



NEW YORK STATE BAR ASSOCIATION  
**ANTITRUST LAW SECTION**



# Antitrust Expert Training Academy

October 29 – 31, 2018

Jacob K. Javits Federal Office Building  
26 Federal Plaza, 6th Floor Conference Center New York, New York

[www.nysba.org/AntiTrustTrial2018CLE](http://www.nysba.org/AntiTrustTrial2018CLE)

### Antitrust Law Section Chair

Wesley R. Powell, Esq., Willkie Farr & Gallagher LLP New York City

### Program Chairs

Stephen D. Houck, Esq., Offit Kurman, New York City

Abby F. Rudzin, Esq., O'Melveny & Myers LLP, New York City

### Director

Professor Andrew L. Rossner, Rutgers Law School, Newark, New Jersey



*Speaker funding was made possible through the New York Bar Foundation Section Educational Speakers Fund.*

## IMPORTANT INFORMATION

The New York State Bar Association Antitrust Expert Training Academy is a three-day program that will teach, advance, and improve the skills of young lawyers in working with experts with an emphasis on direct participation.

### HOW IT WORKS

This is an advanced trial advocacy program intended to provide lawyers with an antitrust background the opportunity to develop and hone their skills in utilizing economic experts, who are key participants in almost any antitrust litigation. Lecture subjects include: Using Experts in Antitrust Cases, Taking and Defending Expert Depositions in Antitrust Cases, and Presenting Expert Testimony at Trial. The principal means of instruction, however, is videotaped workshops in which students conduct and defend expert depositions, present testimony to qualify an expert, and then present and cross examine experts at trial. An experienced antitrust litigator will review the videotapes with each student to provide individualized feedback. The workshops are based on a fact pattern involving an allegation by purchasers that a pharmaceutical company whose patent is expiring improperly delayed generic entry with sham patent litigation. Although the fact pattern is set in the pharmaceutical context, the skills taught are applicable to virtually any other antitrust litigation. Participants need not have prior experience with the pharmaceutical industry to benefit from this program. A unique feature of the program is the opportunity for students to prepare, depose, examine, and cross examine Analysis Group economists with antitrust consulting experience.

### REGISTRATION AND FEES

**NYSBA Members: \$200.00**

**Non-NYSBA Members: \$500.00** (includes one-year membership in NYSBA and Antitrust Law Section, a value of \$90-\$305 depending on year of admission to the bar. Please use registration form for this choice).

*Registration includes course materials, plus continental breakfast and lunch each day.*

The course is intended for lawyers with an antitrust background who wish to improve their litigation and trial skills. The application deadline is Thursday, October 18, 2018. Space is limited, so please apply as soon as possible. We will let applicants know promptly if their application cannot be accepted.

**Dress Code:** Professional business attire is required for the program.

**CLE CREDIT INFORMATION:** The New York State Bar Association's Sections and Meetings Department has been certified by the NYS Continuing Legal Education Board as an accredited provider of continuing legal education in the State of New York. Under New York's MCLE rule, this program has been approved for a total of up to 27.5 MCLE credit hours in SKILLS. This program is transitional and therefore suitable for newly-admitted attorneys.

**Scholarships:** Two types of scholarships are available. The first covers the registration fee for students who certify that they earn less than \$125,000 per year. The second, up to the amount of \$1,200, reimburses the out-of-pocket cost of transportation and three nights lodging for students who certify that they do not live in the New York City metropolitan area (i.e., outside New York City and Westchester and Nassau Counties). It will be paid upon submission of receipts for those expenses. For more details, please contact: Lori Nicoll, New York State Bar Association, One Elk Street, Albany, New York 12207 or [lnicoll@nysba.org](mailto:lnicoll@nysba.org).

**Tuition Assistance:** Any New York attorney who has a genuine financial hardship may apply for tuition assistance for a CLE program. Learn more at [www.nysba.org/TuitionAssistance](http://www.nysba.org/TuitionAssistance)

# SCHEDULE OF EVENTS

## Antitrust Trial Advocacy Skills Program

This is an advanced trial advocacy program intended to provide lawyers with an antitrust background the opportunity to develop and hone their skills in utilizing economic experts, who are key participants in almost any antitrust litigation. Lecture subjects include: Using Experts in Antitrust Cases, Taking and Defending Expert Depositions in Antitrust Cases, and Presenting Expert Testimony at Trial. The principal means of instruction, however, is videotaped workshops in which students conduct and defend expert depositions, present testimony to qualify an expert, and then present and cross examine experts at trial. An experienced antitrust litigator will review the videotapes with each student to provide individualized feedback. The workshops are based on a fact pattern involving an allegation by purchasers that a pharmaceutical company whose patent is expiring improperly delayed generic entry with sham patent litigation. Although the fact pattern is set in the pharmaceutical context, the skills taught are applicable to virtually any other antitrust litigation. Participants need not have prior experience with the pharmaceutical industry to benefit from this program. A unique feature of the program is the opportunity for students to prepare, depose, examine, and cross examine Analysis Group economists with antitrust consulting experience.

Participants will need to prepare for the program in advance by reviewing a mock antitrust case file and preparing to work with experts at deposition and trial. A detailed schedule and case file will be sent to each participant in advance of the program.

This program is being conducted by the New York State Bar Association Antitrust Law Section

### Monday, October 29

Today's focus will be on preparing for and taking your opposing expert's deposition and defending the deposition of your expert. In the morning, you will work with your expert to refine your legal, factual, and persuasive theory of the case, and to prepare for taking the deposition of your opposing expert and defending the deposition of your expert. In particular, using the economists' reports, (1) educate yourself as to methodologies and analysis, (2) assess the strengths and weaknesses of your theory, and (3) assess the strengths and weaknesses of your opponent's theory. In the afternoon, you will also depose your opponent's expert and defend your expert at deposition.

9:00 – 9:30 a.m.	Registration and Continental Breakfast
9:30 – 9:45 a.m.	INTRODUCTION to the program
9:45 – 11:00 a.m.	LECTURE/DEMONSTRATION: Using Experts in Antitrust Cases and Taking and Defending Expert Depositions
Speakers:	Barbara Hart Lowey Dannenberg, P.C. Andrew L. Rossner, Rutgers Law School – Newark
11:00 a.m. – 12:00 p.m.	CASE THEORY WORKSHOP
12:00 – 1:00 p.m.	LUNCH
1:15 – 4:45 p.m.	PERFORMANCE WORKSHOP AND VIDEO REVIEW: Deposing the Expert

# SCHEDULE OF EVENTS

## Tuesday, October 30

Today, we turn our focus to preparing and presenting expert testimony at trial. The day will begin with a lecture/demonstration on direct and cross examination of experts, followed by a performance workshop in which you will prepare your expert for direct and cross examination. In the afternoon, you will be conduct direct and cross examination of the experts on qualifications, methodology, and other case specific issues.

9:00 – 9:30 a.m.	Continental Breakfast
9:30 – 11:00 a.m.	LECTURE/DEMONSTRATION: Presenting Expert Testimony at Trial – Persuasive Direct Examinations and Effective Cross Examinations
Speakers:	Aidan Synnott, Paul Weiss Andrew L. Rossner, Rutgers Law School, Newark
11:00 a.m. – 12:00 p.m.	PERFORMANCE WORKSHOP: Preparing the expert for trial.
12:00 – 1:00 p.m.	LUNCH
1:15 – 4:45 p.m.	PERFORMANCE WORKSHOP AND VIDEO REVIEW: Direct, Cross and Redirect

## Wednesday, October 31

Today, we will continue to work on direct and cross examination of the experts, focusing on the issues at the heart of their substantive analysis.

9:00 – 9:30 a.m.	Continental Breakfast
9:30 a.m. – 12:30 p.m.	PERFORMANCE WORKSHOP AND VIDEO REVIEW: Direct, Cross and Redirect #2
12:30 – 1:30 p.m.	LUNCH
1:30 – 4:30 p.m.	PERFORMANCE WORKSHOP AND VIDEO REVIEW: Direct, Cross and Redirect #3
4:30 – 4:45 p.m.	CLOSING REMARKS

# FACULTY

The distinguished faculty for this program includes leaders from the New York State Bar Association and New York State.

## DIRECTOR

Andrew L. Rossner  
Rutgers Law School  
Newark, NJ

## LECTURERS AND EVALUATORS

Lisl Dunlop  
*Manatt, Phelps & Phillips, LLP*

Lawrence I. Fox

Andrew J. Frackman  
*O'Melveny & Myers LLP*

Martha E. Gifford  
*Law Office of Martha E. Gifford*

Barbara J. Hart  
*Lowey Dannenberg*

Stephen D. Houck  
*Offit Kurman*

Robert L. Hubbard  
*Antitrust Bureau, New York State  
Attorney General's Office*

Jennifer C. Jones  
*Robins Kaplan LLP*

Eric J. Lobenfeld  
*Hogan Lovells US LLP*

Stacey Anne Mahoney  
*Morgan, Lewis & Bockius LLP*

Peter Malaspina  
*Antitrust Bureau, New York State  
Attorney General's Office*

Stephen J. McCahey  
*Antitrust Division, U.S. Department  
of Justice*

Richard G. Menaker  
*Offit Kurman*

Saul P. Morgenstern  
*Arnold & Porter*

Edward N. Moss  
*O'Melveny & Myers LLP*

Eamon O'Kelly  
*Robins Kaplan LLP*

Jennifer B. Patterson  
*Arnold & Porter*

Bernard Persky  
*Robins Kaplan LLP*

Wesley R. Powell  
*Willkie Farr & Gallagher LLP*

Abby F. Rudzin  
*O'Melveny & Myers LLP*

Laura S. Shores  
*Arnold & Porter*

Gerald Stein  
*Norton Rose Fulbright*

Eric J. Stock  
*Gibson Dunn*

Aidan Synnott  
*Paul, Weiss, Rifkind, Wharton &  
Garrison LLP*

Steven Tugander  
*Antitrust Division, U.S. Department  
of Justice*

Christine L. White  
*Northwell Health*

## PARTICIPATING ECONOMISTS FROM ANALYSIS GROUP

Catherine Alford

Mark Berberian

Juliette Caminade

Ted Davis

Brian Ellman

Divya Mathur

Markus von Wartburg

Samuel Weglein

# NEW YORK STATE BAR ASSOCIATION

## MEETING REGISTRATION FORM

Name \_\_\_\_\_

Law Firm \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

### FEES

☐ **NYSBA Member Registration Fee:** **\$200**

☐ **Non-NYSBA Member Registration Fee:** **\$500**

(includes one year membership in NYSBA and Antitrust Law Section, a value of \$90-\$305 depending on your year of admission to the bar. Please use registration form for this choice.

The registration fee includes course materials, plus continental breakfast and lunch each day.

### PAYMENT INFORMATION

☐ Check or money order enclosed in the amount of \$ \_\_\_\_\_

(Make checks payable to New York State Bar Association)

☐ Charge \$ \_\_\_\_\_ to ☐ American Express ☐ Discover

☐ MasterCard ☐ Visa Expiration date \_\_\_\_\_

Card number: \_\_\_\_\_

Authorized Signature \_\_\_\_\_

## ANTITRUST TRIAL TRAINING ACADEMY

October 29-31, 2018  
26 Federal Plaza,  
6th Floor Conference Center  
New York, NY

### Cancellation Notice:

Notice of cancellation must be received by October 18, 2018 in order to obtain a refund for registration fees.

☐ **Dietary Restrictions/Allergies**

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### Register Online:

[www.nysba.org/AntiTrustTrial2018CLE](http://www.nysba.org/AntiTrustTrial2018CLE)

### Fax or mail this form with registration fee(s) to:

Member Resource Center  
New York State Bar Association  
One Elk Street  
Albany, NY 12207  
Fax: 518-463-5993  
Phone: 800-582-2452

