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# JIM SCHRATZ

and ASSOCIATES

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## **JIM SCHRATZ** **January, 1994 to Present**

- President of Jim Schratz & Associates, specializing in consulting and expert witness services relating to analysis and evaluation of proper claims handling techniques and procedures on behalf of both insureds and insurance companies.
- Qualified as an expert witness in state and federal court in numerous jurisdictions, on issues involving bad faith, proper claims handling techniques, and insurance fraud.
- Delivered paper to the 1995 National Convention of Risk Managers on the bad faith liability of the insurance industry for mismanagement of legal fees.
- Authored "Empowering Adjusters for Creative Solutions," Best's Review, September 1994.
- Authored "Bad Faith for Legal Work? Your Insurer May Be Liable for Mishandling Its Lawyers," Claims Magazine, April 1995.

## **July, 1990 to December 31, 1993** **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.
- Member of 7-member Claims Management Group, responsible for advising the Executive Vice President on the management of Fireman's Fund Claims Department.
- Member of Future Environment Committee, responsible for long term strategic planning for Fireman's Fund Claims Department.
- Personally adjusted numerous claims with high bad faith exposure, throughout the United States.

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- 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.
- Developed and implemented Fireman's Fund Workers Compensation Anti-Fraud Program. Developed and implemented Fireman's Fund's program to market and sell anti-fraud expertise to other insurance carriers.
- Authored "Cumis Counsel's Obligation To Provide Information To The Insurance Company," American Bar Association, Insurance Coverage Litigation Committee, Mid-Winter Meeting, February 1993.
- Co-authored "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, Spring 1993, which was cited by the California Court of Appeals in *Assurance Company of America v. Haven*, 32 Cal.App.4th 78, 89-90 (1995).
- Co-authored "Tactical Defenses: An Insurance Company's Guide to Working with Cumis Counsel" (with Jon R. Mower), Claims, October 1993.
- Authored "Resolving the Cumis Quandary: Guidelines for Reasonable Fees," Insurance Litigation Reporter, June 1992.
- Authored "Managing Insurer, Insured Conflicts of Interest by Use of Independent Counsel," American Bar Association, Section of Litigation, Committee on Insurance, Mid-Year Meeting, April 1991.

#### 1985 to 1990

#### 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.

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1983 to 1985

**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.

**1980 to 1983 - Assistant General Counsel, Fireman's Fund Insurance Company**

**1978 to 1980 - Associate, Rosenblum, Fenolio, Parish, Jack & Bacigalupi, San Francisco**

**1976 to 1978 - Associate, Heller, Ehrman, White, & McAuliffe, San Francisco**

**EDUCATION:**

University of San Francisco Law School, J.D., 1976  
Editor-in-Chief, Law Review, Graduated Top 5%

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

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

- Taught at various law schools and universities in the Bay area and lectured throughout the United States and in Europe.
- References furnished upon request.

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## 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

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

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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

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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

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