



JANICE A. RAMSAY, J.D.
PROPERTY INSURANCE
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PROFILE OF PRESENT WORK

Fall 2007 to the present - Expert witness testimony: Janice A. Ramsay consults with other lawyers and testifies as expert witness in commercial and personal lines property insurance bad faith litigation with regard to the customs and practices of the insurance industry in handling claims of all types and especially those with coverage and policy interpretation issues. She also acts as an appraiser/arbitrator in the appraisal process under property insurance policies.

PROFILE OF PROPERTY INSURANCE LEGAL WORK

From 1971 to the fall of 2007, Ms. Ramsay worked as a lawyer in the field of property insurance law. She has given claims handling and coverage advice to insurers, handled lawsuits and appeals in property insurance breach of contract and bad faith cases for insurers and insureds, handled subrogation cases for insurers, drafted insurance policy language for carriers, served as an “advice of counsel” witness and expert witness for other lawyers, and handled arbitrations and appraisals on property insurance related claims. She has been a speaker and instructor at many seminars for lawyers, insurance industry personnel and other professional groups.

Areas of advice on Property Insurance Coverage and Claims Handling Procedures: Ms. Ramsay has worked with all kinds of losses under personal lines and commercial property insurance claims including fires, earth movement, earthquakes, water damage, mold, defective construction, latent defects, riots, thefts and acts of civil authority. The claims have involved issues of proper claims investigation by insurers, application of case law and regulations to claims handling and coverage decisions, interpretation of policy provisions, suspected arson, organized insurance fraud, business interruption coverage calculations and application of policy terms, underwriting issues, rights to rescission or reformation, broker and agent acts in procuring insurance, insurable interest issues, claim evaluation issues, appraisals rights and procedures, the right to examinations under oath of insureds, application of the suit limitation provision and mortgagee rights to a claim.

Litigation: Ms. Ramsay has handled lawsuits and appeals on property insurance coverage issues, insured's rights, bad faith, and subrogation of insurers. She has the following reported Appellate Cases: *Prudential-LMI v. Superior Court* (1990) 51 Cal.3d 674, 274 Cal.Rptr. 387, (one year limitation on suit and tolling), Ms. Ramsay handled the claim and Superior Court litigation and she and her firm were co-counsel on the appeal; likewise, Ms Ramsay handled the claim and the lawsuit and supervised the appeal in *State Farm Fire & Casualty Co. v. Tan* (C.D. Cal. 1988) 691 F. Supp. 1271 (the right to take the Examinations Under Oath of insureds separately). Ms. Ramsay tried the suit and supervised the appeal of

Carty v. American States (1992) 7 Cal.App.4th 399, 9 Cal.Rptr. 2d 1 (applicability of the “latent defect” exclusion). Ms Ramsay handled the lawsuit and appeal in *Doheny West HOA v. American Guarantee & Liability Ins. Co.* (1997) 60 Cal.App.4 400, 70 Cal.Rptr. 2d 260 (interpretation of the collapse provision). Ms. Ramsay was a part of the team of lawyers that worked on the appeal to the *California Supreme Court of Vu v. Prudential* (2001) 26 Cal.App.4th 142 (application of estoppel to suit limitation provision).

Ms. Ramsay gave the advice in the underlying claims which advice was affirmed as correct by the courts in *Murray v. State Farm Fire and Casualty Co.* (1990) 219 Cal.App.3d 58, 268 Cal.Rptr. 33; *Waldsmith v. State Farm Fire & Casualty Co.* (1991) 232 Cal.App.3d 693, 283 Cal.Rptr. 607; and *Rosen v. State Farm General Ins. Co.* (Cal. Sup. Ct. June 12, 2003). Ms. Ramsay handled the appraisal that was the subject of *Michael v. Aetna Life and Casualty Co.*, (2001) 88 Cal. App. 4th 2d 515, 24 Cal. Rptr. 557.

SUMMARY OF PROFESSIONAL POSITIONS AND LEADERSHIP

2007 to present: Self employed expert witness and appraisal panelist.

1999 to 2007 - From the fall of 1999 to the fall of 2007, Ms. Ramsay was a senior partner and on the management committee at Berger Kahn LLC in Irvine, California. She engaged in full time law practice specializing in property insurance law.

1984 to 2007 - In 1984, Ms. Ramsay founded and for the next 15 years managed the law firm of Ramsay and Johnson ALC. It was also known as Ramsay, Johnson and Klunder. ALC during some of that time. This firm specialized in insurance law of all types and for much of its existence had between 15 to 21 lawyers. It was the first such law firm founded by a woman in Orange County, California. That firm merged with the Berger Kahn law firm in September of 1999.

1971 to 1984 - Ms. Ramsay joined Cummins, White and Breidenbach (now known as Cummins & White) in Los Angeles as the firm’s first women lawyer in the fall of 1971. By 1975, she was the first woman partner in the firm. She transferred with it to a newly created branch office in Newport Beach, California, in the fall of 1977. When that firm underwent a split in 1978, she remained as a partner with a successor firm, Breidenbach, Swainston, Yokiatis and Crispo, until she left to found her own firm in the fall of 1984.

1969 to 1971 - Ms. Ramsay began her career as a lawyer at South Central Multipurpose Center in South Los Angeles doing a variety of legal projects focused on assisting community members and the Center’s various projects.

SPEAKING, LECTURES, AND PUBLICATIONS

Highlights of Lectures and Publications: Ms. Ramsay has been a frequent speaker on property insurance issues since the late 1970’s to the present. Some more recent topics were:

2014: *What Every Attorney Should Know About Personal Insurance Policies*

2013 *Inside Property Insurance Appraisals, The Appraisers, the Umpire and What You Need to Know About Who to Use and What They Do*

2012-*The Effective Use of Experts in Litigation*

Summary of Prior Speaking and Publications: Ms. Ramsay has frequently been a speaker and/or panelist for the Insurance Law Section of the Orange County Bar Association, the Property Loss Research Bureau (PLRB), the National Conference of Insurers, California Continuing Education of the Bar (CEB), the Combined Claim Conference, the Property Loss Executives Association, the California State Bar, the TIPS section of the American Bar Association, American Conference Institute, the California Conference of Arson Investigators, the Orange County and Los Angeles CPCU Chapters, the Property Loss Managers Conference, the Orange County Fire Chiefs' Association, the Rutter Group's seminars, and the West Valley Claims Association. She has also given in-house seminars for several insurers.

In September of 1992, Ms. Ramsay was asked to act as a consultant to the California Continuing Education of the Bar (CEB) with regard to a chapter on real property insurance law in a book about real property sales transactions. (For greater detail see below.**)

PROFESSIONAL POSITIONS, HONORS AND AWARDS

Ms. Ramsay was the Chair of the Orange County Bar Association's Insurance Law Section in 2014 and continues on as a member of the Section's Executive Committee in 2015.

Ms. Ramsay was awarded the Orange County Bar Association's Insurance Section, Spotlight Attorney in February 2000. She has been featured in three magazine articles. In September of 2004, Ms. Ramsay was pictured on the cover of a Supplement to the San Francisco and Los Angeles Daily Journal as a mentor to Edith Matthai, insurance litigator and former president of the L.A. County Bar Association and Former President of the So. California Defenses Counsel.

EDUCATION

B.A from Indiana University-1964 Honors: Recipient of a merit scholarship, elected to Mortar Board and the Indiana University Foundation as a student. Ms. Ramsay is a member of the Dean's Advisory Board of the College of Arts and Sciences at Indiana University since 1990.

J.D. from the University of San Francisco School of Law-1969 Honors: Ranked sixth in her graduating class and was one of four women, member of Moot Court team, member of McAuliffe Honor Society (academic achievement), and author of two law review articles. Ms. Ramsay has been a member of USF Law School's Board of Counselors who are advisors to the Dean for several years.

Admitted to the California Bar in January of 1970.

Annual Continuing Education; 2015-PLRB Claim Conference in Anaheim: ABA TIPS Conference in New Orleans February 2012 and Scottsdale 2009, Combined Claims Conference Long Beach CA 2013 and prior years; Orange County Bar Association Insurance Law Section monthly programs and Annual Review of Insurance Law each year; Southern California Defense Counsel 2014, California Woman Lawyers and OC Woman Lawyers MCLE programs and on-line education by various sponsors.

REFERENCES - References will be furnished on request.

Detained information on Lectures and Panels**

Ms. Ramsay was a speaker and/or panelist for PLRB every year from 2000 through 2005 on topics as diverse as handling bad faith litigation, appraisals and subrogation and in-house training. She spoke for the CEB on Property Insurance Law at four California locations and for the Combined Claim Conference in March 2000, 2003 and 2009. She has given in-house seminars for several insurers. She has spoken on three occasions to the Insurance Law Section of the Orange County Bar Association 2012, 2013 and 2014.

Ms. Ramsay was a panelist on "The Dilemmas of Modern Appraisals" for the PLRB's 1996, 1997, 1998 and 1999 conferences in Anaheim, Atlanta, Chicago and New Orleans, respectively. Ms. Ramsay was a speaker in 1997 and 1998 on the topic of mortgagee's claims, condominium claims, alternative dispute resolution, actual cash value issues, and was a moderator of a panel on the Northridge Earthquake for the ABA - TIPS Insurance Property Insurance Committee's regional meeting on catastrophe claims in 1997.

Ms. Ramsay was a panelist for the Southern California Defense Counsel's Annual Seminar in Los Angeles, on "Recent Developments in Insurance Law and Bad Faith" in January of 1994, and on "Motions for Summary Judgement" for the California State Bar annual meeting in Anaheim in September of 1994. Ms. Ramsay spoke at the American Conference Institute seminar entitled "Litigation Bad Faith claims and Punitive Damages" in Los Angeles in March of 1996, and was a panelist in August of 1996 for the California Conference of Arson Investigators at their Orange County meeting. In January of 1997, Ms. Ramsay again spoke for the California Conference of Arson Investigators at their annual convention at San Luis Obispo, California on legal matters arising out of arson investigations by insurance companies.

Ms. Ramsay spoke to the Orange County and Los Angeles CPCU Chapters in 1993 and 1994 on Concurrent Causation Claims; Ms. Ramsay has been a panelist and a speaker for the Property

Loss Research Bureau (PLRB) National Conference of Insurers, in 1991 and again in 1994 through 1999. She has been a panelist for the Rutter Group on insurance topics in 1991, 1992 and 1994, and for the California Continuing Education of the Bar on Real Property Law in 1992 and 1995, and did a paper for the ABA, TIPS - Property Insurance Committee conference in 1991. In September of 1992, Ms. Ramsay was asked to act as a consultant to the California Continuing Education of the Bar (CEB) with regard to a chapter on real property insurance law in a book about real property sales transactions. In September of 1992, Ms. Ramsay was asked to act as a consultant to the California Continuing Education of the Bar (CEB) for their publication on property insurance law in a a book about real property sales transactions.

Ms. Ramsay spoke to the Property Loss Executives Association, winter meeting in Philadelphia, PS., January, 1987, on Current Developments in California Law in Claims and Good Faith Obligations Under 790.03 f the California Insurance Code; to the Property Loss Managers Conference, Harbor Island, San Diego, 1987; to the Orange County Fire Chiefs' Association, December, 1986, on arson coverage issues and to numerous in-house educational seminars for insurers. Ms. Ramsay was a speaker and/or panelist on the topic of appraisals for various groups including, the West Valley Claims Association in Woodland Hills, California, and a Los Angeles conference entitled "Insurance Appraisal Conference."