BRADLEY A. BENING

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Willoughby, Stuart, Bening & Cook co-founder, Bradley Bening, leads the firm's Mediation and Arbitration team. He has successfully mediated more than 600 cases in his career. Mr. Bening has been appointed Special Master and Referee in more than 50 cases in Superior Court throughout the Bay Area, and in Federal Court.

As a Special Master, Mr. Bening has helped parties manage and resolve numerous complex construction, real estate, business and insurance matters, and utilizes his skills as a mediator to achieve consensus among the parties.

Mr. Bening brings a highly evaluative approach to settlement and strives to fully understand the position of each party. His extensive trial experience allows him to appreciate the risk and benefit for all parties involved.

Mr. Bening is a coverage specialist having represented both insureds and insurers in diverse matters for more than 25 years. He is recognized by both plaintiff and defense counsel, insurers and insureds, as having a keen understanding of their perspective. He is often selected as a mediator in matters involving coverage disputes, or cases where coverage for one or more defendants is at issue—in many matters more significant than the dispute actually in litigation. With an in-depth knowledge of coverage matters, Mr. Bening can readily assess the issues for plaintiffs, insureds and insurers while taking into consideration how insurance impacts the settlement.

With a success rate of more than 98 percent, Mr. Bening has successfully mediated insurance, business, real estate, construction, intellectual property, corporate and partnership disputes and professional liability matters, including:

- A complex dispute between a large general contractor and seven subcontractors in a dispute arising out of $5 million in claimed construction defects.
- An errors and omissions clause by a large non-profit against the past board of directors. The board was alleged to have failed to oversee manager who had embezzled more than $2 million. Matter involved complex issues of directors & officers coverage for past board.
- A large dispute between a general contractor and a developer of a commercial project. Involved various issues of liquidated damages, change orders and mechanics liens.
- Served as a binding arbitrator in a complex construction dispute between owner and contractors.

Mr. Bening has been included in *The Best Lawyers in America* since 2006 and named a *Northern California Super Lawyer* for six consecutive years. He has served on the board of Community Housing Developers, a large nonprofit developer of affordable housing, since 1988 and the board of the Children's Musical Theater of San Jose since 1994. He is on the board of the American Cancer Society, and Artsopolis, an arts network nonprofit.

He is a member of the California State Bar Association, Santa Clara County Bar Association. Mr. Bening obtained his J.D. from UC Davis School of Law.