



JIM SCHRATZ

Insurance Bad Faith Expert | Claims Handling Expert | Legal Fee Auditor | Expert Witness

January 1994 – Present

Specializing in consulting and expert witness services concerning proper claims handling techniques, insurance bad faith, legal fee auditing, and litigation management on behalf of both insureds and insurance companies.

Jim Schratz is a nationally recognized expert witness with more than 45 years of experience in insurance claims handling, litigation management, legal fee auditing, and bad faith claims analysis. He has testified extensively in state and federal courts throughout the United States involving claims handling standards, insurance bad faith, attorneys' fees, legal billing practices, and extra-contractual exposure.

He is a former Vice President of Major Claims at Fireman's Fund Insurance Company and has personally handled high-exposure claims nationwide, including matters involving bad faith exposure, construction defect litigation, independent counsel disputes, and high-value liability claims.

He has been retained by plaintiffs, defendants, insureds, insurers, public entities, and private clients as an independent expert witness and consultant concerning both first-party and third-party bad faith claims.

SAMPLE TRIAL TESTIMONY

Robert Hirsh v Travelers Commercial Insurance Company

Testified on behalf of Travelers in a bad faith action.

Victaulic Company v. American Home Assurance Company

Testified on behalf of plaintiff in a bad faith action.

Poteau Ford Mercury, Inc., and Vernon Roberts v. Zurich American Insurance Company

Testified on behalf of plaintiff in a bad faith action.

The Continental Insurance Company v. Amadeo Lopez-Castro, et al.

Testified on behalf of the insurance company.

Paul Boyne v. Massachusetts Bay Insurance Company

Testified on behalf of plaintiff in insurance bad faith action.

John Cahill v. Liberty Lloyds of Texas Insurance Company

Testified on behalf of plaintiff.

Pflueger, Inc. v. AIU Holdings, Inc., et al.

Testified on behalf of plaintiff in insurance bad faith action.

Millennium v. Darwin Select Insurers

Testified on behalf of plaintiff in insurance bad faith action.

Robert MacKeen and Rebecca MacKeen v. State Farm Lloyds and Rex O'Hill

Testified on behalf of plaintiff in insurance bad faith action.

Morgan v. United Fire Lloyds

Testified on behalf of plaintiff in insurance bad faith action.

EXPERT EXPERIENCE

Qualified as an expert witness in state and federal courts in numerous jurisdictions including:

- Arizona
- California
- Connecticut
- Florida
- Hawaii
- Louisiana
- Michigan
- Oklahoma
- Oregon
- Pennsylvania
- South Carolina
- Texas
- Vermont
- Washington

Areas of testimony include:

- Insurance bad faith
- Claims handling standards
- Reservation of rights issues
- Independent counsel / Cumis counsel matters
- Construction defect claims
- Extra-contractual exposure
- Coverage investigations
- Litigation management
- Attorneys' fees and legal billing
- Brandt fee claims

INSURANCE INDUSTRY EXPERIENCE

Vice President, Major Claims

Fireman's Fund Insurance Company

Responsible for case management of all matters worldwide involving potential exposure of \$3 million or more and all cases with high publicity value.

- Personally adjusted numerous claims with significant bad faith exposure throughout the United States
 - Responsible for nationwide automobile and general liability anti-fraud program
 - Special emphasis on assuring proper claims handling where significant extra-contractual exposure existed
-

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 California Civil Code section 2860 governing the rights and duties of insurers and insureds when independent counsel is retained
 - Personally adjusted numerous claims involving independent counsel retention
-

Director, Corporate Litigation

Fireman's Fund Insurance Company

Established, implemented, and supervised a 16-member Major Litigation Unit with nationwide responsibility for construction defect, land subsidence, and other labor-intensive, high-profile litigation matters.

Responsibilities included:

- Reservation of rights decisions
 - Retention and supervision of defense counsel
 - Evaluation of legal and tactical strategy
 - Attendance at settlement meetings and conferences
 - Analysis of expert reports
 - Negotiation of final settlement amounts
 - Shared responsibility for supervision of all extra-contractual suits against Fireman's Fund
-
-

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 School of Law

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.

SELECT PUBLICATIONS

- “Managing Insurer, Insured Conflicts of Interest by Use of Independent Counsel,” American Bar Association (1991)
- “Do The Right Thing,” California Lawyer (1992)
- “Resolving the Cumis Quandary: Guidelines for Reasonable Fees,” Insurance Litigation Reporter (1992)
- “The Need For Legal Audits,” Verdict (1992)
- “Legal Auditing Makes Sense,” Legal Audit Review (1994)
- “Bad Faith for Legal Work? Your Insurer May Be Liable for Mishandling Its Lawyers,” Claims Magazine (1995)
- “How To Avoid A Fee Dispute With Your Client,” ABA / The Practical Litigator (1995)
- “Cross-Examining a Legal Auditor,” American Journal of Trial Advocacy (1996)
- “The Recovery of Legal Fees and the Use of a Legal Fee Auditor in Fee-Shifting Cases” (1997)
- “How the Legal Auditor Can Help You in the Fee-Shifting Case,” The Practical Litigator (1998)
- “How To Win a Fee Petition,” The Practical Litigator / Federal Lawyer (2001)
- “Ballooning Costs – Avoiding Questionable Billing Practices Improves Chance of Recovering Fees,” Los Angeles Daily Journal (2002)
- “Winning a Fee Application in Hawaii,” Hawaii Bar Journal (2010)