

Elizabeth Silbert

Partner

Trial and Global Disputes / International Arbitration and Litigation

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Elizabeth is a partner in the Atlanta office and a member of the firm's International Arbitration team. Focusing on the energy, infrastructure, and technology industries, Elizabeth represents clients in high-profile matters involving major, long-term projects and foreign investments. Her cases are regularly at the cutting-edge of international arbitration practice, and several exceed USD 1 billion in dispute. Legal 500 named Elizabeth as a "key lawyer" in the firm's "Tier 1" arbitration team in 2020, and Law 360 recognized her as a "Rising Star" in International Arbitration in 2018 (one of three attorneys named worldwide).

Elizabeth handles international disputes, having represented clients in dozens of investor-State and commercial arbitrations (most exceeding USD 50 million in dispute, and several exceeding USD 1 billion). She specializes in complex disputes involving multiple parties, joint ventures, governmental entities, and multi-jurisdictional issues. Her counsel experience includes arbitrations convened under the AAA/ICDR, CPR, ICC, ICSID, LCIA, SIAC, and UNCITRAL Arbitration Rules. She has repeated experience in disputes involving the governing laws of the U.S., England, The Netherlands, and various Asian jurisdictions.

Elizabeth is particularly familiar with the legal and technical aspects of disputes in the energy and infrastructure industries. She has handled numerous cases arising from long-term contracts (sale and purchase, supply, production sharing, concession, design and build, EPC, etc.), deepening her knowledge not only of the contractual frameworks but also the technical and financial aspects of long-term investment projects. She also has significant experience representing major investors in treaty-based claims against States, and she regularly provides pre-dispute advice on foreign investment protection and treaty analysis.

In addition to her practice and frequent contributions as a speaker and author, Elizabeth also serves as an Adjunct Law Professor at the University of Georgia School of Law, where she has co-taught the course in International Arbitration since 2016.

Matters

Won a US\$ 158 million award on behalf of **GE-Hitachi Nuclear Energy Americas LLC** in an ICC arbitration against a national power company seated in Taiwan, involving contractual and technical claims related to the construction of a nuclear power plant.

Won an award for declaratory relief worth over \$4 billion in an ICC arbitration on behalf of **two international oil majors** against a Southeast Asian government, arising out of a revenue-allocation dispute under a gas service contract.

Won a US\$ 85 million award on behalf of **a major U.S. energy company** in an UNCITRAL arbitration seated in London, concerning breach-of-contract claims related to a gas pipeline project in Indonesia.

Won a declaratory award (with costs) worth approximately US\$ 1.5 billion on behalf of **a U.S. LNG company**, in an ICDR arbitration seated in New York concerning the terms of a long-term tolling agreement.

Won a US\$ 49 million award on behalf of **ConocoPhillips China** in a SIAC arbitration seated in Singapore, involving breach-of-contract claims against a Chinese company under a farm-out agreement.

Won a US\$ 96 million final award on behalf of **Chevron Corporation** in an UNCITRAL arbitration against the Republic of Ecuador seated in The Hague related to undue delays by Ecuadorian courts, including assistance in successful defense against set-aside proceedings in The Netherlands through all levels of appeals.

Representing **Shell Philippines Exploration B.V.** in a multi-billion-dollar ICSID arbitration against the Republic of the Philippines under the Netherlands-Philippines bilateral investment treaty concerning the mistreatment of Shell's investment in the Malampaya gas-to-power project.

Representing a **major energy services company** in a multi-jurisdictional dispute involving discovery proceedings before a U.S. District Court and private arbitral proceedings in Europe.

Representing **Chevron Corporation** in a treaty arbitration against the Republic of Ecuador seated in The Hague, concerning the US\$9 billion "Lago Agrio" environmental judgment issued by the Ecuadorian courts, resulting in precedent-setting awards in favor of Chevron, including a finding of denial of justice and treaty breaches by Ecuador's courts, as well as numerous interim measures awards ordering Ecuador to prevent enforcement of the court judgment.

Representing a **major Asia-based power consortium** in a SIAC arbitration seated in Singapore, concerning a contractual dispute.

Obtained favorable settlement on behalf of **a European technology company** in an ICDR arbitration seated in London, concerning a software licensing dispute.

Credentials

EDUCATION

J.D., Northwestern University, cum laude

B.A., Georgetown University, magna cum laude, Phi Beta Kappa

ADMISSIONS

U.S. District Court for the Eastern District of Texas

Georgia

Texas

LANGUAGES

French

Recognition

Recommended
LEGAL 500 US, 2020

Rising Star in International Arbitration
LAW360, 2018

Tier 1: Energy Litigation
LEGAL 500, 2016

Insights

ARTICLE

September 4, 2020 • Source: *Jus Mundi*
Arbitration Team of The Month (September) – King & Spalding

CLIENT ALERT

February 20, 2020
Coronavirus and Force Majeure Declarations – Energy Industry

NEWSLETTER

March 12, 2020
Energy Newsletter – March 2020

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Events

SPEAKING ENGAGEMENT

September 9, 2019
Elizabeth Silbert to Speak at 2nd Annual GAR Live Atlanta

WEBINAR

April 7, 2020
Navigating Supply Chain Risk and Obligations in the Midst of COVID-19

March 17, 2020
The Coronavirus Outbreak, Global Supply Chain Impact, and Force Majeure Declarations:
Considerations for Pharmaceutical and Medical Device Manufacturers

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News

IN THE NEWS

October 6, 2020 • Source: *Global Arbitration Review*
Doak Bishop, David Weiss, Wade Coriell and Elizabeth Silbert counsel Chevron in its \$2B
arbitration dispute with Thailand

August 11, 2020 • Source: *Global Arbitration Review*
K&S represents Chevron before the Argentine Supreme Court, which refused to enforce a \$9.5B

judgment against the company over environmental pollution in the Amazon

RECOGNITION

July 10, 2020

King & Spalding Earns Top Spot on Global Arbitration Review's GAR 30 Ranking

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