PREFACE

The Antitrust Evidence Handbook, Third Edition was prepared under the aegis of the Trial Practice Committee of the Antitrust Section of the American Bar Association. This edition updates the second edition of the Handbook published in 2003, and retains the user-friendly organization and format of that version. This new edition also incorporates the latest statutory and case law developments in the evidence field. The most significant developments in antitrust evidence in the last decade have been the expansion and usage of electronically stored information (ESI) and the development of expert testimony in the class certification context under the Supreme Court’s Comcast decision. The chapter on ESI issues is a new chapter and the chapter on experts has been significantly updated to reflect these changes over the last decade.

Many members of the Antitrust Section contributed to this Third Edition of the Handbook. We are especially grateful to the Trial Practice Committee’s Vice Chairs, Cynthia Cohen and Alana Bassin, for their contributions and oversight of this project. We thank contributors Brian Hom (Chapter 1), Gerald Stein (Chapter 2), David Brenneman (Chapter 3), Greta Burkholder and Swati Rawani (Chapter 4), Mark Krotoski (Chapter 5), Bob Cox (Chapter 6), and Gregory Wrobel, Joshua Nichols, Martin McElligot, Jill O’Neill and Michael J. Waters (Chapter 7). The lead editors for this handbook consisted of Brendan McShane, John Pellegrini, Stephanie Song, and Andrew Bertolli. A special thanks is also warranted for Leo Caseria, Vice Chair of the Antitrust Section’s Books & Treatises Committee, for his leadership on this project.

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Brian Grube
Chair, Trial Practice Committee
Section of Antitrust Law
American Bar Association
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