

## Program timeline

**Monday, June 2, 2008**

### Registration

2:45–3:00 p.m.

### Conference program

3:00–6:00 p.m.

Bates White, LLC  
1300 Eye Street, NW, Suite 600  
Washington, DC 20005

### Reception, dinner, and keynote address

6:00–9:00 p.m.

Ronald Reagan Building and  
International Trade Center  
Rotunda Room  
1300 Pennsylvania Avenue, NW  
Washington, DC 20004

Keynote speaker:  
FTC Chairman William Kovacic

## Registration

Registration is complimentary. To confirm your attendance or for more information, please email Natalie Fike at [natalie.fike@bateswhite.com](mailto:natalie.fike@bateswhite.com) or call her at 202.747.1431. Please indicate whether you plan to attend the afternoon session, reception and dinner, or both.

**CLE credit is pending.**

## Bates White, LLC

Bates White is an economic consulting firm distinguished by the application of advanced economic, financial, and econometric theory to the analysis of antitrust matters. The firm specializes in complex, data-intensive matters that require innovative problem solving. Bates White is a recognized leader for work involving deep empirical analysis and our experts have played a critical role in some of the highest profile antitrust cases in history.

[www.bateswhite.com](http://www.bateswhite.com)

## ESMT Competition Analysis

ESMT Competition Analysis is a subsidiary consulting firm of ESMT European School of Management and Technology. The firm's philosophy mirrors the international management school's research-based, high-impact approach. It provides economic analysis, expert advice, and research in the field of competition policy and regulation. ESMT Competition Analysis experts have academic and industry expertise, as well as extensive EU competition-policy experience.

[www.esmt.org/competition\\_analysis](http://www.esmt.org/competition_analysis)

# Bates White Fifth Annual Antitrust Conference

## The Use of Economic Evidence in Litigation



Please join **Bates White** and **ESMT Competition Analysis**, along with leading antitrust economists, government officials, and attorneys, for a program that explores how economic evidence is used in litigation.

**Monday, June 2, 2008**

**Washington, DC**

## PROGRAM DETAILS

### The use of economic evidence in litigation

Recent case outcomes suggest that economic evidence is having a more prominent role in court decisions. For example, in *PeaceHealth*, the court adopted a significant portion of the AMC test for bundled discounts. In *Whole Foods*, despite contradictory intent documents, the judge chose to rely on the parties' critical loss analysis in assessing competitive effects and market definition. There are even stronger examples coming out of the European Commission.

Given the increasing importance of economic evidence to prove and defend against antitrust claims, how is this evidence best presented? When different types of analyses can lead to the same conclusion, how do you determine the most effective one to use? While simple analyses might be easier to understand, they can also be subject to criticism that the results are confounded by variables that were not considered. If you present complicated analyses, courts and juries might find it difficult to interpret the results. So is it better to present an analysis that strikes the appropriate balance, or should you present both the simple and complicated analyses?

Join our distinguished speakers as they discuss recent developments and share their experiences in presenting economic evidence in the United States and Europe.

### Reception, dinner, and keynote address

To cap off the day, Bates White and ESMT Competition Analysis will host a reception and dinner at the Ronald Reagan Building and International Trade Center. It will feature opportunities to network with leading academics and other antitrust attorneys in an informal setting.

FTC Chairman William Kovacic will give the keynote address.

### Academic participants

More than 30 academic economists will be participating, including the following individuals affiliated with Bates White:

#### Dr. Hans Friederiszick

Managing Director of ESMT Competition Analysis

#### Dr. Robert Marshall

Head of Economics Department and Liberal Arts  
Research Professor of Economics, Penn State University

#### Dr. Leslie Marx

Professor of Economics, The Fuqua School of Business,  
Duke University

#### Dr. Aviv Nevo

Professor of Economics, Northwestern University

#### Dr. Martin Perry

Professor of Economics, Rutgers University

#### Dr. Marius Schwartz

Professor of Economics, Georgetown University

#### Dr. Michael Whinston

Professor of Business Institutions, Northwestern University

### Speakers

#### Economists

##### B. Douglas Bernheim

Stanford University Professor and  
Bates White Partner

##### Lars-Hendrik Röller

ESMT President and former  
Chief Competition Economist, EC

#### Government officials

##### William Kovacic

FTC Chairman

##### Thomas Rosch

FTC Commissioner

##### David L. Meyer

Deputy Assistant Attorney General for  
Civil Enforcement, Antitrust Division, DOJ

#### Antitrust attorneys

##### William Baer

Practice Chair, Antitrust/Competition and  
Consumer Protection Practice, Arnold & Porter

##### Paul T. Denis

Cochair, Antitrust/Competition Group, Dechert

##### Steven C. Sunshine

Partner, Antitrust Practice,  
Skadden Arps, Slate, Meagher & Flom

#### Moderator

##### George A. Rozanski

Partner, Antitrust Practice, Bates White