



JIM SCHRATZ

and ASSOCIATES

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President

- In *Department of Fair Employment and Housing v. United Dominion Realty* (Case Nos. 07CC12067, 02CC12069) the court accepted our audit findings stating, "In awarding fees in these amounts, the court has fully accepted the declaration of James P. Schratz in opposition to the motion, including all of his recommended reductions. The court finds his qualifications to be impressive. Likewise his reasoning as to why the fees sought are excessive is persuasive."
- Retained by investor Carl Icahn and other shareholders as special litigation counsel to review approximately \$60 million in professional fees in *In re Tropicana Entertainment, LLC, et al*, Case No. 08-10856 (KJC) ("Tropicana") in the United States Bankruptcy Court for the District of Delaware.
- Retained by investor Carl Icahn and other shareholders to serve as special litigation counsel to review approximately \$8 million in legal fees in *In re Adamar of New Jersey, Inc. and Manchester Mall, Inc.*, Case No. 09-20711 and 09-20716 in the United States Bankruptcy Court for the District of New Jersey.
- Appointed by District Court in Northern Mariana Islands to audit \$22 million in legal fees in *The Estate of Larry Lee Hillblom*, one of the founders of DHL Express, whose estate was estimated to be worth \$1 billion.
- Described by the American Bar Association Journal as a "major player in the field of legal fee audits."
- *In Victaulic Company v. American Home Assurance Company, et al.*, (Case No. RG12642929, Superior Court of the State of California for County of Alameda), I testified on behalf of an \$8.3 million Brandt fee request by Victaulic's law firm Pillsbury Winthrop Shaw Pittman LLP, which is what the jury awarded.
- *In Lathrop & Gage v Kenney*, (Civil Action No. 07CC09697, In the Superior Court of California for the County of Orange), I testified at trial and assisted the law firm in recovering approximately \$1 million in fees from the client.
- *In Gen. Charles E. Yeager, Victoria Yeager, Charles E. Yeager Revocable Living Trust, and General Chuck Yeager Foundation v. Don A. Lesser, The Lesser Law Group, and Does 1 through 20, inclusive*, Superior Court of California, County of Sacramento, Case No. 34-2011-00109638, I testified at trial and assisted the law firm in successfully seeking its fees from a former client.

- In *North Pacifica, LLC v. City of Pacifica*, United States District Court, Northern District of California, Case No. C-01-4823 EMC, I was retained by the defendant to audit plaintiff's request for \$2,046,759.16 in fees and costs. In awarding plaintiffs only \$453,810.75 in fees, Magistrate Judge Edward M. Chen cited my audit with approval with respect to various billing issues and noted:

[B]ased on the information provided in the declaration, Mr. Schratz has demonstrated that he is qualified to opine about fee awards and that his methodology in evaluating the billing records of NP's attorneys in this case is reasonable and sufficiently reliable. For example, Mr. Schratz's approach to categorizing the nature of the work of the attorneys is reasonable and sufficiently reliable as is, overall, his approach to unblocking the block-billed time entries.

- Qualified as expert witness on issues involving reasonableness of attorneys' fees and proper claims handling procedures in state and federal court.

PRIOR WORK HISTORY:

- Vice President, Major Claims, Fireman's Fund Insurance Company
- Director, Corporate Litigation, Fireman's Fund Insurance Company
- Assistant General Counsel, Fireman's Fund Insurance Company
- 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

- Taught at various law schools and universities in the Bay Area and lectured throughout the United States and in Europe.
- 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

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, Vol 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