



Erica Villanueva

Partner

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Erica Villanueva is the chair of Farella's Insurance Recovery practice group. She helps her clients navigate the insurance claims process, pursues breach of contract and bad faith claims against insurers, and advises on policy wording and insurance renewals. Erica frequently handles claims and negotiations involving Cyber, Technology Errors & Omissions and Media liability (Cyber/Tech E&O), Directors & Officers liability (D&O), Commercial General Liability (CGL), Employment Practices Liability (EPL), Venture Capital/Private Equity liability, and property insurance policies. She also works with policyholders and their insurance brokers to negotiate favorable policy terms, addressing their unique risk profiles.

- Numerous social media and platform companies rely on Erica as their go-to outside counsel for insurance recovery issues. Whether the underlying matter involves alleged copyright infringement, user harm claims raising third-party content and/or First Amendment/Section 230 issues, securities, and derivative litigation, or regulatory investigations and litigation arising out of privacy, data security, or employment issues, Erica knows her clients' business and develops strategies to maximize insurance recovery for such exposures. In just a one-year period from mid-2022 to mid-2023, Erica recovered a combined total of over \$70 million for social media/platform clients alone.
- As just one example of her work for social media and platform companies, Erica has represented multiple photo- and video-sharing platforms facing threatened mass arbitrations alleging Illinois' Biometric Information Privacy Act violations. In one matter, she recovered the full limits of a sizeable insurance tower for her clients to resolve substantial exposures. In another, she leveraged her client's insurance position in order to dramatically reduce the plaintiffs' unrealistic demand, then obtained 100% insurance recovery for the reduced demand amount.
- For a public company client facing two sets of derivative claims potentially hitting the same policy period, Erica persuaded a D&O insurer to treat one set of claims as belonging in a different policy period in order to preserve the limits in the other policy period for the claim with higher potential exposure. For the same client, Erica also provided advice concerning how to maximize potential insurance recovery in a matter with substantial securities and derivative exposures and limited ABC coverage in comparison to available Side A limits.
- Erica represented a venture capital firm seeking insurance coverage for defense and settlement of a highly contentious employment case. Insurer paid the full cost of settlement, including amounts attributable to the former employee's claimed loss of rights to carried interest and substantial defense costs.
- On behalf of an industrial product supplier embroiled in construction defect litigation, Erica was brought in following a failed mediation during which the clients' CGL insurers had announced – for the first time – that they believed there was no coverage for the claim. Erica immediately commenced litigation against the insurers in her client's home state, where highly favorable coverage law would apply. Rather than face the risk of prolonged coverage litigation in this jurisdiction, the insurers reversed course, and the construction defect matter was ultimately settled with substantial insurance contribution.
- Erica guided a storied Sand Hill Road venture capital firm through the insurance coverage nuances of securities litigation involving a failed portfolio company—one of the largest investment losses in the history of venture capital. The client obtained substantial defense costs recovery and 100% coverage for the settlement amount.

Erica is a fellow of the prestigious American College of Coverage Counsel. She serves as Secretary of the Bar Association of San Francisco's Executive Committee, was a member of BASF's board of directors from 2019-2021, and is a past chair of the BASF Insurance Section.

Distinctions

Services

- Insurance Recovery
- Financial Services
- Private Equity and Venture Capital
- Technology
- Healthcare

Education

- Yale Law School (J.D., 2004)
- University of California, Berkeley (B.A., 2000)
 - high distinction, Phi Beta Kappa

Bar Admissions

- California

- *Chambers USA*: Insurance Policyholder - California (2019-2025)
- *Best Lawyers in America*, Insurance Law (2023-2026)
- *Benchmark Litigation's 40 & Under Hotlist* (2017-2018)
- Northern California *Super Lawyers*, Insurance Recovery (2018-2025)
- California Rural Legal Assistance Outstanding Alumni Award (2018)
- Client Choice Award in the Insurance category for California from International Law Office (ILO) and Lexology (2016)

Memberships and Affiliations

- Fellow, American College of Coverage Counsel (2021-Present)
- Board of Directors, Bar Association of San Francisco (2019-2021), Secretary (2025)
- Fellow [Leadership Council on Legal Diversity](#) (2019)
- Board Member, Centro Legal de la Raza (November 2016-present)
- Regional Representative, Yale Law School Alumni Executive Committee (2017-2020)
- Edward J. McFetridge Inn of Court, Barrister & Pupilage Group Leader (2014-2017)
- Chair, Insurance Law Section, Bar Association of San Francisco (2018); Executive Committee Member (2015-2017)
- Judiciary Committee, Bar Association of San Francisco (2016-2018)

Publications

May 13, 2022

What You Need To Know About Representation and Warranty Insurance

Upside

May 11, 2022

Changes in the VCAP Liability Coverage Market

Upside

April 29, 2022

Illinois Courts Largely Favor Coverage for BIPA Cases Under CGL Policies

Policyholder Perspective

September 29, 2020

Maximizing Business Insurance Coverage Benefits After a Fire

Policyholder Perspective

January 14, 2019

Maximizing Business Insurance Coverage Benefits After a Fire

January 14, 2019

General Counsel as Risk Manager

January 14, 2019

Newly-Published Regional Steel Case Raises More Questions Than It Answers

January 14, 2019

The Napa Earthquake: Now Is The Time To Think About Insurance Coverage

January 14, 2019

How To Navigate London's Aviation Insurance Claims Process

January 14, 2019

Preparing for a Mediation Involving Coverage Issues

January 14, 2019

New California Court of Appeal Case Supports Policyholder Argument Regarding “Stacking” of Consecutive Policy Limits

January 14, 2019

Tendering Your Claim

September 14, 2018

Understanding the Insurer’s Duty to Settle

Policyholder Perspective

October 11, 2017

Maximizing Business Insurance Coverage Benefits After a Fire

October 10, 2017

Maximizing Business Insurance Coverage Benefits After a Fire

October 10, 2016

California Supreme Court Leans in Favor of Treating Defense Bills as Privileged Communications

Policyholder Perspective

August 20, 2016

Private D&O Insurance: Things You Should Know

Policyholder Perspective

August 18, 2016

Protect the Investment: Require Portfolio Companies to Purchase Strong D&O Coverage

Policyholder Perspective

June 3, 2016

Do You Know What’s In Your Portfolio Company’s D&O Insurance?

Policyholder Perspective

February 2, 2016

5 Insurance Tips for Emerging Companies

December 15, 2015

Insurance Issues in the Sharing Economy

Policyholder Perspective

August 3, 2015

Critical Insurance Issues for Your Next Mediation: What You Need to Know and Do to Settle a Complex Civil Case Involving Insurance Issues

Policyholder Perspective

August 3, 2015

California Supreme Court Will Review Appellate Decision Holding That Attorney Bills Are Privileged

Policyholder Perspective

June 1, 2015

Submitting Your Defense Bills to Insurers Could Mean Waiving Privilege

Policyholder Perspective

December 22, 2014

CA Court of Appeals Confirms that Insured Need Not Accept 2860 Rate Caps For Work Done After Tender, But Before Insurer Accepts Defense

Policyholder Perspective

September 17, 2014

Setting Up a Successful Negotiation Regarding “2860 Rates”

Policyholder Perspective

February 19, 2014

Common Policyholder Pitfalls When Navigating London Aviation Insurance Claims

Policyholder Perspective

June 14, 2013

Recent Media Coverage Overstates Impact of New Second Circuit Case Regarding “Drop-Down” Issue

Policyholder Perspective

November 30, 2010

California Supreme Court Denies Review of Howard v. American National

Policyholder Perspective

October 4, 2010

Central District of California Allows Wage and Hour Coverage Case to Move Forward

Policyholder Perspective

September 2, 2010

Bad Facts Make Good Law in Howard v. American National

Policyholder Perspective

July 12, 2010

California Appellate Court Rejects Insurer’s Attempt to Apply Multiple Self-Insured Retentions To a Single Lawsuit

Policyholder Perspective

June 7, 2010

Farella Associate Erica Villanueva to Serve as Co-Chair of BASF Barristers Insurance Section

Policyholder Perspective

June 1, 2010

California Insureds Should Question the “Conventional Wisdom” Regarding Coverage for Wage and Hour Class Actions

Policyholder Perspective

January 14, 2010

Recent California Court of Appeal decision suggests insured should consider answering and cross-complaining before moving to stay insurer’s declaratory relief action

Policyholder Perspective

September 23, 2009

Narrow Victory For Insurers In 21st Century v. Superior Court: “Made-Whole” Rule Does Not Apply To Insured’s Litigation Costs

Policyholder Perspective

March 13, 2009

New California Supreme Court Decision Reaffirms Concurrent Proximate Cause Rule In Environmental Context

Policyholder Perspective

January 9, 2009

Continental Court Decision Approves “Stacking” of Consecutive Policy Limits

Policyholder Perspective

Outside the Office

Erica spends most of her free time with her husband and two daughters. She is passionate about living and raising her children in the city of San Francisco. She serves on the board of directors of Centro Legal de la Raza, a legal aid organization dedicated to protecting and advancing the rights of low-income, immigrant, and Latino communities.