

OF COUNSEL

Ellyn E. Nesbit

E enesbit@murphyaustin.com

T. 408-494-9212



PRACTICE AREAS

Appellate

EDUCATION

University of Florida Levin
College of Law
J.D., 1988

University of Florida
M.B.A Business
Administration, 1988

Milligan University in
Johnson City, Tennessee
B.A., Business
Administration, 1983

ADMISSIONS

California

U.S. Court of Appeals,
Ninth Circuit

U.S. District Court (All
California Districts)

LEADERSHIP

Co-Chair with Sixth District
Appellate Justice
(2010-2011 and 2011-2012)
Appellate Courts
Committee of the Santa
Clara County Bar
Association

MEMBERSHIPS

Santa Clara County Bar
Association

Appellate Courts
Committee of the Santa

OVERVIEW

Ellyn Nesbit specializes in civil appeals and she is certified by the California State Bar as an Appellate Specialist.

Ellyn handles appeals for Murphy Austin's Business and Commercial Litigation and Insurance Coverage and Bad Faith practice areas, and Ellyn has also handled appeals in a variety of other substantive areas of law, including probate and attorney malpractice defense.

Ellyn provides services as lead appellate counsel, co-counsel, or consultant. With her substantial experience evaluating litigated matters, Ellyn believes it is equally important for clients to understand the ramifications of an appeal before choosing to proceed. To that end, Ellyn provides detailed counseling to clients about their chances of success on appeal and in writ proceedings, and the potential outcomes.

Ellyn also has extensive experience in insurance coverage and bad faith litigation in state superior courts and federal district courts, with a primary focus on commercial general liability coverage.

Prior to joining Murphy Austin, Ellyn practiced appellate law and insurance coverage/bad faith litigation for 28 years at Willoughby, Stuart, Bening & Cook, one of the first specialty insurance coverage and bad faith practices in Northern California.

Ellyn earned her J.D. from University of Florida Levin College of Law, while concurrently earning her M.B.A Business Administration at University of Florida. She received her B.A. in Business Administration from Milligan University in Johnson City, Tennessee.

Ellyn was named in *The Best Lawyers in America* 2013 through 2024. She was voted *Best Lawyers 2023 "Lawyer of the Year"* for Appellate Practice in San Jose. Ellyn has also been listed in Northern California Super Lawyers since 2013.

Clara County Bar
Association

Sacramento County Bar
Association, Appellate and
Probate Sections

California Lawyers
Association, Trusts and
Estates Section

EXPERIENCE

Representative Matters

- *Ward General Insurance Services, Inc., v. Employers Fire Insurance. Co.* (2003) 114 Cal.App4th 548
- *Volkswagen v. Universal Underwriters Group* (N.D.Cal. 2008) 571 F.Supp.2d 1148
- *Fresno Motors, LLC v. Mercedes Benz USA, LLC* (9th Cir., 2014) 771 F.3d 1119
- *Paul v. Patton* (2015) 235 Cal.App.4th 1088
- *Genisman v. Hopkins* (2018) 29 Cal.App.5th 45
- *Trolan v. Trolan* (2019) 31 Cal.App.5th 939
- *Reyes v. Kruger* (2020) 55 Cal.App.5th 58
- *J.B.B Investment Partners Ltd. et al., v. R. Thomas Fair et al.*, 2022 WL 2071012 (6/9/2022)
- *Richard B. Beauchesne v. Bradford Baugh*, 2022 WL 1658706 (5/25/2022)

Speaking Engagements

- Panelist for various continuing legal education seminars on appellate practice

Publications

- “*When is a Disputed Issue of Fact a Question of Law?*” Los Angeles Lawyer (November 2024)

HONORS

- Certified Appellate Specialist, California State Bar, a certification currently held by fewer than 25 attorneys in Sacramento and Santa Clara counties combined
- Mensa, Member. Membership in Mensa can only be obtained by achieving a top-level score on a Mensa-approved I.Q. test.
- Voted *Best Lawyers 2023 “Lawyer of the Year”* for Appellate Practice in San Jose
- Listed in *The Best Lawyers in America* (2013-2024)
- Listed in *Northern California Super Lawyers* (2013-Present)