Our Work

The Brattle Group assists clients involved in litigation by presenting and defending principled economic and finance arguments and exposing the flaws in opposing opinions. Our findings are clear and focused and avoid jargon and unnecessary technicalities.

Our experts quantify damages, conduct econometric and statistical analyses, develop and critique “but for” assumptions and projections, and prepare expert testimony and rebuttal reports. We regularly appear in federal and state courts and before arbitrators and mediators around the world.

We apply industry-specific knowledge about the context in which a business or litigation matter must be understood, including awareness of involved parties and markets, industry expertise, typical cost functions, relevant regulations, and technology trends.

Our capabilities are reflected in our rigorous economic arguments, analyses of complex data sets, econometric techniques, and simulation models. Our litigation experts have consulted in some of the most contentious and high stakes litigation efforts over the last twenty years.

We serve our clients by presenting thoughtful and analytically rigorous work in an atmosphere that values excellence, teamwork, and dedication.
Our Team

PRINCIPALS

Our principals hold advanced degrees in economics, finance, management, and engineering from top universities around the world. They have earned reputations as experts in their fields and have worked in public and private corporations, academia, and government positions. They include:

♦ A Nobel Laureate in Economics
♦ A former Assistant Director in the Antitrust Division of the U.S. Department of Justice
♦ A former Associate Director of Air, Energy, and Transportation at the White House Office of Environmental Policy

SENIOR ADVISORS

We maintain strong ties to internationally renowned academics and former government officials, and they serve as advisors on many client engagements. They bring to our team academic and research expertise, as well as strong industry credentials. Our senior advisors include:

♦ A former Chief Economist at the U.S. Federal Communications Commission
♦ A former Economist in the Bureau of Economics at the U.S. Federal Trade Commission
♦ A former Chief of Staff for the National Economic Council

CONSULTING STAFF

Our associates work in project teams in a collegial and academically oriented environment. They possess graduate degrees in economics, finance, or business, and have a prevailing interest in applied microeconomics and policy.

Research analysts work with principals and associates to build economic, financial, and operational models, perform statistical analyses, and research business and legal issues.

Our Clients

Our clients rank among the world’s best performing and most admired companies, law firms, and industry organizations. We also frequently advise U.S. and international regulatory and government agencies.

♦ We have worked for more than 80 of the 100 law firms in the “AM LAW 100” (The American Lawyer, 2009).
♦ We have worked for more than 100 of the Fortune Global 500 (Fortune Magazine, 2009).
♦ We have worked for clients in more than 40 countries around the world.
**OUR FOCUS**

**Antitrust/Competition**

We offer economic analysis and expert testimony in mergers and acquisitions; price fixing and collusion (Article 81) cases; litigation involving claims of monopolization, abuse of dominance, or other anticompetitive practices (Article 82); and damages. We have appeared before the U.S. Department of Justice, the U.S. Federal Trade Commission, the European Commission, the Court of First Instance, federal and state courts, arbitration proceedings, and competition authorities around the world.

**Commercial Damages**

We provide damages estimates in matters involving breach of contract, failed business transactions, patent infringement, mass torts, and securities. Our economists and academic experts utilize modeling and econometric techniques to provide clients with detailed analyses and reports. The firm’s industry experience includes matters in aerospace, chemicals, consumer goods, electronics, metals, pharmaceuticals, and software.

**Energy and Regulation**

We provide clients with economic consulting, business strategy, and expert testimony in electricity, natural gas, and petroleum. We assist electric utilities, deregulated power producers, customers, regulators, and policy-makers with planning and litigation support and help to develop appropriate regulatory frameworks. Our economists offer operational and financial tools and models for the simulation and forecasting of market structure and conduct.

**Environmental Litigation and Regulation**

Our experts offer economic, engineering, and regulatory expertise in virtually every area of environmental policy and litigation. We apply our multidisciplinary knowledge to liability estimation, natural resource damages, non-compliance penalties, allocation and recovery of costs, insurance valuation, the assessment of regulatory impacts, and claims of property value diminution.
Finance and Securities
We provide expert testimony, analyses, and economic consulting in litigation and regulatory matters concerning capital requirements, securities, due diligence, structured finance, risk management, asset valuation, profitability, and the cost of capital. We have expertise in breach of fiduciary duty, fraud, violations of federal securities laws, investor suitability, mergers and acquisitions, and valuation of complex financial instruments.

Insurance
We assist clients in claim valuation and auditing, rate-setting, and evaluation of financial and taxation requirements. Our team has experience in environmental and mass tort liabilities, with a focus on allocation modeling of costs to available coverage, achieving resolutions in settlement discussions, and litigation. We address these issues by combining industry knowledge with expertise in economics, statistics, decision theory, and engineering.

Intellectual Property
Our consultants value intellectual property assets for transactional, tax, and other strategic purposes. Clients engage us to assist with due diligence, risk analysis, and strategy development. We also assess a range of damages and liability issues resulting from allegations of infringement involving patents, copyrights, trademarks, and trade secrets. Members of our team have held senior management positions at companies where they managed and estimated IP assets and transactions.

Product Liability and Mass Torts
We identify optimal litigation strategies, evaluate potential insurance recovery, and testify on damages and risk. Our economists have appeared before federal and bankruptcy courts and in alternative dispute resolution proceedings involving matters such as asbestos, lead, pharmaceuticals, medical devices, construction, chemicals, and tanker ships.

Telecommunications and Media
Our experts apply economic and financial tools to issues such as the valuation of spectrum, the assessment of damages in litigation, the pricing of network access and interconnection, and the analysis of market conditions, competition, and industry trends. We perform retrospective analyses and estimate damages in wireless communications, local and long-distance telephony, cable television, global satellite service, and IP-based networks.

Transportation
We offer consulting services in matters affecting airlines, airports, air traffic management, and freight and passenger rail, as well as the automotive, trucking, and shipping industries. We help clients to formulate strategy, sharpen pricing, improve operations, and analyze complex public policy issues. We also develop white papers, reports, and testimony that make underlying economic issues clear to non-economists.

International Trade
We provide economic analyses and expert testimony in antidumping, countervailing duty, escape clause, and Section 337 litigation. We have experience involving a range of high-tech, industrial, manufactured, and agricultural products. Our experts have appeared before the U.S. International Trade Commission, the U.S. Department of Commerce, the Office of the U.S. Trade Representative, and a number of foreign trade authorities.
Members of The Brattle Group have analyzed the implications of a number of mergers between telecommunications companies. Our work has included analyses of potential unilateral price increases for classes of customers, entry by incumbent local exchange carriers (ILECs) into the home territory of other ILECs, effects of merging fiber optic networks, and merger-related efficiencies.

In the SBC/AT&T and AT&T/BellSouth mergers, our work on competition for business services in urban areas helped reduce concerns regarding potential anticompetitive effects of combining the companies’ fiber optic networks.

In both cases, the U.S. Department of Justice responded in favor of our client.

We worked on behalf of the U.S. Department of Justice and the state of Washington to estimate environmental claims brought against ASARCO LLC, a smelting and refining company. The case involved charges of environmental damages by 48 federal and state agencies at more than 53 sites.

Our experts provided economic and engineering analyses to estimate future costs, allocate liabilities at mining sites, and determine the appropriate financial factors. We prepared reports on more than 20 sites and on issues such as discounting and estimation methods.

The Court ruled in favor of the government in approving settlements, and cited Brattle’s estimates in the findings of fact and conclusions of law. The total settlements approved by the Court were approximately $1.6 billion, making this case the largest environmental bankruptcy in U.S. history.
We assisted plaintiff Teachers’ Retirement System of Louisiana (TRSL) in reaching a record settlement of $115 million on behalf of American International Group (AIG). TRSL alleged that the former AIG chairman and CEO and three other former executives breached their fiduciary duties by directing insurance business worth hundreds of millions of dollars in commissions to another company that they owned and controlled.

Our expert submitted several reports and testified at deposition on the damages sustained by AIG under the entire fairness standard, due to the defendants’ self-dealing transactions.

This settlement is the largest ever for a derivative lawsuit in the Delaware Court of Chancery, and more than doubled the previous record.

We assisted the plaintiffs in a case stemming from allegations that a group of firms conspired to raise the prices of Dynamic Random Access Memory (DRAM) microprocessor chips between April 1, 1999 and June 30, 2002.

Our consultants supported the plaintiffs’ expert, Roger Noll of Stanford University, on class certification and liability matters. The case was brought before the U.S. Court of Appeals for the Ninth Circuit.

The case settled with terms favorable to the plaintiffs, with authorization of up to approximately $326 million in payments for the class of direct purchasers.

For a U.S. consumer products manufacturer accused of infringing a design methods patent, we provided expert testimony criticizing calculations of damages prepared on behalf of the patent owner. Our critique identified a range of errors whose net effect was to inflate estimates of damages owed.

Using the plaintiff’s own marketing materials, our economists determined that the additional sales the plaintiff claimed it could have made would have exceeded its historic production capacity. We demonstrated that the procedures employed by that expert to estimate the costs associated with additional sales were statistically flawed and produced indefensibly large estimates of lost profits. We also identified flaws in the plaintiff’s reasonable royalty analysis.

The case was settled on terms favorable to our client.
Functional Practice Areas

• Antitrust/Competition
• Commercial Damages
• Environmental Litigation and Regulation
• Forensic Economics
• Intellectual Property
• International Arbitration
• International Trade
• Product Liability
• Regulatory Finance and Accounting
• Risk Management
• Securities
• Tax
• Utility Regulatory Policy and Ratemaking
• Valuation

Industry Practice Areas

• Electric Power
• Financial Institutions
• Natural Gas
• Petroleum
• Pharmaceuticals, Medical Devices, and Biotechnology
• Telecommunications and Media
• Transportation