Marks says. “And I sensed the government would recognize that it had potential exposure, given the nature of the case.”

He turned out to be right. The government's team, led by **Department of Justice** attorney **Tony Coppelino**, agreed to join in. And the parties dived into meetings and late-night talks for close to eight months. There were, Marks says, “a lot of twists and turns and bumps and uncertainties.” But, says Miller, “Andy Marks made sure the momentum was not lost at a time when it was needed.” In the end, the parties agreed to a \$1.6 million settlement. Though Miller says her client Lee feels vindicated, the agreement was bittersweet for the journalists. “We are not dancing in the streets that we reached this resolution,” Levine says. —EMMA SCHWARTZ