



JIM SCHRATZ

and ASSOCIATES

JIM SCHRATZ
January, 1994 to Present

Specializing in consulting and expert witness services concerning proper claims handling techniques on behalf of both insureds and insurance companies.

SAMPLE TRIAL TESTIMONY

- Victaulic Company v. American Home Assurance Company testified on behalf of plaintiff who was awarded \$46 million in punitive damages and \$8 million in attorneys fees
- Poteau Ford Mercury, Inc., and Vernon Roberts v. Zurich American Insurance Company testified on behalf of plaintiff who was awarded over \$6 million
- The Continental Insurance Company v. Amadeo Lopez-Castro, et al. testified on behalf of insurance company who successfully defeated a bad faith claim
- Paul Boyne v. Massachusetts Bay Insurance Company testified on behalf of successful plaintiff in bad faith action
- John Cahill v. Liberty Lloyds of Texas Insurance Company testified on behalf of plaintiff in successful bad faith action
- Pflueger, Inc., v. AIU Holdings, Inc., et al. testified on behalf of successful plaintiff in bad faith action
- Millennium v. Darwin Select Insurers testified on behalf of successful plaintiff in bad faith action
- Robert MacKeen and Rebecca MacKeen v. State Farm Lloyds and Rex O'Hill testified on behalf of successful plaintiff in bad faith action
- Kirk A. Schliger and Ellie Jean v. Farmers Insurance Group and Mid-Century Insurance Company testified on behalf of insurance company who successfully defeated a bad faith claim
- Morgan v. United Fire Lloyds testified on behalf of successful plaintiff in bad faith action

EXPERT EXPERIENCE

- Qualified as an expert witness in state and federal courts in numerous jurisdictions including Arizona, California, Connecticut, Florida, Louisiana, South Carolina, Texas, Oklahoma, Pennsylvania, Hawaii, Oregon, Michigan, Vermont, and Washington, on behalf of insureds and insurance companies
- Provided deposition and trial testimony in over 250 cases

INSURANCE INDUSTRY EXPERIENCE

Vice President, Major Claims, Fireman's Fund Insurance Company

- Responsible for case management of all cases throughout the world with a potential exposure of \$3 million or more and all cases with high publicity value.
- Personally adjusted numerous claims with high bad faith exposure throughout the United States.
- Responsible for nationwide automobile and general liability anti-fraud program, with special emphasis on assuring proper claims handling in light of high potential for extra-contractual exposure.

Assistant Vice President, Major Litigation Unit, Fireman's Fund Insurance Company

- Developed and implemented program to identify, centralize, and monitor all cases involving independent counsel.
- Personally involved in the drafting of Civil Code Section 2860, which defines the rights and duties of the insurance company when independent counsel is retained.
- Personally adjusted numerous claims in which independent counsel were retained by the insured.

Director, Corporate Litigation, Fireman's Fund Insurance Company

- Established, implemented, and supervised 16-member Major Litigation Unit with nationwide responsibility for all construction defect, land subsidence, and other labor intensive, high profile cases, with special emphasis on proper claims handling techniques.
- Personally adjusted numerous construction defect cases, including:
 - The decision to issue a reservation of rights letter;
 - The retention and supervision of defense counsel;
 - Evaluation of appropriate legal and tactical strategy decisions;
 - Attendance at settlement meetings and conferences;
 - Analysis of experts' reports; and
 - Negotiation of final settlement amounts.
- Shared responsibility for supervising all extra-contractual suits against Fireman's Fund Insurance Company.

Assistant General Counsel, Fireman's Fund Insurance Company

LEGAL EXPERIENCE

- Associate, Rosenblum, Fenolio, Parish, Jack & Bacigalupi, San Francisco
- Associate, Heller, Ehrman, White, & McAuliffe, San Francisco

EDUCATION:

University of San Francisco Law School, J.D., 1976, Editor-in-Chief, Law Review

University of Illinois, M.A. Political Science, 1972

State University of New York at Buffalo, B.A., 1969

- References furnished upon request.

PUBLICATIONS

- April 1991, "Managing Insurer, Insured Conflicts of Interest by Use of Independent Counsel," American Bar Association, Section of Litigation, Committee on Insurance, Mid-Year Meeting
- June 1992, "Do The Right Thing," California Lawyer
- June 1992, "Resolving the Cumis Quandary: Guidelines for Reasonable Fees," Insurance Litigation Reporter
- October 1992, "The Alliance Lives," Underwriters Report
- October 1992, "The Need For Legal Audits," Verdict
- February 1993, "Cumis Counsel's Obligation To Provide Information To The Insurance Company," American Bar Association, Insurance Coverage Litigation Committee, Mid-Winter Meeting
- Spring 1993, "The Other Side of the Cumis Coin: The Insurer's Ability To Select Associate Defense Counsel Under Civil Code, Section 2860 (f)" (with Jon R. Mower), Western State Law Review
- July 1993, "Is Your Insurance Company Doing Enough To Fight Fraud?," Risk Management
- July 1993, "Why We Lost The Battle Against Insurance Fraud," Claims
- September 1993, "Customer Satisfaction - The Secret Weapon in Law Firm Marketing," Washington State Bar News
- October 1993, "Tactical Defenses: An Insurance Company's Guide to Working with Cumis Counsel" (with Jon R. Mower), Claims

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- October 1993, "Fighting Insurance Fraud Takes Persistence," Missouri Agent
- Spring 1994, "Legal Auditing Makes Sense," Legal Audit Review
- September 1994, "Empowering Adjusters For Creative Solutions," Best's Review
- February 1995, "How To Avoid A Fee Dispute With Your Client," American Bar Association, Insurance Coverage Litigation Committee (with Susan R. Brown)
- February 1995, "Billing Guidelines and Fee Disputes," American Bar Association, Insurance Coverage Litigation Committee
- April 1995, "Bad Faith for Legal Work? Your Insurer May Be Liable for Mishandling Its Lawyers," Claims Magazine
- April 1995, "Is Your Company's Insurance Firm Guilty of Litigation Mismanagement?" The American Lawyer's Corporate Counsel Magazine
- May 1995, "Billing Guidelines and Fee Disputes: A Case Law Review," Trial Diplomacy Journal, Volume 18, Number 3
- July 1995, "How to Avoid Fee Disputes" (with Susan Brown), The Practical Litigator, Volume 6, Number 4
- April 1996, "Take A Psychological Approach To Managing Legal Fees," Claims
- May 1996, "Cross-Examining the Legal Auditor," The Practical Litigator, Volume 7, Number 3
- August 1996, "Is your Insurance Company Liable for Bad Faith Litigation Management," Business Laws, Inc., Litigation Management
- August 1996, "Is Your Company's Insurance Firm Guilty of Litigation Mismanagement," Business Laws, Inc.'s Law Department Management Adviser, Issue No. 149
- Fall 1996, "Cross-Examining a Legal Auditor," American Journal of Trial Advocacy, Volume 20:1
- November 1996, "Cross-Examining a Legal Auditor," Business Laws, Inc., Law Department Management Adviser, Issue No. 152
- August 1997, "The Recovery of Legal Fees and the Use of A Legal Fee Auditor in Fee-Shifting Cases" (with Susan R. Brown), Business Laws, Inc., Law Department Management Adviser
- September-October, 1997, "Recovering Legal Fees and using Legal Fee Auditors" (with Susan R. Brown), Trial Diplomacy Journal, Volume 20, Number 5
- Winter 1997, "How to Avoid a Fee Dispute with Your Client," (with Susan R. Brown), American Bar Association The Brief, Vol. 26, No. 2
- March, 1998, "How the Legal Auditor Can Help You in the Fee-Shifting Case" (with Susan R. Brown), The Practical Litigator, Volume 9, Number 2

- March/April 1998, "Strategic Inflection Points in the Legal Profession," American Journal of Trial Advocacy
- April 1998, "Controlling the Uncontrollable: When Insurers Must Pay Plaintiff's Legal Fees," Commercial Claims
- July 1998, "Strategic Inflection Points in the Legal Profession," Business Laws, Inc., Law Department Management Adviser
- Summer 1998, "I Told You to Fire Nicholas Farber -- A Psychological and Sociological Analysis of Why Attorneys Overbill," *Rutgers Law Review*, Volume 50; No. 4.
- April 2001, "Winning an Attorney's Fee Petition," Rhode Island Bar Journal, Volume XLIX, Number 7
- May 2001, "How To Win a Fee Petition," The Practical Litigator, Volume 12, Number 3
- August 2001, "How to Win a Fee Petition," The Federal Lawyer, Volume 48, Number Seven
- December 2001, "How To Win a Fee Petition: What the Plaintiff Should Avoid, What the Defendant Should Look For," Business Laws, Inc., Law Department Management Adviser
- April 2002, "How to Win a Fee Petition: What the Plaintiff Should Avoid, What the Defendant Should Look For," Business Laws, Inc., Corporate Counsel's Guide to Litigation Management
- May 31, 2002, "Ballooning Costs – Avoiding Questionable Billing Practices Improves Chance of Recovering Fees," Los Angeles Daily Journal, Dicta
- December 14, 2010, "Winning a Fee Application in Hawaii," Hawaii Bar Journal