



Michael J. Brady
1001 Marshall Street, Suite 500
Redwood City, CA 94063
Direct: (650) 780-1724
Office: (650) 364-8200
Fax: (650) 780-1701
Email: mbrady@rmkb.com
Web: www.rmkb.com

A graduate of Stanford University and Harvard Law School, Michael J. Brady has been with the firm of Ropers, Majeski, Kohn and Bentley for 40 years.

Mr. Brady is the author of "Summary of California Appellate Decisions," an ongoing publication for insurance companies which updates, three times a year, all appellate and Supreme Court decisional law affecting insurance companies and the defense practice.

He is Past-President of the Northern California Association of Defense Counsel, an organization of more than 1500 defense insurance attorneys throughout Northern California. He served as Chairman of the Education Committee and the Amicus Curiae Committee for that organization, filing briefs on behalf of the insurance industry and its insureds. He was a member of the Governor's Commission on Mandatory Legal Malpractice Insurance for California Attorneys, and also was appointed by the Governor to the Commission on the Future of the State Bar and the Legal Profession in California.

Mr. Brady has for many years been the annual lecturer on California case law for the Northern California Association of Defense Counsel and its counterpart in Southern California at their annual conventions in San Francisco, Los Angeles, and Santa Barbara. Mr. Brady is also a member of the California Academy of Appellate Lawyers. As an active member of the International Association of Defense Counsel (IADC), Mr. Brady served as Vice-Chairman of the Casualty Insurance Committee, Chairman of the Reinsurance Committee, member of the International Committee and is past Vice-Chairman of the Amicus Curiae Committee. Mr. Brady has also served as Chairman of the Extra-contractual Liability Section of the Federation of Defense and Corporate Counsel (FDCC) and is currently Chairman of the Insurance Coverage Section. He has served as a member of the faculty board of the Federation of Defense and Corporate Counsel Litigation Management College. He also served as Amicus Curiae Chairman for the Defense Research Institute (DRI).

Effective January, 2009, Mr. Brady has joined ADR Services, Inc., a leading California mediation and arbitration firm and will be doing work in both Northern and Southern California. He will be specializing in insurance litigation and insurance coverage (disputes between the policyholder and the insurer and disputes among insurers); bad faith and extra-contractual liability disputes; employment disputes; and appellate matters of all kinds (cases on appeal which have settlement possibilities). Mediations and arbitrations can be arranged in both Northern and Southern California by calling ADR at 415-442-4850.

For the last thirty years he has been in charge of the annual seminars for the firm's clients in Sacramento, San Francisco, San Jose, Los Angeles, Orange County, Chicago, Philadelphia, Hartford, Boston, Connecticut and New York City. These seminars concern annual developments in all areas of casualty litigation, insurance coverage, and bad faith.

Mr. Brady has published numerous articles on matters of interest to the defense industry and the defense bar including:

"Welcome News from California: Lessening the Conflict Between Insurer and Insured" (For The Defense, December 1987) • "The California Supreme Court Restricts Bad Faith Liability" (For The Defense, November 1988) • "Emotional Distress: Minor Issue Muddies The Duty To Defend" (Defense Counsel Journal, April 1990) • "Insurance Coverage for Sexual Molestation of a Minor" (Defense Counsel Journal, April 1990) • "The Revolution in California Tort Law" (For The Defense, March 1991) • "Ethics in Insurance Defense Context: Isn't Cumis Counsel Unnecessary?" (Defense Counsel Journal, April 1991) • "Insurance Coverage Concerns in California Continuous Property Loss Cases After Prudential--LMI" (31 Santa Clara Law Review No. 4, Vol. 31 1991) • "Insurer's Right to Reimbursement: Neglected but Valuable Remedy", (Defense Counsel Journal, October 1992) • "Demise of the Stipulated Judgment as Basis for Bad Faith Actions" (Defense Counsel Journal, January 1993) • "Insurance Coverage for Discrimination Claims" (submitted for publication to FICC. Journal) • "The Judicial Arbitration System: Its Promise and its Shortcomings", (For The Defense, August 1993) • "Death of the Handshake" (Claims Magazine, September 1994; Defense Counsel Journal, Vol. 61, No.4, October 1994) • "Trigger of Coverage in Environmental Cases" (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 45, No. 1, Fall 1994) • "Insurance Coverage Issues Arising from Workplace Tort Claims" (Defense Research Journal, July 1995) • "Liability and Obligation of an Owner of Contaminated Land" (For the Defense, August 1995) • "New Perspectives on Damages for Breach of the Duty to Defend" (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 45, No. 4, Summer, 1995) • "An Improved Tool for Environmental Subrogation" (Claims, December 1995) • "The Legacy of the Lucas Court: A Return to Judicial Self-Restraint and an Appreciation for the Costs of Expansive Litigation" (Underwriters' Report, February 1996, For the Defense, May 1996, Lloyd's List Insurance Day, May 1996) • "Lost or Damaged Computer Data: 'Property Damage' or Intangible Information Under a Commercial Liability Policy?" (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 46, No. 1, Fall 1995) • "Liability of an Insurer When Settlement or Claims-Handling Practices Adversely Affect Financial Interests of the Insured" (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 46, No. 2, Winter 1996) • "The Impaired Property Exclusion: Finding a Path Through the Morass" (Defense Counsel Journal, Vol. 63, No. 3, July, 1996) • "New Perspectives on Damages for Breach of the Duty to Defend" (For the Defense, November, 1996) • "The Insurer's Right to Reimbursement: The Forgotten Remedy Rediscovered", (For The Defense, December, 1997) • "Defense Counsel's Liability to Insurer for Excess Liability", (Federation of Insurance & Corporate Counsel, Vol. 49, No. 1, Fall 1998) • "The Y2K Bug: Will Insurance Carriers be Stung by a Swarm of Claims?", (Defense Counsel Journal, Volume 66, No. 1, January 1999) • "Reserves and Communications Between Reinsurer and Reinsured: A Danger Zone", (Defense Counsel Journal, Volume 67, No. 3, July 2000) • "Avoiding or Mitigating Punitive Damage Exposure in Nursing Home Litigation" (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 51, No. 1, Fall, 2001) • "New Strategies for Dealing with First Party Claims for Bad Faith", (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 51, No. 2, Winter, 2001) •

"Loss of Consortium Claims and Liability Policy Limits", (For the Defense, May 2001) • "Binding Arbitration of Coverage and Bad Faith Disputes: A Way Out of the Thicket for the American Insurance Industry", (Federation of Insurance & Corporate Counsel, Vol. 51, No. 4, Summer, 2001) • "Stop Blaming Everyone Else", (Silicon Valley biz ink, April 11, 2003) • "The Arbitration That Cannot be Stopped", (Metropolitan Corporate Counsel Journal; Vol. 11, No. 6, June 2003) • "A New Predictability in Punitive Damages?", (For the Defense, Vol. 45, No. 6, June 2003) • "The Amazing New World of punitive Damages." (Federation Flyer, November 2003) • "Do State OSHA Regulations Apply to Homeowners?" (Federation of Insurance & Corporate Counsel, Quarterly, Vol. 54, No. 2, Winter, 2004) • State of the Law After Campbell v. State Farm: How Goes It In California and the Nation Concerning Punitive Damages? (ADC Defense Comment, Vol. 20., No. 1, Spring 2005)

Practice Areas

- Appellate
- Insurance Services
- Bad Faith
- Coverage

Education

- Stanford University, 1964 B.A.
- Harvard Law School, 1967 L.L.B.

Court Admissions

- California
- Supreme Court of the United States
- US Court of Appeals for the Ninth Circuit

Memberships & Associations

- Association of Defense Counsel of Northern California and Nevada (ADC)
- Defense Research Institute (DRI)
- Federation of Defense and Corporate Counsel (FDCC)
- International Association of Defense Counsel (IADC)

Representative Experience

Practice Area: Bad Faith, Business And Commercial Litigation, Coverage, Insurance Services

Key Issues: Breach of Contract; Bad Faith Claims

Venue: Colusa County Superior Court

Client Type: Defendant Insurer

Represented insurer in an action against claims of breach of contract and bad faith claims handling by insured county hospital. The hospital made a claim under a commercial property policy for property damage and business interruption. The hospital sustained losses as a result of water intrusion through the hospital roof,

which was under construction, following a rainstorm. The claim was denied based on policy exclusions for faulty, inadequate and defective workmanship.

Result:

The matter was favorably resolved before trial by settlement.

Practice Area: Appellate, Bad Faith, Coverage, Insurance Services

Key Issues: Conversion; Unfair Business Practices; Bad Faith; Negligence

Venue: San Francisco County Superior Court

Client Type: Defendant Insurer

Represented co-defendant insurer in an action against both the insured individual and his insurer against claims of vehicle negligence, conversion, unfair business practices, bad faith, and discriminatory insurance claims practices.

Result:

The matter proceeded to a jury trial in San Francisco Superior Court, and resulted in a defense verdict, which was affirmed on appeal.

Practice Area: Appellate, Bad Faith, Class Action/Complex Litigation, Coverage, Insurance Services, Life, Health & Disability, Reinsurance

Key Issues: Bad Faith

Venue: USDC: Central District of California

Client Type: Defendant Insurance Company

Insurance company was sued in bad faith for failure to pay the fidelity claim brought by one of Italy's largest banks; the underlying claim arose out of the activities of the famous sports entrepreneur Bruce McNall, who allegedly swindled various Southern California banks out of millions. We arranged for the insurance company to do an extensive investigation of countless witnesses, including experts and built a strong case for the validity of the denial.

Result:

A federal judge ultimately granted summary judgment based upon the "thoroughness" of the investigation, even though mistakes may have been made by the company. The matter was completely dismissed, and the dismissal was affirmed by the Ninth Circuit.

Practice Area: Bad Faith, Business And Commercial Litigation, Coverage, Insurance Services

Key Issues: Breach of Contract; Fraud; Unfair Business Practices

Venue: San Francisco County Superior Court

Client Type: Plaintiffs

Represented plaintiffs in an action against owner of piano consignment business, for claims of breach of contract, fraud, and unfair business practices. Prosecution of the matter revealed multiple victims. The matter resulted in a default judgment for money damages and order of replevin/return of the piano. The court refused to set the judgment aside.

Result:

Following the defendant's declaration of bankruptcy, the matter resulted in the criminal prosecution of defendants for felony counts of grand theft, embezzlement, and restitution, and coordination with the San

Francisco District Attorney.

Publications

- Author, Summary of California Appellate Decisions- March 2012, 3/21/12
- Author, Summary of California Appellate Decisions- September 2011, 9/1/2011
- Author, Do State OSHA Regulations Apply to Homeowners , *Federation of Defense and Corporate Counsel*, April 5, 2004
- Author, People Power System of Initiative, Referendum, Recall Retains Its Potency, *Daily Journal*, August 28, 2003
- Author, The Arbitration Train That Cannot Be Stopped, *The Metropolitan Corporate Counsel*, June 6, 2003
- Author, Stop Blaming Everyone Else, *Silicon Valley Biz Ink*, April 11, 2003
- Author, Defense Lawyer First And Good Citizen Second? , February 1, 2003
- Author, "Punitive Damages in Nursing Home Litigation", December 1, 2001
- Author, Punitive Damage Exposure for the Nursing Home Industry: How To Avoid & How To Keep Down the Award, December 1, 2001
- Author, "Loss of Consortium Claims and Liability Policy Limits", May 1, 2001
- Author, Binding Arbitration of Coverage and Bad Faith Disputes: A Way Out Of the Thicket for the American Insurance Industry, January 1, 2001
- Author, Reinsurer and Reinsured: A Danger Zone, July 1, 2000
- Author, The YK2 Bug: Will Insurance Carriers be Stung by a Swarm of Claims?, January 1, 1999
- Author, The Insurer's Right To Reimbursement: The Forgotten Remedy Rediscovered, December 1, 1996
- Author, New Perspectives on Damages for Breach of Duty to Defend, November 1, 1996
- Author, The Legacy Of The Lucas Court, February 1, 1996

Speaking Engagements

- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 23, 2012
- Insurance & Casualty Litigation 2011 - 2012: The Year in Review, May 22, 2012

News

- Suit to Halt Bullet Train Gets an Assist, *San Francisco Daily Journal* , 1/5/2012