

Antitrust Economics Workshop

Choosing and Hiring an Economic Expert

Moderator:

Kostis Hatzitaskos
Principal, Cornerstone Research

Panelists:

Damian G. Didden
Partner, Antitrust, Wachtell, Lipton Rosen & Katz

Bryan Gant
Partner, White & Case LLP

Jonathan B. Pitt
Partner, Williams & Connolly LLP

21 September 2016

43rd Annual Conference on International Antitrust Law and Policy



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- What is the goal?
- How do you choose an expert?
- Should you use multiple experts?
- When is it best to engage experts?

What is the goal in litigation?

- Synthesize evidence
- Convincing narrative vs. poking holes
- Integrate with legal arguments, documents, and fact witnesses

How are merger investigations different?

- The agencies as the audience

How do you choose a litigation expert?

- Credibility
- Background
- Context
- Independence
- Daubert opinions
- Prior positions
- Support staff

How do you choose an investigation expert?

- Credibility
- Agency experience
- Background
- Creativity

Should you use multiple experts?

- Delineating roles
- Specific economic expertise
- Coordination risks and costs

When to engage?

- Discovery, production, case strategy
- Timing vs. analytical options and robustness
- Coordination with rest of the case
- Controlling budgets

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