



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 was on the board of directors for the Bar Association of San Francisco (BASF) (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, Band 4 (2019-2023)
- *Best Lawyers in America*, Insurance Law (2023-2024)
- *Benchmark Litigation's 40 & Under Hotlist* (2017-2018)
- Northern California *Super Lawyers*, Insurance Coverage (2018-2023)
- 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
- Fellow [Leadership Council on Legal Diversity](#) (2019)
- Board of Directors, Bar Association of San Francisco (2019-2021)
- 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 28, 2020

Maximizing Business Insurance Coverage Benefits After a Fire

10/10/2017

Maximizing Business Insurance Coverage Benefits After a Fire

10/10/2016

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

8/18/2016

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

6/3/2016

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

2/2/2016

5 Insurance Tips for Emerging Companies

6/1/2015

Submitting Your Defense Bills to Insurers Could Mean Waiving Privilege

12/22/2014

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

9/17/2014

Setting Up a Successful Negotiation Regarding “2860 Rates”

8/25/2014

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

6/19/2014

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

3/4/2014

How To Navigate London’s Aviation Insurance Claims Process

2/19/2014

Common Policyholder Pitfalls When Navigating London Aviation Insurance Claims

7/1/2013

General Counsel as Risk Manager

6/14/2013

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

2/10/2012

Tendering Your Claim

11/30/2010

California Supreme Court Denies Review of Howard v. American National

10/5/2010

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

9/2/2010

Bad Facts Make Good Law in Howard v. American National

7/12/2010

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

6/1/2010

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

3/16/2010

Preparing for a Mediation Involving Coverage Issues

1/14/2010

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

1/21/2009

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

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.