

Rising Star: King & Spalding's Elizabeth Silbert

Law360 (August 8, 2018, 2:19 PM EDT) -- King & Spalding LLP partner Elizabeth Silbert has steered major oil companies through investment disputes and other cases against foreign governments, guiding Chevron in a long-running pollution battle with Ecuador and helping ConocoPhillips secure a \$337 million deal in an expropriation case against the South American nation, earning her a place as one of three international arbitration attorneys under 40 honored by Law360 as Rising Stars.

THE BIGGEST CASE OF HER CAREER:

Silbert said the biggest case of her career is also the one she's worked on the longest. As a first-year associate, she was staffed on the first of what eventually became multiple actions between Chevron and Ecuador over alleged environmental damage in the Amazon rainforest. As part of the dispute, an Ecuadorian court returned a \$9 billion judgment against Chevron that other courts, including courts in the U.S., have found to be fraudulent.

Ten years after she first started working on the case, Silbert is part of the team handling the arbitration over Ecuador's alleged misconduct during the dispute.

"It really was so fortunate to start [my] legal career with a case like that, because it's had every possible twist and turn," Silbert said. "It really is one of those legal sagas. It's touched basically every part of international law you would ever want to do — I've gotten to learn a lot about environmental laws, human rights laws. ... I've gotten to sample basically the best and most interesting legal issues that you can in my first 10 years of practice."

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STAR



Elizabeth Silbert
King & Spalding

Age: 36
Home base: Atlanta
Position: Partner
Law school: Northwestern University School of Law
First job after law school: Associate at King & Spalding

It's also been a consistent project for her, she said. "That case will be really busy for a few years and then other years it only takes up a little bit of my time, but it's been a constant for 10 years and that's been a lot of fun."

She said she expects to see a major decision on liability sometime this year.

OTHER NOTABLE CASES:

In addition to the ongoing dispute between Chevron and Ecuador, Silbert's high-profile work includes successfully representing ConocoPhillips in a treaty dispute with Ecuador.

In February 2017, an international tribunal ruled that Ecuador had unlawfully expropriated a ConocoPhillips subsidiary's investment in two oil exploration blocks in the country, violating a bilateral investment treaty with the U.S. The tribunal awarded the company \$380 million. It also determined that ConocoPhillips was on the hook for only \$42 million in environmental damage, not the \$2 billion Ecuador claimed the company owed.

The dispute was later settled for \$337 million.

Silbert also handles the day-to-day management in a \$3 billion tax dispute between the Philippines and Shell and Chevron concerning a Shell-operated oil project known as the Malampaya project. The dispute includes two proceedings, one before the International Chamber of Commerce and one before the International Centre for Settlement of Investment Disputes.

Merits hearings in both cases are scheduled for the fall.

WHAT SHE'S PROUDEST OF:

Silbert said she takes the most pride in her ability to take the sometimes nebulous concepts of international law and put them to practical use — and also to be able to "demystify" international law to fellow attorneys and demonstrate the practical impact for clients.

"I feel like I'm a bit of a translator at times," she said. "I try to understand different legal systems ... and walk clients through that and make it less intimidating. Especially for corporate clients, international law seems kind of academic and ivory tower, and I like being able to walk them through it, make it practical. [I like being able to] make international law ... really work for them and not just be theoretical exercises."

WHY SHE'S AN INTERNATIONAL ARBITRATION ATTORNEY:

Silbert, who is originally from Atlanta, said she was always interested in the world outside the U.S. while growing up. She studied French from the time she was young through college and majored in international relations at Georgetown University as an undergraduate. However, it wasn't until law school that she realized a career in international arbitration was possible.

"I thought originally I wanted to go into government or diplomacy work ... but I eventually decided that government service just wasn't for me. I actually fell into international arbitration because I happened to meet people during my law school years that introduced it to me as an actual career field."

She continues to love the work, she said, because it's so challenging. "I never get complacent," she said. "I never have days where I think, 'Oh gosh, I've done this 10 times. I could do this with my eyes closed.' There's always something new." It also requires a more creative approach than a U.S.-based practice, she said.

"When I have new associates, I have to tell them, 'There is no Westlaw, there is no clear answer. You will not find a Supreme Court case that gives you the answer here.' That either makes people uncomfortable or they like it, and I've always been on the side that it's a fun way to practice law."

Her favorite part of the work, though, she said, is the chance to work with people from across the globe. "It sounds cliché," she said, "but working with people from all around the world and all different backgrounds has been really enriching."

ON THE FUTURE OF THE FIELD:

Silbert said she expects international arbitration to grow as a practice area over the next 10 years, both in terms of the number of positions available and the places that might become arbitration hotbeds.

When she first started, she said, options were much more limited. She moved to Houston at the start of her career specifically to be able to do international work at King & Spalding, though she has since moved back home to Atlanta. But over time, she said, the demand for international arbitration attorneys has increased.

"[Today] any business of size is international," she said. "You're buying goods from abroad, you're selling goods abroad, you're doing something in another [country]. So we're going to need more of this. ... I'm hoping that the doors are opening more."

The changes in the landscape have also affected where internationally focused attorneys are needed,

she said. Silbert said she expects the traditional international centers such as New York, London and Hong Kong will remain important but that the number of international hubs will increase.

“I certainly see it here in Atlanta,” she said. “We may not be a historical center for international law, but the southeastern United States is a massive economy and has a huge concentration of Fortune 500s and international businesses. And these businesses have international legal needs. I think you’re going to start to see international arbitration where people are doing business, and not just the places where international law has traditionally been seated.”

— *As told to Emma Cueto*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2018 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.