



**Antitrust Law  
Section**

New York State Bar Association

# The Steve Houck Antitrust Expert Training Academy Fall 2022

 **October 19-21, 2022**

 Virtual Program

[nysba.org/antiacademy22](https://nysba.org/antiacademy22)

**NYSBA.ORG**

**21.0**  
MCLE Credits

21.0 Skills

# The Steve Houck Antitrust Expert Training Academy Fall 2022

## **Antitrust Law Section Chair**

M. Elaine Johnston, Allen & Overy LLP, New York City

## **Program Chairs**

Bob Hubbard, Esq., Office of the New York Attorney General, Antitrust Bureau, New York City  
Steven Tugander, U.S. Department of Justice, Antitrust Division, New York City

## **Director**

Professor Andrew L. Rossner, Rutgers Law School, Newark, NJ

## **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 and Brattle Group economists with antitrust consulting experience.

### **REGISTRATION AND FEES**

Antitrust Section Members: \$100

NYSBA Members: \$300

Non-NYSBA Members: \$500 (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.

The course is intended for lawyers with an antitrust background who wish to improve their litigation and trial skills. The application deadline is Thursday, September 15, 2022. 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.



## 21.0 MCLE Credits

This program is transitional and approved for MCLE credit in New York for all attorneys, including those newly admitted.

### CLE 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 21.0 MCLE credit hours in SKILLS. This program is transitional and therefore suitable for newly-admitted attorneys.**

#### **Scholarships**

Scholarships cover the registration fee for students who certify that they earn less than \$125,000 per year. For more details, please contact: Sharmin Woodall, New York State Bar Association, One Elk Street, Albany, New York 12207 or [swoodall@nysba.org](mailto:swoodall@nysba.org).

# SCHEDULE

## The Steve Houck Antitrust Expert Training Academy Fall 2022

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 videos 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 and Brattle 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.

**This program is dedicated to Steve Houck, who was the driving force for the creation, growth, and enduring success of this program. Steve graduated from Princeton University and Harvard Law School, was a partner in Donovan Leisure Newton and Irvine, and was later associated with other prominent New York law firms. Steve served as Chief of the Antitrust Bureau in the New York State Attorney General's Office and as the Executive Director of the State Center, whose mission is to enhance state enforcement of antitrust and consumer protection laws, from its inception in 2005 until 2020. Steve was Chair of the New York State Bar Association's Antitrust Law Section and long served on its Executive Committee in various roles, including his work on this program.**

### Wednesday, October 19th

Today's focus will be on preparing for and taking your opposing expert's deposition and defending the deposition of your expert, including working 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, using the economists' reports.

<b>9:00 - 9:30 a.m.</b>	<b>Sign In</b>
<b>9:30 - 11:00 a.m.</b>	<b>PROGRAM INTRODUCTION AND LECTURE/DEMONSTRATION:</b> Using Experts in Antitrust Cases and Taking and Defending Expert Depositions
<b>11:00 a.m. - 12:00p.m.</b>	<b>CASE THEORY WORKSHOP</b>
<b>12:00 - 1:00 p.m.</b>	<b>LUNCH</b>
<b>1:15 - 4:45 p.m.</b>	<b>PERFORMANCE WORKSHOP AND VIDEO REVIEW:</b> Deposing the Expert



# The Steve Houck Antitrust Expert Training Academy Fall 2022

## Thursday, October 20th

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 conduct direct and cross examination of the experts on qualifications, methodology, and other case specific issues.

<b>9:00 - 9:30 a.m</b>	<b>Sign In</b>
<b>9:30 - 11:00 a.m.</b>	<b>LECTURE/DEMONSTRATION:</b> Presenting Expert Testimony at Trial – Persuasive Direct Examinations and Effective Cross Examinations
<b>11:00 a.m. – 12:00 p.m.</b>	<b>PERFORMANCE WORKSHOP:</b> Preparing the expert for trial.
<b>12:00 – 1:00 p.m.</b>	<b>LUNCH</b>
<b>1:15 – 4:45 p.m.</b>	<b>PERFORMANCE WORKSHOP AND VIDEO REVIEW:</b> Direct, Cross and Redirect

## Friday, October 21st

Today, we will continue to focus on direct and cross examination of the experts, focusing on each expert's opinion as to the amount of damages suffered by the plaintiffs, as well as differentiating theories of adverse witnesses.

<b>9:00 - 9:30 a.m.</b>	<b>Sign In</b>
<b>9:30 - 12:30 p.m.</b>	<b>PERFORMANCE WORKSHOP AND VIDEO REVIEW:</b> Direct, Cross and Redirect #2
<b>12:30 -1:30 p.m.</b>	<b>LUNCH &amp; LECTURE:</b> Working Effectively with Economic Experts from the Economist's Perspective
<b>1:30 - 4:30 p.m.</b>	<b>PERFORMANCE WORKSHOP AND VIDEO REVIEW:</b> Direct, Cross and Redirect #3
<b>4:30 - 4:45 p.m.</b>	<b>CLOSING REMARKS</b>



# 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

## LECTURERS AND EVALUATORS:

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

Barbara Hart  
*Grant & Eisenhofer P.A.*

Beatriz Marques  
*New York Attorney General's Office*

Benjamin Sirota  
*Kobre & Kim LLP*

Bob Hubbard  
*New York Attorney General's Office*

Carrie Syme  
*US Department of Justice, Antitrust Division*

Douglas Tween  
*Linklaters LLP*

Eamon O'Kelly  
*Akerman*

Eric Hochstadt  
*Weil, Gotshal & Manges LLP*

Fred T. Isquith  
*Isquith Law PLLC*

Helen Christodoulou  
*U.S. Department of Justice, Antitrust Division*

Jeffrey Corrigan  
*Spector Roseman & Kodroff PC*

Jeffrey Martino  
*Baker and McKenzie LLP*

Juan Arteaga  
*Crowell & Moring LLP*

Lawrence I. Fox  
*Solo*

Michael Weiner  
*Steptoe & Johnson LLP*

Patricia L. Jannaco  
*(retired, former DOJ)*

Peter Schwingler  
*Stinson*

Saul P. Morgenstern  
*Arnold & Porter Kaye Scholer LLP*

Stephen McCahey  
*New York Attorney General's Office*

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

Steven Williams  
*Joseph Saveri Law Firm*

William Rooney  
*Wilkie Farr & Gallagher LLP*

## ECONOMISTS

Analysis Group

Brattle Group

# REGISTRATION FORM



New York State Bar Association

## Antitrust Law Section

### The Steve Houck Antitrust Expert Training Academy Fall 2022

 **October 19-21, 2022**

 **Virtual Program**

#### Personal Information

Name \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

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

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_\_ ) \_\_\_\_\_

Email \_\_\_\_\_

#### Dietary Restrictions

\_\_\_\_\_

#### 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 \_\_\_\_\_

Card Number \_\_\_\_\_

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

- A New York attorney who has a genuine financial hardship may apply for tuition assistance  
NYSBA.ORG/TUITIONASSISTANCE
- Accommodations for Persons with Disabilities NYSBA.ORG/ADA
- CLE Policies | NYSBA.ORG/CLEPROGRAMPOLICIES

#### Pricing

☐ Section Member: \$100

☐ NYSBA Member: \$300

☐ Non-NYSBA Member: \$500

#### Registration fee includes:

Course materials.

#### Cancellation Notice

Notice of cancellation must be received by October 5, 2022 in order to obtain a refund

#### Register Online:

**nysba.org/antiacademy22**

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

Sharmin Woodall  
New York State Bar Association  
1 Elk Street, Albany, NY 12207

Fax: 518.487.5686

Email: [swoodall@nysba.org](mailto:swoodall@nysba.org)



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

One Elk Street  
Albany, NY 12207