

Curriculum Vitae

DANIEL O. JAMISON
Dowling Aaron Incorporated
8080 North Palm Avenue, Third Floor
Fresno, California 93711
(559) 432-4500

SUMMARY:

Civil litigation attorney licensed in California since 1977 with broad practical experience in health law and business litigation in state and federal court. Over thirty years experience in general health law, including service as outside general counsel for three general acute care hospital system with over 5,000 employees. Completed November 2010 and June 2012 CSHA Hearing Officer Training Programs. Served as lead counsel in at least three completed peer review proceedings, as additional counsel in one completed and one not completed, and as a hearing officer in at least two uncompleted peer review proceedings. Will serve as hearing officer statewide.

EDUCATION:

- J.D. – University of California, Davis 1977
- Member Honors Intramural Moot Court Championship Team
- B.A. in Philosophy – University of California, Berkeley 1974
- Claremont Men's College 1970 – 1972

ADMITTED TO PRACTICE:

- California State Bar 1977, Bar Number 076880
- United States District Court for Eastern District of California 1977
- United States District Court for Northern District of California 1982
- U.S. Court of Appeals, Ninth Circuit 1987
- United States Supreme Court 2011

EMPLOYMENT, MEMBERSHIPS and RECOGNITIONS:

- Dowling Aaron Incorporated, Fresno, California
 - Preferred Shareholder 2005 -
 - Co-Chair Litigation Department 2008-2009
 - Chair, Health Law Section 2007-
- Law Offices of Daniel O. Jamison, A Professional Corporation, Fresno, California
 - Sole Shareholder 1999-2005
- Sagaser, Franson, Jamison & Jones (formerly Sagaser, Hansen, Franson & Jamison), Fresno, California
 - Shareholder 1995-1999
- Stammer, McKnight, Barnum & Bailey, Fresno, California 1978-1995
 - Partner 1983-1995
- Law Clerk for the Honorable M.D. Crocker, United States District Court for the Eastern District of California 1977 – 1978
- Fresno County Judicial Arbitration Panel
- Marquis Who's Who in America
- Marquis Who's Who in American Law
- Marquis Who's Who in the World
- AV® Preeminent™ Peer Review Rated – Martindale-Hubble Law Directory**
- Early Neutral Evaluation Panel, U.S. District Court, Eastern District of California
- California Society for Healthcare Attorneys
- American Health Lawyers Association
- American Health Lawyers Association ADR Panel
- Fresno County Superior Court Mediation Panel
- Panel Member, American Arbitration Association

PUBLICATIONS AND PRESENTATIONS:

- Jamison, Daniel O. (2003). *Protecting the Healthcare Fisc in False Claims Act Cases: The Role of Commercial Liability Insurance in California, Florida, Pennsylvania, and New York.* Health Lawyers News, 7 (10), 26-32.

**"AV® Preeminent™ and BV® Distinguished™ are certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies."

- Jamison, Daniel O. (2003). *Challenging Welfare & Institutions Code Section 14087.28: Can the Selective Provider Contracting Program Lawfully Limit Exclusive Contracts to Pathology, Radiology and Anesthesiology?* California Health Law News, 22 (1), 14-20.
- Jamison, Daniel O. (2001). *Can Hospitals Successfully Sue Liability Insurers for Refusing to Defend or Indemnify Actions Brought Under the Federal or State False Claims Act?* California Health Law News, 20 (2), 37-42
- Op-Ed, “Achieving Consensus on Healthcare Not Easy” The Bakersfield Californian, 1/16/10.
- Op-Ed, “Law Can’t Provide Remedy Without a Wrong” The Fresno Bee, 2/20/10
- Op-Ed, “Privacy of Patients is Overregulated” The Fresno Bee, 6/5/10
- Op-Ed, “Stark Law: Another Example of Medicine’s Hidden Costs” The Bakersfield Californian, 10/12/10
- *Panelist*, American Health Lawyers Association National Teleconference Program – “ADR In Credentialing and Peer Review: Whether, When and How ADR Might be Helpful.” (2005)
- *Panelist*, Lorman Education Services - “Health Care Corporate and Physician Compliance Programs in California” (2001)
- *Panelist*, California Society for Healthcare Attorneys – “Emergency Services and Uncompensated Care – Who Must Provide Services? Who Must Pay?” (1988)

SELECTED REPORTED CASES**

Unnamed Physician v. Board of Trustees (2001), 93 Cal. App 4th 607, 113 Cal. Rptr. 2d 309
 In this case, Daniel O. Jamison sought mandamus on behalf of the Unnamed Physician to compel a hospital and its medical staff to comply with certain of the physician’s fair hearing rights codified in California Business & Professions Code Sections 809 et seq. The trial court summarily denied mandamus. While the case was on appeal, the hospital and medical staff complied in large measure with the physician’s requests, thereby rendering the appeal moot. The Court of Appeal nevertheless noted that compliance with the Code sections that were in issue before the appeal became moot could be compelled by mandamus without exhausting administrative remedies and awarded costs to the physician.

Major v. Memorial Hospitals Association (1999), 71 Cal. App. 4th 1380, 84 Cal. Rptr. 2d 510

In this case, three anesthesiologists, one of whom was African-American, sued the hospital and others when an exclusive contract was awarded to a competing group of anesthesiologists who chose not to offer the three plaintiffs subcontracts to continue practicing. The three anesthesiologists alleged violation of the Unruh Civil Rights Act, breach of contract, civil conspiracy, and tortious interference with professional business relationships. After a trial lasting approximately four months, Daniel O. Jamison successfully defended the hospital, a former CEO and a former Chief of Staff on all claims. The Court of Appeal affirmed the judgment, expressly reaffirming the Mateo-Woodburn (see below) decision and rejecting the plaintiffs’ assertion that a hospital has a legal obligation to offer an incumbent physician a position in the closed department.

Mateo-Woodburn v. Fresno Community Hospital (1990), 221 Cal. App. 3d 1169, 270 Cal. Rptr. 894

Daniel O. Jamison successfully represented Fresno Community Hospital and certain of its officers in this action brought by several anesthesiologists to enjoin Fresno Community Hospital from granting an exclusive contract for the operation of its anesthesia services. The physicians also sought damages. The case established that a department of anesthesia can be reorganized to the exclusion of staff anesthesiologists when the reorganization is not based on the competency, qualifications, or character of the excluded physicians, but is instead directed at organizational deficiencies that are repugnant to high quality patient care.

Madera Community Hospital v. County of Madera (1984), 155 Cal. App. 3d 136, 201 Cal. Rptr. 768

Turpin v. Sortini (1982), 31 Cal. 3d 220, 182 Cal. Rptr. 337 (Historical “Wrongful Life” case).

REFERENCES:

- David Kalifon, M.D., J.D.; kalifonlaw@verizon.net; (310) 924-9295
- John D. Harwell, Esq.; jdh@harwellapc.com; (310) 546-7078
- Mark Anthony Kadzielski, Esq.; mkadzielski@fulbright.com; (213) 892-9306

** Case summaries are not to be construed as or relied on as legal advice.