



J. Henry Walker IV

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Services

Complex Commercial Litigation; Class Actions; Litigation; Trade Secret; Cybersecurity, Privacy & Data Governance

Industries

Telecommunications; Technology; Health Care

Henry Walker serves as the Chair of Kilpatrick Townsend & Stockton LLP. In this role, he oversees the strategic direction and growth of the firm. Mr. Walker plays a key role in building and maintaining strong relationships with clients and developing capabilities in key industries and markets. Mr. Walker leads the firm's Executive Committee working closely with them to define and execute the firm's strategic objectives. Prior to his election to Chairman, he served as the firm's Managing Partner.

Mr. Walker continues to handle select matters for clients as the lead trial counsel and a member of the Firm's Complex Commercial Litigation Team. He has spent more than 25 years handling large complex litigation matters for clients, including class actions, technology, telecommunications and privacy cases. Based on his involvement in thousands of cases and previous in-house counsel experience, he has also provided extensive client counseling on the best ways to minimize risks and prevent litigation in business initiatives.

Mr. Walker has been first chair in numerous trials and arbitrations involving multimillion dollar business litigation, including claims for breach of contract, fraud, and tortious interference. He has served as lead counsel in numerous successful efforts to defeat class certification, including major federal court litigation alleging hundreds of millions of dollars in damages. He served as lead in-house counsel in numerous major antitrust matters, including two successful landmark United States Supreme Court cases (*Twombly* and *Trinko*). Mr. Walker has also been lead counsel in significant trade secret, non-compete and non-solicitation cases on behalf of employers. He has provided litigation-related advice on compliance with SEC regulations and other laws affecting publicly-traded corporations, including drafting board talking points and disclosure documents. He has also provided litigation risk analysis on multibillion dollar acquisitions.

Mr. Walker rejoined the firm—where he practiced as a partner until 1996—in 2007 after serving as Chief Litigation Counsel to BellSouth Corporation. Mr. Walker's mixture of in-house experience and outside counsel experience provides him with a unique understanding of the challenges facing clients and in-house counsel. At BellSouth, Mr. Walker managed a team of lawyers and paralegals responsible for a large and challenging litigation docket while taking frontline responsibility for numerous large litigation matters. He also participated in BellSouth's Leads Program, a select executive leadership training program and received the BellSouth President's Award and the General Counsel's Award for Excellence. During his time at BellSouth, Mr. Walker was active in the Association of Corporate Counsel (ACC), including serving as the Chair of ACC's Litigation Committee.

Mr. Walker is very active in the State Bar of Georgia, currently serving on the Board of Governors and numerous committees. He is a member of the Georgia Chamber of Commerce Board of Directors and serves as the Vice Chair of the Georgia Chamber's Law and Judiciary Committee. Among other positions, Mr. Walker also served on the State of Georgia Judicial Nominating Commission which interviewed candidates and provided a "short list" to the Governor for judicial appointments. Mr. Walker was recognized in *The Best Lawyers in America*[®] for Commercial Litigation in 2018 and the five years immediately preceding. He was also named a 2017 "Atlanta Lawyer of the Year" in the area of Technology Law by *The Best Lawyers in America*[®]. Mr. Walker was named a Georgia "Super Lawyer" in 2015, 2016 and 2017 for Civil Litigation Defense by *Super Lawyers* magazine. He 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 Highlights

Premier Anesthesia v. Bethesda Memorial Hospital

Served as lead trial counsel in multimillion dollar healthcare dispute, involving breach of contract, fraud and tortious interference. Case settled on successful basis after first week of jury trial.

Putative nationwide class action litigation against national telecommunications company

Represented a national telecommunications company in a putative class action lawsuit, in which plaintiffs alleged fraud over its allegedly defective telephone, Internet and television service. The plaintiffs claimed the data backbone of the service was systematically defective, causing Internet, telephone and television connectivity problems. The court said that the forum selection and arbitration clauses contained in its terms of service agreements bar the plaintiffs from bringing their nationwide class action in his court. The court of appeals affirmed the district court's decision in all respects in a published decision.

Technology software implementation dispute

Represented large e-commerce software company in case involving implementation of multiple software programs. Claims alleged included fraud, breach of warranty, negligent misrepresentation, and state statutory claims.

Privacy data breaches

Served as lead counsel providing advice on numerous privacy data breach matters, including data breaches involving millions of credit card numbers and thousands of social security numbers. Led the team that investigated and assisted in the containment of numerous data breaches. Provided advice on compliance with state data breach notification laws and federal law requirements.

Covad Communications v. BellSouth Corporation (antitrust litigation in Atlanta federal district court)

Served as lead in-house counsel representing BellSouth in this significant antitrust case, which raised issues under essential facilities doctrine and the intersection of antitrust law and the Federal Telecommunications Act of 1996. The United States Supreme Court ultimately decided the antitrust liability issues in a companion case in BellSouth's favor. *Verizon Commc'ns Inc. v. Law Offices of Curtis V. Trinko, LLP*, 540 US 398 (2004).

Breach of contract and fraud case for BellSouth Telecommunications Inc.

Serving as lead counsel for a large telecommunication company, the firm won a motion to dismiss breach of contract and fraud claims based primarily on the filed rate doctrine.

Solar Star Sys., Inc. v. BellSouth Telecomms. Inc., No. 10—21105—CIV, 2012 WL 37387 (S.D. Fl. Jan. 6, 2012).

BellSouth Corp. v. Forsee (trade secret/restrictive covenant litigation before Georgia trial and appellate courts and in arbitration)

The firm served as lead counsel for BellSouth in a highly-publicized dispute involving Sprint's hiring of the second highest-ranking corporate officer at BellSouth to serve as Sprint's then-CEO. The case involved claims for breach of non-competition and nondisclosure agreements and "inevitable misuse" of trade secrets. We obtained an injunction in arbitration prohibiting the executive's disclosure of confidential information to Sprint and limiting his executive activities at Sprint to prevent the misuse of BellSouth's trade secrets. *BellSouth Corp. v. Forsee*, 265 Ga. App. 589, 595 S.E.2d 99 (2004).

Putative nationwide class action for national telecommunications company

Represented a national telecommunications company in a putative nationwide class action alleging improper "cramming" of services. Class certification was defeated.

Litigation regarding independent contractor doctrine for a regional telecommunications company *

Served as in-house counsel for a regional telecommunications company regarding litigation based on independent contractor doctrine. Summary judgment affirmed for the company.

Privacy policy litigation

Served as lead counsel advising companies on potential privacy litigation claims due to alleged breaches of privacy policies, including advice on privacy policy content.

Trade Secrets and Non-compete Cases

Serving as lead counsel for large public and private companies, the firm successfully enforced non-compete clauses and obtained court orders protecting trade secrets.

Securities fraud class action for regional telecommunications company *

Served as in-house counsel for regional telecommunications company regarding securities fraud class action involving multi-billion dollar claim. Case settled near the end of discovery phase.

Fraud and civil conspiracy

Successfully represented an advertising and publishing company against claims ranging from fraudulent inducement to civil conspiracy. The Court granted our client's summary judgment motion on all claims and awarded our client significant damages plus attorney's fees, prejudgment interest and costs.

Breach of contract and fraud case for a large telecommunication company

Serving as lead counsel for a large telecommunication company, the firm won a motion to dismiss claims alleging breach of rights of way agreement.

Class action litigation regarding improper access charges for a global telecommunications company *

Represented a global telecommunications company in class action based on FCC ruling finding acquired telecommunications company collected improper access charges.

Trademark litigation for a regional telecommunications company *

The firm served as lead trial counsel for a regional telecommunications company in a successful three day preliminary injunction hearing over improper use of the company's trademark.

IT contract disputes for a regional telecommunications company *

Served as lead counsel for a regional telecommunications company resolving performance disputes involving IT contracts with multiple vendors. Settled for multimillion payments and credits, plus release of future obligations.

Bell Atlantic Corporation, et al. v. Twombly, et al. *

Served as in-house counsel for a regional telecommunications company regarding significant antitrust case alleging conspiracy among Regional Bell Operating Companies (RBOC). The Supreme Court ultimately ruled in the RBOC's favor in a landmark case. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007).

Precedent setting right-of-way case for a regional telecommunications company *

Served as in-house counsel for a regional telecommunications company regarding precedent setting right-of-way case won on summary judgment.

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Interdisciplinary Teams: Why It Is in Your Interest to Have Collaboration Between Legal, IT, and Records Management
Kilpatrick Townsend, May 17, 2013

Litigation Readiness: Best Practices for Managing eDiscovery
Kilpatrick Townsend, April 11, 2013

Electronic Discovery: Blocking & Tackling: Best Practices in Collecting, Preserving and Processing
April 01, 2009

What In-House Counsel Wants: Meeting Ever-Increasing Demands through Superior Client Services
Litigation Section Meeting, April 01, 2009

Security Breach Notification Laws
Technology Litigation Desk Reference, January 01, 2009

In-House Counsel as Circus Ringmaster
Association of Corporate Counsel Annual Meeting, October 01, 2008

Workplace Privacy Issues
Kilpatrick Stockton 2008 Labor & Employment Law Seminar, September 25, 2008

Litigation Metrics in Action
Association of Corporate Counsel 2007 Annual Meeting, October 01, 2007

Professional & Community Activities

Georgia Chamber of Commerce, Board of Directors and Vice Chair of Law and Judiciary Committee

Metro Atlanta Chamber of Commerce, Board of Directors

Leadership Georgia — Class Member and Program Chair

State Bar of Georgia, Board of Governors (1995-present), Former Chair of Indigent Defense Committee and Member of Advisory Committee on Legislation

State of Georgia Judicial Nominating Commission, Former Member

Association of Corporate Counsel (ACC), National Litigation Committee, Chair (2006-2007)

Chief Justice's Community Service Task Force, Selection Committee Member

State Bar of Georgia, Younger Lawyers Division, President (1996-1997)

State Disciplinary Board Investigative Panel and Review Panel, Former Member

Education

Mercer University Walter F. George School of Law, J.D. (1986)
cum laude

University of Virginia, B.A., American Government (1983)

Bar Admissions

Georgia