

## Michelle Y. Ku

### Partner

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Dallas

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Clients turn to Michelle Ku because she is an experienced litigator with the raw intellectual horsepower to master their most complicated business disputes. Whether the circumstances require tactful negotiations or bet-the-business advocacy, Michelle is a legal powerhouse at every stage. On behalf of individuals and public and private companies in various industries, Michelle has litigated claims in a wide range of practice areas involving shareholder disputes, fiduciary duties, tax controversy, intellectual property, class actions, regulatory actions, consumer products, healthcare, construction, employment, franchise, oil and gas, antitrust, government investigation response, and complex commercial disputes.

Michelle relies on her creative legal reasoning and strategies to win significant verdicts and other favorable outcomes for clients, including recently, a landmark bench trial victory on behalf of a direct-selling company against the Federal Trade Commission (FTC) on pyramid scheme and deceptive income and product claims under the FTC Act; a multimillion-dollar jury verdict in a business fraud, theft, and breach of contract case; non-assessment determinations from Internal Revenue Service (IRS) Appeals in trust fund recovery penalty matters for former business executives; complete dismissal on summary judgment for a major airline of plaintiffs' claims in a bet-the-business consumer class action involving breach of warranties; and denial of class certification in a case arising from the sale of allegedly defective consumer products where damages sought exceeded US\$1 billion. Michelle's recent trial and appellate experience also includes litigating claims involving the Computer Fraud and Abuse Act, patent infringement, trade secret misappropriation, non-competes, insurance, reinsurance, captive insurance, and corporate disputes.

In addition to handling clients' toughest litigation matters, Michelle excels as her clients' trusted advisor providing strategic advice for navigating sensitive business challenges. Regardless of whether she is handling the matter herself or is the Foley relationship partner for clients, Michelle makes sure her clients receive top-notch legal work and excellent client service. Clients also value Michelle's focus on their business objectives and ability to counsel alternative approaches to accomplishing them, including implementing strategies

geared toward resolving business challenges early and minimizing risk and liability in operations going forward.

Prior to joining the firm, Michelle clerked for Judge Catharina Haynes at the United States Court of Appeals for the Fifth Circuit. Before pursuing her career as a lawyer, Michelle was a television sportscaster and teacher in Korea.

## Awards and Recognition

- Recognized, Litigators of the Week, *The Am Law Litigation Daily* (2023)
- Honoree, 40 Under 40, *Dallas Business Journal* (2023)
- Recognized, Top Women Lawyers Award Winner, Texas Diversity Council (2022)
- Honored, Dallas Top 50 Women Lawyers Award, Texas Diversity Council (2018)
- Recognized, The Best Lawyers Under 40 in Dallas, *D Magazine* (2018)

## Affiliations

- Member, State Bar of Texas
- Barrister, The Patrick E. Higginbotham American Inn of Court (2018-2022)
- Associate, The Patrick E. Higginbotham American Inn of Court (2017-2018)

## Community Involvement

- Member, Dallas Regional Chamber Young Professionals (YP)

## Languages

- Korean, Conversant

## Sectors

- [Consumer Products](#)
- [Manufacturing](#)
- [Racial Justice & Equity](#)

## Practice Areas

- [Appellate](#)
- [Business Litigation & Dispute Resolution](#)
- [Energy Litigation](#)
- [FTC Consumer Protection](#)
- [Government Enforcement Defense & Investigations](#)
- [IP Litigation](#)
- [Litigation](#)
- [Tax Controversy](#)

## Education

- The University of Texas School of Law (J.D., with high honors, 2010)
  - Staff Editor, *The Texas Journal of Oil, Gas and Energy Law*
  - Chancellor-at-Large, Chancellors Honor Society
  - Member, Order of the Coif
  - Co-President, Student Animal Legal Defense Fund
  - Vice Magister, Phi Delta Phi
- The University of California at Los Angeles (B.A., magna cum laude, 2005)
  - Asian Humanities

## Admissions

- Texas State Courts
- U.S. Tax Court
- U.S. Court of Federal Claims
- U.S. District Court for the Eastern, Northern, Southern and Western Districts of Texas
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Tenth Circuit