

# Daily Journal

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## TOP 40 UNDER 40

### California's leading lawyers of 2017

## John M. Wilson

Wilson was a key member of a Latham & Watkins LLP team that successfully convinced the state Supreme Court to reverse its own precedent.

The insurance case centered on whether an insurer could enforce policy provisions banning reassignments of policies to a third party without the insurer's consent.

In a 2003 opinion known as *Henkel*, the court held that consent-to-assignment clauses were enforceable even after a loss in most circumstances.

But Wilson said one of his colleagues alerted the Latham attorneys representing Fluor Corp. to a section of the California insurance code dating back to the 19th century that had not been considered in the prior Supreme Court case.

Wilson argued before the court that Insurance Code Section 520 should result in a victory for Fluor in its long-running battle with Hartford Accident & Indemnity Co.

"We ran with a real focus on what the Legislature had decided from the 1870s should be the public policy of the state," Wilson said.

The strategy paid off. In August 2015, the court unanimously ruled for Fluor and overruled its *Henkel* decision. *Fluor Corp. v. Superior Court of Orange County*, 61 Cal.4th 1175.

The court wrote that an insurer was precluded from refusing to honor an insured's assignment of the right to invoke coverage for a personal injury or property damage loss suffered within the time limits of the policy.

"It was a dream come true to engage in that kind of dialogue with the court and have them ultimately come out on our side," Wilson said.

He highlighted how the ruling provides



**Latham & Watkins LLP**

San Diego

**Practice:** Insurance coverage and environmental law

**Age:** 39

security for California businesses wanting to pursue corporate transactions without triggering the loss of needed insurance coverage.

Wilson has also had success in cases alleging bad faith and related tortious conduct by insurers whose historic long-tail liabilities were assigned to the National Indemnity Company and its claim-handling subsidiary,

Resolute Management Inc., pursuant to retroactive reinsurance agreements.

"We have had a number of those cases across the country where we have gotten some real traction and been able to develop a consistent narrative of why the structure results in bad faith breaches," Wilson said. "As a result, we have negotiated a number of favorable settlements for our clients."

— Lyle Moran