

# **Damage Models & Testimony:** *The Essentials* *of an Integral Element of Case Presentation*

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## **C o n t e n t s**

### **INTRODUCTION**

#### **GENERAL CONCEPTS**

Calculating Damages

Adopting a Multi-Disciplinary Approach

Combining Causation and Damage Issues

Using the Expert as a Resource

#### **GETTING THE INFORMATION**

Discovery of Facts

Other Data Requirements

The Critical Nature of Information

#### **COMMON ELEMENTS OF DAMAGE MODELS**

Legal Considerations

Financial Considerations

Forecasting Considerations

General Economic Considerations

#### **ETHICAL AND CREDIBILITY ISSUES**

Consistency with Prior Work

Avoidance of Preordained Conclusions

Reliance on Other Work

Lack of Conflicts

Reasonableness of Assumptions

Reasonableness of Results

#### **DAMAGE MODELING IN SELECTED TYPES OF CASES**

Damage to a Corporation

Damage to a Shareholder

Damage to a Creditor

Damage to an Individual

#### **COMMUNICATING RESULTS TO THE JURY**

##### **MAXIMIZING EXPERT EFFICIENCY**

Perform Cost Benefit Analysis

Communicate Case Information

Establish Early Parameters

##### **SYNOPSIS OF THE MAJOR FACTORS**