



## **WILLIAM V. CUSTER**

**Senior Trial Counsel**  
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### **BIOGRAPHY**

Bill represents corporate clients in a wide range of complex commercial litigation including disputes involving banking, insurance, and a variety of corporate transactions. He serves as co-leader of the firm's Toxic Tort Class Action and Mass Tort Team. Bill, whose practice includes first chair trial experience, has been ranked by his peers in one widely published poll as one of the top 100 lawyers in Georgia.

#### **Commercial and Fiduciary Litigation**

As a result of the firm's considerable base of banking clients, Bill represents regional, national and international banks in cases involving such matters as lender liability, RICO, Truth in Lending, the False Claims Act, the Fair Housing Act, participation agreements, and fiduciary liability. In particular, Bill has extensive experience litigating trusts and estates. He represents both fiduciaries and

beneficiaries in many different and complex litigation matters including will caveats, petitions for equitable direction, disputes over the appointment of fiduciaries, disputes over the interpretation of instruments, and the defense of suits alleging breach of fiduciary duty.

### **Product Liability and National Litigation Management**

Bill's practice has also involved the management and coordination of multi-district litigation (MDL) and national product liability litigation. By way of example, he has acted as national class action counsel for one corporate client, national discovery counsel for one of the country's largest retail companies, national coordinating counsel (NCC) for product liability claims against a Fortune 500 manufacturing company, national *Daubert* counsel for another Fortune 500 manufacturing corporation.

### **Appeals**

Bill routinely appears in the appellate courts and is called upon frequently to express the views of the business and banking communities on important legal issues pending in the appellate courts through amicus curiae briefs. The cases in which Bill has authored briefs on behalf of either the Georgia Chamber of Commerce or the Georgia Banking Association in recent years are as follows:

- *Cavalier Convenience, Inc. v. Sarvis*, 305 Ga. App. 141 (2010);
- *Smith v. Baptiste*, 287 Ga. 23 (2010);
- *State Farm Mutual Automobile Insurance Co. v. Hernandez Auto Painting and Body Work, Inc.*, 312 Ga. App. 756 (2011);
- *Nat'l Federation of Indep. Bus. v. Sebelius*, 132 S. Ct. 2566, 183 L. Ed. 2d 450 (2012);
- *Synovus Bank v. Griner*, 321 Ga. App. 359 (2013);
- *Scapa Dryer Fabrics, Inc., v. Roy Knight*, 299 GA. 286 (2016);
- *Certaineed Corporation v. Marcella Fletcher*, S15G1903 (2016);
- *Amusement Martin v. Six Flags Over Georgia II, L.P.*, 301 Ga. 323, 801 S.E.2d 24 (2017); and,
- *First Acceptance Ins. Co. of Georgia, Inc. v. Hughes*, 305 Ga. 489, 489, 826 S.E.2d 71, 73 (2019).

### **Professional Activities**

Throughout his career, Bill has been active in the State Bar of Georgia. He served as a director of and member of the Executive Council of the Younger Lawyers Section in the early years of his practice, then as a member of the Board of Governors from 1998 through 2016. In addition to his

membership of various other committees within the State Bar of Georgia, Bill most recently chaired the Products Liability Law Section and served as a special master in lawyer disciplinary proceedings.

Bill is a frequent speaker on legal issues and has given seminars on an array of topics as developments in Georgia evidence law, cybersecurity, social media evidence, the attorney-client privilege, e-discovery, and the art of negotiation.

Bill is also a consulting author of the *LexisNexis Guide: Georgia Personal Injury (2015)*.

### **Pro Bono Activities**

Bill has participated as counsel in a number of high profile *pro bono* matters before the Georgia and federal courts. His recent pro bono work includes:

- *Garner v. Jones*, 529 U.S. 244, 120 S. Ct. 1362, 146 L. Ed. 2d 236 (2000), which challenged changes in state parole procedures as a violation of the ex post facto clause;
- *Henderson v. Hames*, 287 Ga. 534, 697 S.E.2d 798, 800 (2010), a successful habeas corpus action overturning murder conviction;
- *Inniss v. Aderhold*, 80 F. Supp. 3d 1335 (N.D. Ga. 2015), a successful challenge of state prohibition on same sex marriages; and,
- *Georgia State Conference of NAACP v. Hancock Cty. Bd. of Elections & Registration*, No. 5:15-CV-00414 (CAR), 2018 WL 1583160 (M.D. Ga. Mar. 30, 2018), a successful challenge to voter purge.

Pro bono teams led by Bill have received awards from the Lawyers Committee for Civil Rights and the Stonewall Bar Association for their outstanding service.

### **AREAS OF FOCUS**

- Environmental and Toxic Tort Team

### **CIVIC INVOLVEMENT & HONORS**

- *The Best Lawyers in America*, "Lawyer of the Year," Bet-the-Company Litigation, 2025
- *The Best Lawyers in America*, Bet-the-Company Litigation and Commercial Litigation, 2007-2025

- Resiliency and Recovery Task Force (Georgia Chamber, 2020)
- Judicial Covid-19 Task Force (appointed by Georgia Supreme Court)
- Benchmark Litigation (Litigation Star, 2014-2022)
- Top 100 Georgia Super Lawyers (2011-2013, 2017)
- Georgia Super Lawyer (2004-2021)

## PROFESSIONAL AFFILIATIONS

- Lawyers' Committee for Civil Rights Under Law - Board Member
- Georgia Chamber - Board Member
- Lawyers Foundation of Georgia
- State Bar of Georgia
- State Bar of Georgia - Trial Practice Section
- State Bar of Georgia - Products Liability Section
- Gridiron
- Lumpkin Inn of Court

## ADMISSIONS

- Georgia, 1986
- United States Supreme Court  
United States Court of Appeals for the Eleventh Circuit  
United States District Courts for the Middle, Northern, and Southern Districts of Georgia

## EDUCATION

University of Georgia, J.D., 1986

Emory University, B.A., 1983

## RELATED PRACTICE AREAS

- Class Actions & Mass Torts
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Collegiate Sports Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Consumer Products
- Food, Ag & Nutrition
- Insurance (Class Actions)
- Pharmaceutical & Medical Devices (Class Actions)
- Pharmaceutical & Medical Devices (Mass Torts)
- Construction Disputes
- Enforcement
- Litigation
- Regulation
- Environmental and Toxic Tort Team
- PFAS Team
- Sports & Event Financing
- Financial Institutions
- Financial Services
- Catastrophic Accidents
- Consumer Fraud
- Class Actions
- Business & Commercial Disputes
- Mass Torts & Product Liability
- Real Estate
- Fiduciary Disputes
- Consumer Finance Disputes
- Sports & Entertainment
- Healthcare & Life Sciences
- Real Estate Disputes
- Banking & Finance Disputes
- Finance
- Litigation & Dispute Resolution

## EXPERIENCE

- Represented contractor in dispute with nuclear power facility over \$40 million contract
- Represented a large building products conglomerate in litigation with former shareholders involving claims in excess of \$100 million
- Represented a national bank in the defense of claims brought under the False Claims Act alleging tens of millions of dollars in damages stemming from fees charged in connection with mortgage originations
- Represented a major league baseball team in litigation with its landlord over a change in the team's name in which the landlord sought over \$300 million in damages
- Represented over fifty banks in a loan participation in their claims against a developer involving an \$89 million revolving line of credit and subsequent fraudulent transfer litigation
- Represented national credit card processor in the defense of tortious interference with contract claim arising out of acquisition of competing company and alleging over \$100 million in damages
- Represented national outdoor advertising company in defending a multi-million dollar verdict on appeal to the Georgia Court of Appeals and Georgia Supreme Court
- Represented seller of national security company in multi-million dollar purchase price dispute with purchaser
- Represented over sixty individual bottlers and an associated trade group in claims against a national beverage concern alleging violations of a national beverage distribution agreement
- Represented a national big box retailer in dispute with contractor over the construction of multiple stores in the southeast
- Represented a national military contractor in its defense of claims brought under the False Claims Act alleging tens of millions of dollars in damages arising from a contract to maintain military vehicles
- Represented a bankruptcy trustee in fraudulent transfer claim against sellers of stock in a leveraged buyout transaction
- Represented a national insurance company in multiple cases alleging bad faith failure to settle underlying claims

- Represented multiple banks in class actions alleging violations of the Electronic Funds Transfer Act
- Represented both originating banks and participant banks in numerous disputes over participation agreements relating to real estate loans
- Represented the Chambers of Commerce for the States of Georgia, Arkansas, Florida, Illinois, Indiana, Kentucky, Michigan, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Washington, and Wisconsin as an *amicus curiae* in proceedings before the United States Supreme Court challenging the constitutionality of the Affordable Care Act (“Obamacare”)
- Represented the Georgia Chamber of Commerce as an *amicus curiae* in various proceedings before the Georgia Supreme Court, the Georgia Court of Appeals and the United States Court of Appeals for the Eleventh Circuit involving tort reform issues
- Represented the Georgia Bankers Association as an *amicus curiae* in various proceedings before the Georgia Supreme Court and the Georgia Court of Appeals involving disputes over fees and foreclosure requirements
- Represented the beneficiaries in various disputes involving a complex estate of an internationally known recording artist
- Represented a trust company in disputes involving the distribution of assets from a trust established for the benefit of descendants of Asa Candler, the founder of the Coca-Cola Company
- Represented a trust department in a suit alleging breach of fiduciary duty involving the investment choices made in a large common trust fund
- Represented beneficiaries in dispute over distribution of assets involving the estate of the former Governor of Ohio
- Represented corporate trust department accused of breaching fiduciary duty imposed under trust indenture by disposing of certain trust property

## RESOURCES

## PUBLICATIONS

- "Lessons Learned in Recent Participation Agreement Litigation," *The Banking Law Journal*, co-authored with Jennifer Dempsey, November/December 2014

- "The Development of Judicial Policy on the Phenomenon of Multiple Chemical Sensitivity in the Post-Daubert Era," 15 *Journal of Toxicology and Industrial Health* 428, co-authored with E. Kertscher, 1999
- "Tainted Imports Require Refresher On CPSC Reporting Requirements; Companies Must Report a Product if a Defect Constitutes a Substantial Product Hazard," *Industry Week*, co-authored with Adwoa Gharthey-Tahoe Seymour, August 2007
- "Multiple Chemical Sensitivity Syndrome: The Wavering Influence of the Courts on Public Policy," 24 *Regulatory Toxicology and Pharmacology* S182, 1996

## SPEAKING ENGAGEMENTS

- Speaker, "A Look at the Current Civil Justice Crisis in Georgia and the Need for Premises Liability Reform," Georgia Chamber of Commerce, Georgia Screen Entertainment Coalition Meeting, December 9, 2021
- Speaker, "A Look at the Current Civil Justice Crisis in Georgia and the Need for Premises Liability Reform," Georgia Chamber of Commerce Government Affairs Council Meeting, November 11, 2021
- Speaker, "A Look at the Current Civil Justice Crisis in Georgia and the Need for Premises Liability Reform," Georgia Chamber of Commerce Board of Governors Meeting, October 17, 2021
- Speaker, Georgia Bankers Association Executive Strategy Tri-Conferences, September 2020
- Speaker, "Business Litigation," Institute of Continuing Legal Education: Simulcast Series, March 2020
- "Where Do We Draw the Line? The Law (and Politics) of Political Gerrymandering," Panel Member, Atlanta Ga., July 2017
- "Multistate Practice and the Attorney Client Privilege," In-House Legal Department, June 2017
- "Excessive Force Claims Under State and Federal Law," Lumpkin Inn of Court, Atlanta, Georgia, January 2017
- "Hot Topics For In-House Counsel: Unlicensed Practice of Law and Protecting the Attorney Client Privilege," Annual Bryan Cave Client Seminar, Atlanta, Georgia, January 2017
- "Ethical Issues in Bank Representation," Georgia Bankers Association, Bank Counsel Conference, Greensboro, Georgia, October 2016

- "Social Media Evidence," Bench and Bar Seminar, Annual Meeting of the State Bar of Georgia, June 2016
- "The Current Crisis in Civil Justice Reform," The Georgia Chamber of Commerce, Government Affairs Council, St. Simons Island, Georgia, June 2016
- "Hot Topics for In-House Counsel," Client Seminar, New York, New York, May 2016
- "Trial Advocacy: Opening Statements and Closing Arguments," Bryan Cave In-House Seminar, Atlanta, Georgia, April 2016
- "Update on Social Media Law," Client Seminar, Alpharetta, Georgia, April 2016
- "Cybersecurity – Threats from Nation States to Hackers in the Basement – How to Minimize Liability to Customers and Third Parties," ICLE Banking Law Seminar, Atlanta, GA, February 2016

## RELATED INSIGHTS

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