



Shelby S Guilbert, Jr.

PARTNER

PROFILE

Shelby Guilbert is a partner in the Business Litigation Group at King & Spalding. Mr. Guilbert's practice focuses on the representation of large businesses, financial institutions, and policyholders in insurance recovery disputes, complex business disputes, and cross-border litigation. Mr. Guilbert routinely represents clients in state and federal courts at the trial and appellate levels, and he also has substantial experience in both domestic and international arbitration. In addition to helping clients pursue all types of first and third party insurance claims, Mr. Guilbert routinely advises companies on risk management needs arising out of policy renewals and M&A transactions.

Mr. Guilbert's current and recent representations include litigation and other matters on behalf of such leading companies as:

| Columbian Chemicals Company

| SavaSeniorCare

CONTACT

ATLANTA

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PRACTICES

Insurance Coverage/Recovery
International Arbitration
Contracts and Business Torts
Appellate, Constitutional and
Administrative Law
Shareholder and Securities Litigation
Crisis Management: Food
Energy Appellate
Global Disputes
North America Energy
National Security, Intelligence & Defense
Industry

MEMBERSHIPS

State Bar of Georgia
Atlanta Bar Association
American Bar Association

CLERKSHIPS

Law Clerk, The Honorable Ed Carnes,
U.S. Court of Appeals for the Eleventh
Circuit

EDUCATION

J.D., Yale University
M.Sc., with distinction, London School of
Economics and Political Science, UK
B.S.F.S., magna cum laude, Georgetown
University
Certificat d'Etudes Politiques, Mention
assez bien, L'Institut d'Etudes Politiques,
Strasbourg, France

ADMISSIONS

Georgia
U.S. District Court for the Northern District
of Georgia

- | First Horizon National Corporation
- | InterContinental Hotels Group
- | Mahindra & Mahindra Ltd.
- | SunTrust Banks, Inc.
- | The Coca-Cola Company
- | The Home Depot

Representative Experience

- | Representing SunTrust Banks, Inc. in insurance recovery litigation seeking over \$500 million in coverage under professional liability policies for underlying matters as a result of the 2008 subprime and credit crisis.
- | Representing SavaSeniorCare, LLC, one of the largest providers of short-term and long-term health care services in the U.S., in insurance recovery litigation under D&O policy for multi-million dollar losses incurred in underlying New York litigation.
- | Representing First Horizon National Corporation in multiple insurance recovery litigation matters involving bankers professional liability and D&O coverages for claims arising, in part, from the 2008 credit crisis, as well as current consultation on other claims and matters.
- | Representing an international manufacturer of chemical additives in multi-state insurance recovery litigation, and successful resolution of litigation with a former parent regarding indemnification obligations under spin-off agreement.
- | Assisting numerous clients in confidential matters in the pursuit of insurance recovery for data/privacy breaches and other cyber incidents under cyber, CGL, and D&O policies.
- | Represented Indian manufacturer Mahindra & Mahindra Limited in nine-figure dispute arising out of distribution agreement in UNCITRAL arbitration sited in London. Obtained victory in London arbitration, and anti-suit injunction and dismissal of related litigation and regulatory proceedings in the United States. Ongoing representation of Mahindra in distribution disputes around the United States.
- | Represented owner of Asian hydroelectric dam project in international arbitration seeking recovery for typhoon-related property damage and delay in start up damages under all-risk insurance policy.
- | Represented InterContinental Hotels Group in breach of contract and declaratory judgment action to recover losses under CGL policy for underlying putative class action claims relating to California Privacy Act.
- | Represented specialty grocer The Fresh Market in successful pursuit of CGL insurance for nationwide burn injury litigation.
- | Represented Delta Air Lines in successful ICDR arbitration with former aircraft maintenance supplier.
- | Represented Harbert Management Corporation in an arbitration involving claim for retrospective premiums and other costs allegedly owed under historical workers compensation program.
- | Represented Kimberly Clark Corporation in federal court in coverage dispute arising under fidelity bond insurance policy

Pro Bono Experience, Bar and Community Involvement

- | Co-Chair, International/London Subcommittee of the ABA Insurance Coverage Litigation Committee
- | Vice President, Atlanta International Arbitration Society (AtLAS)
- | Chair of World Affairs Council of Atlanta Young Leaders Executive Steering Committee, 2014-15
- | Past Member of United Way of Georgia Disaster Preparedness, Response, and Recovery Advisory Board and Georgia Bar Association Young Lawyer's Division Disaster Legal Services Committee.
- | Won favorable settlement of § 1983 action filed in the Eastern District of Louisiana against the USDA and the Louisiana Department of Social Services on behalf of Louisiana Hurricane Katrina victims who were improperly denied Food Stamp benefits.
- | Atlanta City Lead on Appleseed Foundation's study of Atlanta's response to Hurricane Katrina evacuees, which was profiled in the *New York Times* and *Newsweek*. Also participated in nationwide comparative study of natural disaster laws and regulations.
- | Recognized for *pro bono* work by numerous publications and media outlets, including the *Atlanta Business Chronicle*, the *Atlanta Journal Constitution*, WSB-TV in Atlanta, and WDSU-TV in New Orleans.

Recent Publications and Speaking Engagements

- | *The storm breaks and passes: The hearing, the IBA rules on taking of evidence, award, enforcement, finding and recovering assets and annulment*, Atlanta International Arbitration Society annual conference, September 30, 2015
- | *Maximizing Insurance Coverage for Key Risks Facing the Life Sciences Industry*, Webinar, September 23, 2015
- | *How to Protect your Company's Bottom Line Against Data Breach Losses Through Insurance*, Lexology, June 29, 2015; Law360, July 2015
- | *Making the Most of Insurance When CFPB Comes Calling*, Law 360, March 2015.
- | *Maximizing Insurance Coverage for CFPB Investigations and Enforcement Actions*, Client Alert, March 9, 2015
- | *Hands off my coverage! The risks and rewards of allocating risk through contracts and additional insured endorsements*, RIMS Educational Conference, Atlanta, Georgia, February 13, 2015
- | *#Insurance Coverage for Emerging Social Media Risks*, Texas Corporate Counsel Newsletter, Winter 2015
- | *Avoid the Insolvency Exclusion Trap in E&O Policies*, Journal of Bankruptcy Law, November/December 2014
- | *Eleventh Circuit Dials Back the Specificity Requirement for An Insurer's Reservation of Rights: Will Georgia Court's Agree?*, Lexology, July 22, 2014
- | *Maximize Your Insurance Recovery for 2014 Winter Storm Losses*, Law360, March 13, 2014
- | *Tips for Negotiating Collateral Agreements to Workers' Compensation Insurance Policies*, Client Alert, June 20, 2013.
- | *Securing D&O For Attorneys' Fees In Securities Cases*, Law360, May 28, 2013.
- | *Practical Tips on How to Maximize Your Insurance — Taking Proactive Steps to Avoid the "Interrelated Claims" Limitation to Coverage*, Public Company Advisor Newsletter, September 27, 2012; Law360.
- | *Insurance Coverage for Food and Beverage Contamination Claims and Recalls*, Client Alert, September 4, 2012.
- | *Recent Georgia Coverage Decisions Affecting Policyholders*, Client Alert, (August 7, 2012)
- | *Tips for Managing Emerging Catastrophic Risks and Supply Chain Disruption*, Client Alert, (June 12, 2012)
- | *Enactment of the new Georgia International Commercial Arbitration Code Solidifies Atlanta's Status as a Hub for International Arbitration*, Client Alert (June 5, 2012)
- | *How Do You Protect Your Business When the Sky Really is Falling? Emerging Trends in Property Damage Insurance and Tips for Maximizing Coverage in the Event of Catastrophic Loss*, Client Presentation (April 2012)
- | *The Intersection of Contractual Indemnity Clauses and Additional Insured Status: You May Have Less Coverage Than You Think*; Client Alert (February 23, 2012)
- | *Legal Issues for Nonprofits that Work with Children*; webcast (September 2011)
- | *Update on Recent D&O Coverage Decisions*; Client Alert (August 30, 2011)
- | *Recent D&O Coverage Decisions*; Webinar (August 17, 2011)
- | *Insurance as a Resource for Losses Sustained in Japan*; Client Alert (June 7, 2011)
- | *Maximize Your Insurance Recovery for Losses from Tornadoes, Floods and Other Natural Disasters*; Client Alert (May 12, 2011)
- | Panelist NLADA Conference on Panel: "Hurricane Katrina - A Five Year Retrospective." (November 2010)
- | Lorman CLE Panelist, "Litigating Oil Spill Claims" (September 2010)
- | *Insurance Coverage for Losses Related to the Gulf Oil Spill*; Client Alert (May 2010)
- | *Is Your D&O Coverage Adequate?*; Client Alert (August 2009)
- | Panelist at ABA Equal Justice for All Conference on how defense firms can assist low income victims of natural disasters with their legal needs. (March 2007)

Mr. Guilbert earned a B.S. in Foreign Service, *magna cum laude*, from Georgetown University's School of Foreign Service, where he was a Peter F. Krogh Scholar and a 1996 Rhodes Scholarship Finalist from the State of Louisiana. He received a *Certificat D'Etudes Politiques, mention assez bien*, from *L'Institute D'Etudes Politiques*, Strasbourg, France, where he pursued coursework in international law. Mr. Guilbert earned a M.S. in International Relations with distinction from the London School of Economics, and he graduated from Yale Law School in 2003. While at Yale, Mr. Guilbert was the Co-Editor in Chief of the *Yale Journal of International Law*, and he also took witness statements and conducted research in Eritrea for the Legal Advisor to the President of Eritrea in connection with Eritrea-Ethiopia Boundary Arbitration before the Permanent Court of Arbitration at The Hague. From 2003 to 2004, he clerked for Judge Ed Carnes on the United States Court of Appeals for the Eleventh Circuit.

NEWS & INSIGHTS

NEWS

- 27 Jan 2016 **TSYS Taps King & Spalding to Advise on \$2.35 Billion Acquisition of TransFirst**
- 19 Nov 2015 **Legal & Litigation Departments of the Year | *Daily Report***
- 05 Nov 2015 **King & Spalding Elects 24 New Partners**
- 19 Feb 2015 **Fifty-Nine King & Spalding Lawyers in Atlanta Named to 'Super Lawyers' List**
- 07 Mar 2014 **Seventy King & Spalding Lawyers in Atlanta Named to 'Super Lawyers' List**
- 05 Mar 2013 **Seventy-seven King & Spalding Lawyers Recognized in 2013 Edition of Georgia Super Lawyers Magazine**
- 24 Apr 2012 **King & Spalding's Latest e-Learn Webinar Offers Clients Insurance Guidance in the Wake of a Natural Disaster**
- 27 Feb 2012 **Super Lawyers Magazine Counts 84 King & Spalding Lawyers Among Georgia's Finest**
- 03 Nov 2011 **King & Spalding Elects Eight New Partners**
- 15 Dec 2009 **Sprint Nextel-Clearwire Merger Ranks as Sixth Largest Deal of the Year**
- 19 Oct 2009 **King & Spalding Advises Sprint Nextel in \$831 Million Purchase of Wireless Affiliate iPCS, Inc.**
- 12 Oct 2009 **King & Spalding Client Alert Is Second Most-Read Article in U.S.**
- 28 Jul 2009 **King & Spalding Advises Sprint Nextel in Purchase of Virgin Mobile USA**
- 07 May 2008 **King & Spalding Advises Sprint Nextel on Merger of its WiMAX Business with Clearwire, \$3.2 Billion in Related Investments**
- 18 Sep 2007 **King & Spalding Cross-Office Pro Bono Projects Assist in Liberian Stabilization Efforts**
- 01 Mar 2007 **King & Spalding, Chaffe McCall Help Katrina Victims Overcome Regulatory Barrier to Food Stamp Assistance**
- 24 Jan 2007 **King & Spalding Litigator to Speak at Equal Justice Conference on New Orleans and the Gulf Coast Region**

PUBLICATIONS

- 06 Jun 2017 **WannaCry, Adylkuzz, and Cyber Breach: How to Maximize Insurance Coverage in the Event of Cyber Attack**
- 05 Apr 2017 **Infrastructure Crisis Management: Insurance Coverage for Business Interruption Caused by the I-85 Bridge Collapse in Atlanta**
- 22 Apr 2016 **CGL Policies May Complement Cyber Policies In the Event Of Cyber Breach**
- 01 Mar 2016 **Board Governance Must Include Cyber Security Risk Management and Insurance Strategy**
- 15 Jan 2016 **Mind The Gaps: Path To Privacy And Cyber Related Insurance Coverage Remains Uncertain | *FC&S Legal: The Insurance Coverage Law Report***
- 16 Jul 2015 **Keep Your Eye on Exclusions When Buying Cyberinsurance | *Law360***
- 29 Jun 2015 **How to Protect Your Company's Bottom Line Against Data Breach Losses Through Insurance**
- 16 Mar 2015 **Making The Most Of Insurance When CFPB Comes Calling | *Law360***
- 09 Mar 2015 **Maximizing Insurance Coverage for CFPB Investigations and Enforcement Actions**
- 03 Sep 2014 **#Insurance Coverage for Emerging Social Media Risks**

05 Aug 2014 **Avoid the “Insolvency Exclusion” Trap in E&O Policies**

22 Jul 2014 **Eleventh Circuit Dials Back The Specificity Required In An Insurer’s Reservation of Rights—Will Georgia Courts Agree?**

13 Mar 2014 **Maximizing Insurance Recovery After Winter Storm | *Law360***

17 Feb 2014 **Maximize Your Insurance Recovery for 2014 Winter Storm Losses**

24 Jul 2013 **How To Negotiate Workers’ Comp Collateral Agreements | *Law360***

20 Jun 2013 **Tips for Negotiating Collateral Agreements to Workers’ Compensation Insurance Policies**

28 May 2013 **Securing D&O For Attorneys’ Fees In Securities Cases | *Law360***

07 Mar 2013 **How To Defend Your Co. From Gov’t Health Care Claims | *Law360***

27 Feb 2013 **Insurance Coverage for Healthcare False Claims Act, Stark, and HIPAA/HITECH Government Investigations**

11 Dec 2012 **Insurance Checklist For Mergers And Acquisitions | *Law360***

04 Dec 2012 **Insurance Checklist for Mergers & Acquisitions: What Every Executive Should Know**

09 Nov 2012 **How to Maximize Your Insurance Recovery for Property Damage, Business Interruption, and Supply Chain Losses**

27 Sep 2012 **Public Company Advisor - September 2012**

04 Sep 2012 **Insurance Coverage for Food and Beverage Contamination Claims and Recalls**

07 Aug 2012 **Recent Georgia Coverage Decisions Affecting Policyholders**

12 Jun 2012 **Tips for Managing Emerging Catastrophic Risks and Supply Chain Disruption**

05 Jun 2012 **Atlanta - The New Hub for International Arbitration**

30 Aug 2011 **Update on Recent D&O Coverage Decisions**

07 Jun 2011 **Insurance as a Resource for Losses Sustained After The 2011 Earthquake and Tsunami In Japan**

12 May 2011 **Maximize Your Insurance Recovery for Losses from Tornadoes, Floods and Other Natural Disasters**

23 Feb 2011 **The Intersection of Contractual Indemnity Clauses and Additional Insured Status: You May Have Less Coverage Than You Think**

EVENTS

23 Sep 2015 **Maximizing Insurance Coverage for Key Risks Facing the Life Sciences Industry**

08 Jan 2015 **Hands off my coverage! The risks and rewards of allocating risk through contracts and additional insured endorsements**

23 May 2013 **How Financial Institutions Can Maximize Insurance Assets For Credit Crisis and Emerging Risk**

25 Apr 2012 **How Do You Protect Your Business When The Sky Really Is Falling?**