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TOP 100 2021

GEORGE M. LEE

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SAN FRANCISCO
COMMERCIAL AND
BUSINESS LITIGATION

— TOP 100 —



Lee specializes in commercial and business litigation at Seiler Epstein, where he has worked since 2003 after a stint as an assistant district attorney in San Francisco.

A major litigation focus is on defending the right to bear arms. “I always wanted more meaningful and impor-

tant work at a constitutional level,” he said. “I really do believe in the Second Amendment.”

Lee is a lead trial attorney for the plaintiffs in the case that struck down California’s ban on assault weapons when Senior U.S. District Judge Roger T. Benitez of San Diego in June famously compared the AR-15 rifle to a Swiss Army knife and held the state’s gun statutes to be unconstitutional. *Miller et al. v. Bonta*, 3:19-cv-01537 (S.D. Cal., filed Aug. 15, 2019).

A 9th U.S. Circuit Court of Appeals panel blocked the ruling pending California’s appeal.

The lead plaintiff is James Miller, a board member of the San Diego County Gun Owners. He was joined by the group’s political action committee and other firearms’ rights groups. At the two-day bench trial, held remotely in February, Lee and co-counsel argued the weapon features banned by the state’s Assault Weapons Control Act of 1989 are commonly used, constitutionally protected and safeguarded by the U.S. Supreme Court’s 2008 opinion in *Heller v. District of Columbia*.

Lee’s arguments prevailed, even though the trial’s video feed was plagued by technical difficulties and no witnesses testified. “It was challenging and not what we wanted,” Lee said. “The judge was insistent that we have a live trial with witnesses. But Covid took a turn for the worse and things looked so uncertain that the parties requested it be held by Zoom. You lose the urgency and the immediacy of the situation to the two-dimensions of Zoom.”

The plaintiffs’ rebuttal case was cut off when the Zoom call disconnected before the hearing was over, causing the trial to conclude early.

Lee said he aimed to demystify the assault weapon features at issue. His evidence included a video that showed rifles with and without the banned features shooting at a target. “There was no difference in their ability to hit a man-size target at 25 yards,” Lee said.

Lee believes that may have resonated with the judge. “He found that even under intermediate scrutiny, California’s laws won’t stand up,” he said.

— John Roemer