



A. Stephens Clay

Retired Partner

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In Memoriam

Steve Clay has extensive experience in domestic and international arbitration disputes in Europe, Asia, the United States and Latin America, serving as an advocate and as an arbitrator. He was recently selected to serve a three-year term as one of ten U.S. representatives on the International Chamber of Commerce Commission on Arbitration (100 delegates worldwide). Mr. Clay also has trial and appellate experience in a broad range of business litigation matters, including contract and other commercial litigation, business tort actions, antitrust and patent infringement actions. Mr. Clay is a certified mediator with 35 years of experience in alternative dispute resolution. He has served as a mediator and as an advocate in mediating a wide variety of commercial disputes, is certified by the CPR International Institute and has 30 hours of mediation training.

Mr. Clay has served as co-counsel with prominent barristers from the United Kingdom, New Zealand, Australia, Hong Kong and other countries. He also has worked closely with other leading international arbitration specialists throughout the world. Mr. Clay was recognized in *The Best Lawyers in America*® for Alternative Dispute Resolution, Bet-the-Company Litigation and Commercial Litigation in 2017 and each of the 16 years immediately preceding. He was also named a 2015 "Atlanta Lawyer of the Year" in the area of Bet-the-Company Litigation by *The Best Lawyers in America*®. Mr. Clay has been recognized repeatedly for Arbitration and Litigation in *The International Who's Who of Business Lawyers*. He was recognized for Commercial Litigation in the 2016 and the seven years immediately preceding editions of *Chambers USA: America's Leading Lawyers for Business* and in 2011, he was listed as a Senior Statesman for Commercial Litigation. Mr. Clay was named a Georgia "Super Lawyer" in the areas of Business Litigation, International and Antitrust Litigation Law in 2009 and again for Business Litigation Law in 2018 and the eight years immediately preceding. He has been named as one of *Georgia Trend's* 2012 "Legal Elite" for Appellate Law. In 2011, Mr. Clay was recognized for receiving the Anti-Defamation League's Lifetime Achievement Award. In 2008, 2011, 2014, 2015 and 2016, he was recognized by *Benchmark: Litigation* as a Georgia "Litigation Star" and is AV® rated by Martindale-Hubbell.*

* CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience

Represented DuPont in "settlement fraud" case alleging federal RICO, fraud and other state law claims arising out of DuPont's alleged fraudulent inducement of hundreds of settlements of product liability claims in the early

1990s. Between 1996 and 2000, approximately 70 plaintiffs asserted "settlement fraud" claims against DuPont in the United States District Court for the District of Hawaii or in Hawaii state court, and DuPont asserted claims in federal court for breach of the settlement agreement. Ultimately, all of the federal cases were consolidated under the *Matsuura* case style. DuPont originally prevailed in the district court on motions to dismiss the "settlement fraud" claims based on provisions in the settlement agreements. When those rulings were superseded by a ruling of the Delaware Supreme Court, DuPont filed motions for judgment on the pleadings which led to a certified question proceeding before the Hawaii Supreme Court. After the Hawaii Supreme Court ruled, the District Court granted a number of dispositive motions filed by DuPont, as did the Hawaii state court in a related case. During the pendency of appeals from those decisions, the vast majority of the Hawaii claimants settled. Similar dispositions results in Florida and Georgia litigations.

Represented the American University in Cairo, Egypt with regard to its construction of a new \$400 million, 2 million square foot campus near Cairo. Served as lead counsel to the University for nearly four years. Analyzed and advised on the resolution of tens of millions in claims from and against the contractor, including claims related to delay, liquidated damage liability, force majeure, unforeseen circumstances, and design defect issues.

Represented an international infrastructure developer in an ICC arbitration related to a power plant in sub-Saharan Africa.

Represented DuPont in a dispute with a joint venture partner in Japan relative to the right of DuPont to transfer its interests in an equity affiliate as part of DuPont's sale of its textile assets to INVISTA S.A.R.L.

Represented major Atlanta hospital against another major Atlanta hospital in restraint of trade litigation. After substantial discovery and court's denial of defendant's motion for summary judgment, case was settled on favorable terms.

Represented major telecom company in dispute with former joint venture partner in Latin America. Case tried before a three-arbitrator panel for several weeks, resulting in an extensive and detailed decision by the panel.

Represented DuPont in dispute with a joint venture partner in Mexico relative to DuPont's right to transfer its interests in an equity affiliate as part of the sale of its textile assets to INVISTA S.A.R.L.

Education

University of Virginia School of Law J.D. (1967)

Yale University B.A. (1964)

Admissions

District of Columbia (1977)

Georgia (1970)

Pennsylvania (1968)

Professional & Community Activities

2009 Class of Leadership Atlanta

Chartered Institute of Arbitrators, Member

Georgia Appleseed Foundation, Board Chairman

University of Virginia, Adjunct professor of Ethics and Litigation (1999–2000)

Insights

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Kilpatrick Townsend Attorneys Garner 36 Rankings on the 2022 International Who's Who of Business Lawyers
October 24, 2022

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Kilpatrick Townsend Attorneys Garner 37 Rankings on the 2021 International Who's Who of Business Lawyers
October 29, 2021

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Kilpatrick Townsend Attorneys Achieve 41 Individual Rankings on the 2019–2020 International Who's Who of Business Lawyers
November 12, 2020

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Thirty-nine Kilpatrick Townsend Attorneys Named to 2018-2019 International Who's Who of Business Lawyers
October 22, 2019

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ADL Honors Debbie Segal with Lifetime Achievement Award
March 14, 2019