

MVP: Gibson Dunn's Allyson Ho

By Jack Karp

Law360 (November 12, 2024, 3:07 PM EST) -- Allyson N. Ho of Gibson Dunn & Crutcher LLP's appellate practice won a high-profile and unanimous U.S. Supreme Court ruling reversing decades of bankruptcy precedent, and another unanimous win at the Third Circuit safeguarding crime victims' rights, earning her a spot as one of the 2024 Law360 Appellate MVPs.

Her biggest case:

Ho's biggest accomplishment this past year was securing a unanimous decision from the Supreme Court that an insurer with financial responsibility for a bankruptcy claim qualifies as a "party in interest" under the Bankruptcy Code, she said.

Ho's client, Truck Insurance Exchange, can challenge the proposed Chapter 11 reorganization plan of two manufacturing companies it insured that are facing asbestos injury claims, the justices ruled in June. Truck Insurance Exchange had opposed that plan because it contained certain anti-fraud provisions for uninsured asbestos injury claims but not for insured ones.

"Although bankruptcy law can be really complicated, our position was quite simple: Insurers who will be the ones paying the vast majority of claims in a bankruptcy case should have a voice in those proceedings," said Ho, who argued the case that upended decades of bankruptcy case law.

In that case, the justices rejected the longstanding "insurance neutrality doctrine," under which an insurer lacks standing to intervene in bankruptcy proceedings if the Chapter 11 plan doesn't impact its pre-bankruptcy rights or obligations.

Federal bankruptcy law is about bringing all stakeholders — such as debtors, claimants and federal and local governments — to the table to work out what's best, Ho said.

"And so our case really went to the heart of bankruptcy law, in that our argument was that everybody has a seat at the table except the insurers, who in our case are the ones paying virtually every cent of the claims that will be made against the bankruptcy estate," Ho said.



Her proudest moment:

Ho says one of her proudest moments of the year was when she scored a unanimous, pro bono victory at the Third Circuit safeguarding crime victims' rights to meaningfully participate in the criminal justice process.

That victory came in defense of sanctions issued against the Philadelphia District Attorney's Office after it decided not to contest the last remaining claim in convicted murderer Robert Wharton's effort to overturn his death sentence.

The DA had implied to the court that it had the approval of the murder victims' family to concede Wharton's claim that his counsel failed to present evidence that he had positively adjusted to prison. But the district court found that to be misleading and sanctioned the DA's office, which in reality had only reached out to one family member to tell him that it was considering its position on Wharton's petition.

Ho, working with whom she calls "two of the most renowned advocates for crime victims' rights in the country" — Paul G. Cassell of the Utah Appellate Project and Meg Garvin with the National Crime Victim Law Institute — submitted an amicus brief on behalf of the victims' family members. And she was given the rare privilege of presenting oral argument as amicus before the Third Circuit, which affirmed the sanctions in March.

"It was really rewarding to have the opportunity to stand up in court and be a voice for crime victims, who often don't have a voice in proceedings that really fundamentally affect their lives," Ho said. "That was an incredibly rewarding experience."

Her biggest challenge:

Ho's biggest challenge this year came from a trio of high-stakes cases, including the Truck Insurance case, which she argued before the U.S. Supreme Court, the Texas Supreme Court and the en banc Fifth Circuit, all within a span of a few months.

"You might call it an appellate lawyer's trifecta," Ho joked.

The cases ran the gamut from administrative to bankruptcy to constitutional law, and each of them involved high-profile, cutting-edge issues, according to Ho, who said she always wants to give each case her all.

"So it was a pretty intense time, to argue those three cases within a pretty short period," Ho said. "But it was also extraordinarily rewarding to help our clients with their significant matters."

What motivates her:

Ho says she's motivated by getting to work with her clients on some of their most important matters, side by side with "amazing" in-house counsel and firm colleagues to solve problems, achieve results and secure victory.

She loves both the intellectual challenge of appellate law and the practical impact her work has in helping the best companies in the world solve some of their biggest problems, Ho added.

"I'm also especially inspired by the next generation of rockstar appellate attorneys that I get the

privilege of working with every day. Seeing them argue and win cases just fills my heart with so much joy," Ho said.

Ho argued her 100th case this year, but she told her team that what she's really looking forward to is serving as second chair on her 100th case, she said.

"To see that next generation come into their own is really inspirational to me," Ho said.

Her advice for junior attorneys:

Ho's advice to that next generation of appellate lawyers is to do the hard things, be kind and choose gratitude.

"I think gratitude is really the key to a purpose-filled and joyful life in the law," Ho said.

--As told to Jack Karp. Editing by Dave Trumbore.

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