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NACVA AND THE IBA'S 2010 ANNUAL CONSULTANTS' CONFERENCE *SESSION SUMMARY*
JUNE 2—5, 2010 THE FONTAINEBLEAU MIAMI BEACH MIAMI BEACH, FL USA

Track: Litigation Consulting

Session Date / Time: Friday, June 4, 2010 / 10:15am – 11:55am

Session Title: *Current Hot Issues for Damages Experts: Discounting Future Economic Damages to Present Value and Projecting Future Economic Damages through Business Valuation Methodology*

Session Summary: The co-presenters, Robert L. Dunn, JD, a veteran trial lawyer, a leading expert on commercial damages and author of Recovery of Damages for Lost Profits and Everett P. Harry, MBA, CPA, a nationally-recognized economic damages forensic expert with thirty years experience preparing, developing and presenting damages testimony will take on today's two most hotly-debated economic damages issues. First, Messrs. Dunn and Harry will take participants through the framework for calculating an appropriate discount rate to bring future damages to present value. This topic will include methodology for deriving the discount rate, accounting for risk-- in the cash flow or the discount rate, and ex ante vs. ex post discounting. Mr. Harry will review AICPA Practice Aid 09-1, 'Discount Rates, Prejudgment Interest and the Time Value of Money in Litigation,' a publication that he participated in drafting, so that participants can evaluate its impact on opinions to which they may testify. Second, the presenters will review and contrast calculation of economic damages by discounted cash flow and by comparative business value methodologies. This topic will include discussion of the questions whether economic loss damages can ever exceed business value and whether tax consequences can or should ever be part of the calculations.

CPE Hours / Fields of Study: Two (2) hours / Specialized Knowledge and Applications (SK&A)

Presenter Bio:



Robert L. Dunn, JD, a former partner and head of the Litigation Practice Group at Cooper, White & Cooper, in San Francisco, conducted major litigation for 30 years for such corporate clients as AT & T , GTE California, the Golden State Warriors and Union Bank. He is the author of three authoritative and comprehensive books: Recovery of Damages for Lost Profits, Recovery of Damages for Fraud, and Winning with Expert Witnesses in Commercial Litigation. Mr. Dunn also co-authored (with Everett P. Harry) 'Modeling and Discounting Future Damages' (Journal of Accountancy, 2002). He has frequently lectured on damages subjects before NACVA, the California Society of Certified Public Accountants, the American Institute of Certified Public Accountants, the

American Society of Appraisers, state CPA societies, the American Bar Association Litigation Section, and state bar associations. He has been an expert witness on legal aspects of economic damages. Mr. Dunn is considered one of the country's leading legal experts on economic damages. He received his AB degree from Cornell University and his JD degree from Harvard Law School, magna cum laude, where he was a member of the Board of Editors of the Harvard Law Review.



Everett P. Harry, CPA, CFF, CPA, of Harry Torchiana LLP has thirty years experience with litigation, claims and disputes consulting. Mr. Harry is a past President of the San Francisco Chapter of the California Society of CPA's and past Chair of the State Litigation Consulting Services Committee. He also served on the AICPA Litigation and Dispute Resolution Services Subcommittee and was a member of the AICPA Council. Mr. Harry's writings on litigation services topics have appeared in The Journal of Accountancy, Outlook, Today's CPA, Daily Journal, CPA Litigation Services Counselor, CPA Expert, The Witness Chair, International Commercial Litigation, Litigation Services Handbook and Recovery of Damages for Lost Profits. In addition, he is the co-author of three AICPA practice aids for litigation services, which address client communications including expert written reports, fraud investigations and discounting damages. He has presented expert testimony in several U.S. District Courts, Superior Courts, arbitrations and numerous depositions. He earned his AB in Economics from San Diego State and holds an MBA from the University of Southern California.