

SANTA CLARA COUNTY SUPERIOR COURT
BACKGROUND INFORMATION

Instructions: DO NOT ALTER THIS FORM IN ANY WAY. DO NOT ATTACH ADDITIONAL PAGES.

| | | |
|---------------------------------------|---------------------|---------------------|
| Name | Phone | Fax |
| <i>Bradley A. Bening</i> | <i>408-289-1972</i> | <i>408-295-6375</i> |
| Street or P.O. Box | City | Zip Code |
| <i>50 W. San Fernando Street #400</i> | <i>San Jose CA</i> | <i>95113</i> |

TODAY'S DATE:

Check each panel for which you have been accepted: mediation neutral evaluation

1. Describe your education, including degrees and the dates received.

1978 – B.A., Political Science, CSU Chico

1982 – J.D., UC Davis

2. Briefly describe the ADR training you have received. For each training, give the trainer's name, the dates attended, and the total hours.

-Numerous private and Bar sponsored programs in negotiation skills and theory, mediation, conflict analysis.

ADC ADR program, 1996; C.E.R.F. program 1995.

3. Describe the subject matter of five disputes for which you have been an ADR provider in the past five years, with the dates. Identify the process and state whether you were a sole- or co-provider.

- Mediation; complex indemnity & coverage issues arising from construction accident – sole provider

1/99

- Mediation; multi-party construction defect claim – sole provider 7/98

- Mediation; legal malpractice claim – sole provider 10/98

- Mediation; personal injury claim – sole provider 11/98

- Mediation; insurance subrogation arising from destruction of commercial property – sole provider

12/98

- Numerous others in last five years.

4. Check your areas of substantive expertise:

- | | | |
|--|---|---|
| <input type="checkbox"/> Banking | <input type="checkbox"/> Health Care | <input checked="" type="checkbox"/> Personal Injury |
| <input checked="" type="checkbox"/> Business (Commercial - Contract) | <input type="checkbox"/> Housing | <input type="checkbox"/> Probate - Wills |
| <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Intellectual Property | <input checked="" type="checkbox"/> Prof. Negl. (Non-Medical) |
| <input checked="" type="checkbox"/> Construction | <input checked="" type="checkbox"/> Insurance | <input checked="" type="checkbox"/> Real Estate |
| <input type="checkbox"/> Defamation | <input type="checkbox"/> Labor – Employment | <input type="checkbox"/> Securities |
| <input type="checkbox"/> Disabilities | <input checked="" type="checkbox"/> Landlord/Tenant | <input type="checkbox"/> Tax |
| <input type="checkbox"/> Elder Issues/Abuse | <input checked="" type="checkbox"/> Medical Malpractice | <input type="checkbox"/> Other (specify): |
| <input type="checkbox"/> Environment | <input type="checkbox"/> Neighborhood | |
| <input type="checkbox"/> Family Law | <input checked="" type="checkbox"/> Partnership | |

5. If you are an attorney:

A. How many years have you been in active practice? If none, please explain.

17 years

B. What is or was the nature of your practice?

Business and real estate litigation, insurance coverage, professional errors and omissions.

C. What percentage of your practice has been representing plaintiffs 40% defendants 60%

D. How many of the following have you completed in the past five years?:

Jury trials 5 Court trials 5 Judicial arbitrations; 3

6. Is your ADR style facilitative or evaluative/directive?

Evaluative.

7. Describe your fee schedule, including any sliding-scale or pro-bono provisions.

\$350.00/hour

8. Give any other information that should be considered by parties or counsel.

I have a high success rate. I work aggressively with counsel and parties to evaluate and understand their legal, personal and practical perspectives to encourage resolution. I also believe an ADR provider should make suggestions and recommendations for creative and practical alternatives to promote resolution.