

PARTNER

## Alexander F. Stuart

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T. 408-494-9204



### PRACTICE AREAS

Appellate  
Business and Commercial  
Litigation  
Construction  
Insurance Coverage and  
Bad Faith Litigation  
Real Estate

### EDUCATION

Santa Clara University  
School of Law, Santa Clara,  
J.D., 1980

University of California,  
Berkeley, A.B., Rhetoric,  
University of California,  
Berkeley, 1977

### ADMISSIONS

California  
U.S. Court of Appeals,  
Ninth Circuit  
U.S. District Court (All  
California Districts)

### LEADERSHIP

Cancer CAREpoint, Board  
Member (2011-2021)  
San Jose Downtown  
Community Development  
Corporation, Board  
Member (2018-2021)  
San Jose Downtown  
Foundation, Board  
Member (2003-2012)

### OVERVIEW

Alexander Stuart leads Murphy Austin's Insurance Coverage and Bad Faith Litigation practice team. Alex has more than four decades of experience practicing law in insurance coverage and bad faith litigation, with a particular focus in commercial insurance litigation involving business, real estate, construction and professional liability matters. He represents policyholders in state and federal courts at both the trial and appellate levels. Alex also represents clients in real estate and business litigation, and serves as a mediator in complex insurance cases.

Devoting his practice to the delivery of creative, cost-effective legal solutions to complex problems, Alex uses a variety of pretrial procedures to test legal theories in advance of trial, saving clients significant legal expenses. While he has tried cases to verdict, his strategy is to use pretrial procedures and mediation as a method for resolving litigation disputes, often before a suit becomes necessary.

Alex represents policyholders in first-party and third-party insurance disputes, and also assists other trial lawyers with the resolution of insurance issues, providing counsel on coverage and communicating with insurers to address key coverage issues and the bad faith consequences for not resolving claims in a timely manner. This support often includes a combination of inside mediation and outside mediation communications focused on developing an evidentiary record of an insurer's breach of duty, crucial to the successful resolution of matters when the parties are engaged in multiple mediation sessions over a protracted period.

Prior to joining Murphy Austin, Alex was a founding partner at Willoughby, Stuart, Bening & Cook, one of the first specialty insurance coverage and bad faith practices in Northern California.

Alex earned his J.D. from Santa Clara University School of Law and received an A.B. in Rhetoric from the University of California, Berkeley. He has been named in The Best Lawyers in America since 2006 and has been listed as a Northern California Super Lawyer since 2004.

Leland Foundation for  
Excellence in Education,  
Founding Board Member  
(1998-2007)

San Jose Elections  
Commission, 1994 – 2002  
(Chair, 1995, 1998-2002)

CYSA Soccer Coach  
(1993-2002)

San Jose Urban Design  
Review Board, Chair,  
(1993-2000)

San Jose Arts Commission,  
1987-1992 (Chair 1991-1992)

San Jose Historic Art  
Advisory Committee, Chair  
(1990-1991)

## MEMBERSHIPS

California State Bar  
Association, Member

Santa Clara County Bar  
Association, Member

Sacramento County Bar  
Association, Member, Civil  
Litigation

## EXPERIENCE

### Representative Matters

- Represent policyholders in commercial insurance litigation and disputes over insurance coverage.
- Represent clients in matters involving product failures, partnership disputes, breaches of commercial contract.
- Represent clients in matters involving damage to real and personal property.
- Represent clients in matters related to intentional interference with contract and/or prospective economic advantage, and fraud.
- Represent clients in real estate litigation with respect to actions for rescission, indemnification against costs arising from environmental contamination, trespass and nuisance, violation of conservation easements, and fraud.
- Represent owners, developers and contractors in construction disputes related to insurance obligations of defense and indemnity as named insureds and/or additional insureds, and related duties arising under contracts of indemnity.
- Represent public entities, including cities and counties, in matters involving disputes with insurance companies or joint powers authorities with respect to first-party and third-party claims.
- Represented agricultural company in matter related to failure to deliver promised software capabilities.
- Represented client in wrongful termination of professional services.

### Publications

- Co-author, *California Liability Insurance Practice: Claims and Litigation* (CEB)
  - Chapters on General Principles of Contract and Bad Faith Litigation,
  - Actions for Failure to Defend, Actions for Failure to Settle, Direct
  - Actions for Recovery of Judgment
- [Mediation Confidentiality And Insurance Bad Faith](#): Don't let the law of mediation confidentiality keep your offer to settle out of evidence in a bad-faith action, *Plaintiff Magazine* (2015)
- [Determining The True Policy Limits For A Policy-Limits Demand](#): A look at the limits of liability under five insurance scenarios demonstrates why it's not always easy to make a true policy-limits demand, *Plaintiff Magazine* (2011)

## HONORS

- *Best Lawyers in America*, Lawyer of the Year, San Jose, Insurance Law (2013, 2016, 2018, 2023)
- *Best Lawyers in America*, Insurance Law (2006 – Present)
- *Best Lawyers in America*, Commercial Litigation (2013 – Present)
- *Northern California Super Lawyers*, Insurance Law (2004 – Present)
- Martindale-Hubbell Peer Review Rating AV (1995 – Present)
- Named in *Sacramento Magazine's* Top Lawyers List, Insurance Law (2023)
- Trial Lawyer of the Year Finalist, Santa Clara County Trial Lawyers Association (2019)
- Top 10 California Jury Verdict, Breach of Contract (2019)
- Top 50 Nationwide Jury Verdict, Commercial Litigation (2019)
- San Jose District 10 Honoree (1994)