

Elizabeth Silbert

Partner

Trial and Global Disputes / International Arbitration and Litigation

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Elizabeth is the Deputy Head of the firm's global International Arbitration practice. Focusing on the energy, infrastructure, and pharma industries, Elizabeth represents clients in high-profile disputes involving major projects and long-term foreign investments. Her cases are regularly at the cutting edge of international arbitration practice, and several exceed USD 1 billion in dispute. Along with other accolades for her advocacy and client service, Legal 500 named Elizabeth as a "Next Generation Partner" in 2022, as part of the firm's "Tier 1" international arbitration ranking.

Elizabeth handles international disputes, having represented clients in dozens of investor-State and commercial arbitrations and litigations (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, and practice in U.S. federal courts. She has repeated experience in disputes involving the governing laws of the U.S., Ecuador, England, Germany, The Netherlands, Indonesia, Singapore, and Thailand.

Elizabeth is particularly familiar with the legal and technical aspects of disputes in the energy, infrastructure, and pharma industries. She has handled numerous cases arising from long-term contracts (sale and purchase, supply, production sharing, concession, EPC, licensing, etc.), deepening her knowledge not only of the contractual frameworks but also the practical and logistical aspects of long-term investment projects.

She has specific experience coordinating numerous parallel proceedings in "viral" disputes, including cross-border litigations, Section 1782 discovery, commercial and treaty arbitrations, and injunction and enforcement proceedings. 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 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. She is also committed to youth development in her community, and currently serves on the Board of Directors for the Boys & Girls Club of Metro

Atlanta.

Matters

Representing **Chevron Thailand Exploration & Production Co.** in an ad hoc arbitration against Thailand, concerning decommissioning of offshore assets in the Gulf of Thailand.

Won declaratory relief worth in excess of US\$600 million on behalf of a major U.S. LNG company in a AAA arbitration seated in Houston, concerning various breach-of-contract claims.

Obtained a denial of Section 1782 discovery in aid of a foreign commercial arbitration on behalf of **Halliburton Company** from the U.S. District Court of a Delaware, including affirmance on appeal before the Third Circuit.

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

Next Generation Partner

LEGAL 500 US, 2022

Recommended

LEGAL 500 US, 2020

Rising Star in International Arbitration

LAW360, 2018

Tier 1: Energy Litigation

LEGAL 500, 2016

Insights

ARTICLE

February 1, 2023 • Source: Pratt's Energy Law Report

Protections for Hydrogen Projects Under the Modernized Energy Charter Treaty

CLIENT ALERT

July 7, 2023

U.S. Supreme Court Holds Plaintiffs May Use RICO to Enforce Foreign Arbitral Awards

April 28, 2023

EU and Ukraine to recognize and enforce each other's court decisions

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Events

SPEAKING ENGAGEMENT

December 8, 2022

Elizabeth Silbert, David Lang to Speak at 2022 Petroleum Economist LNG to Power Forum Americas

September 13, 2022

Samaa Haridi, Elizabeth Silbert to Speak at GAR Live Atlanta

WEBINAR

June 22, 2021

Ransomware Attacks and Force Majeure(?)

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News

IN THE NEWS

March 28, 2023 • Source: Global Arbitration Review and Law360

K&S names Wade Coriell as the firm's Global Head of International Arbitration and Elizabeth Silbert as the Deputy Head of International Arbitration

RECOGNITION

June 8, 2023

King & Spalding Earns Top-Tier Rankings in Legal 500 United States 2023 Guide

March 31, 2023

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

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