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Ph.D. Program in Public Policy
Analysis
Wharton School,
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Economics

M.A. Planning, Policy Analysis
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Harvard University

B.A. Economics and Urban
Affairs,
George Washington
University

Dr. Mark Berkman is an expert in applied microeconomics. He has assisted public and private clients often providing testimony before the courts, regulatory bodies, and legislatures. Dr. Berkman's experience spans the areas of the environment, energy and natural resources; environmental health and safety; labor and employment; intellectual property; antitrust; commercial litigation and damages; public finance; and, tribal and Indian affairs.

His environmental work includes the review of proposed air, water, solid waste, and worker and product safety regulations. Dr. Berkman has often quantified the costs and benefits of these regulations as well as toxic tort and product liability claims. He has also valued natural and water resources as well as property damages associated with pollution from Superfund sites, landfills, and power plants.

Dr. Berkman's work on energy matters includes the valuation of coal resources, power plants, and transmission rights-of-way. He has also prepared energy demand and price forecasts.

Clients in a variety of industries ranging from computer chip to shoe manufacturers have sought Dr. Berkman's assistance to value patents, trade secrets, and trademarks. He has frequently presented his valuations before the courts and arbitration panels.

Dr. Berkman has also been called on to address questions of market power in a variety of industries including solid waste, computer manufacturing, and medical devices. He has testified before the courts regarding market definition and market power and participated in Hart-Scott-Rodino proceedings.

Dr. Berkman has also provided counsel to clients regarding labor disputes, often leading to testimony. He has studied the statistical evidence regarding claims of race, age, and gender discrimination in hiring, promotion, and pay for plaintiffs and defendants in numerous industries including law enforcement, marketing, transportation, entertainment, and banking. He has also prepared damage estimates related to these claims.

EXPERIENCE

2008- Present *Director, Berkeley Economic Consulting*

Responsible for managing and conducting projects in the areas of environment, energy, intellectual property, antitrust, labor, and public finance

2002–2008 *Vice President, Charles River Associates*

1993–2002 *Vice President, NERA Economic Consulting*

1988-1993 *Senior Consultant, NERA Economic Consulting*

1984-1988 *Senior Analyst, NERA Economic Consulting*

1983-1984 *Economic Analyst, NERA Economic Consulting*

1980–1983 *Research Fellow, University Of Pennsylvania*

Studied the regional economic impacts of acid rain regulation under a dissertation fellowship from the Regional Science Association and the Economic Development Administration. Analyzed federal coal leasing policy for the Department of Energy. Reviewed the market potential of solar energy technologies for the Energy Research Advisory Board. Conducted a commercialization study of fuel cells for the Department of Energy.

1977–1980 *Associate Budget Analyst, Congressional Budget Office*

Prepared cost estimates of pending energy and science legislation and developed five-year projections of the federal budget in these areas. Analyzed President's budget proposals and conducted energy policy studies. Testified before several Congressional committees.

1976–1977 *Teaching Assistant, Harvard University*

Conducted review sessions, graded papers, and provided extra help in two courses: Economics for Planners and Urban and Regional Economics.

1975–1976 *Research Assistant, The Urban Institute*

Prepared contract reports and working papers and collected and managed data on topics in the fields of housing and transportation.

1973–1975 *Staff Assistant*, United States Congress, Office of Congressman Charles Vanik

Conducted legislative research and prepared position statements.

PROFESSIONAL ACTIVITIES

American Economic Association

Association for Public Policy Analysis and Management

Association of Environmental and Resource Economists

Western Economic Association

TESTIMONY AND CONSULTING REPORTS

Environment, Energy and Natural Resources, p. 4

Environmental Health and Safety, p. 10

Labor and Employment, p. 11

Intellectual Property, p. 16

Antitrust, p. 19

Commercial Litigation and Damages, p. 22

Tribal and Indian Affairs, p. 23

Other, p. 25

Environment, Energy, and Natural Resources

Declaration of Mark P. Berkman, PhD in Support of Real Party in Interest Potrero Hills Landfill, Inc.'s Memorandum of Points and Authorities in Opposition to Petition for Writ of Mandate, Sierra Club vs. County of Solano: Board of Supervisors of Solano County: and Does 1-10, Superior Court of the State of California, County of Solano, Case No. FCS034073, regarding the interstate nature of waste disposal, December 9, 2009

Direct Testimony of Mark P. Berkman and David L. Sunding in the Matter of the Application of California American Water Company (U 210 W) for a Certificate of Convenience and Necessity to Construct and Operate its Coastal Water Supply Project to Resolve the Long-Term Water Supply Deficit in its Monterey District and to Recover all Present and Future Costs in Connection Therewith in Rates, Application 04009-019, on behalf of the Marina Coast Water District regarding the benefits of a regional water supply project, June 24, 2009.

Deposition Testimony in the matter of *Watkins & Shepard Trucking vs Soco West, Inc*, Superior Court of the State of California for the County of Los Angeles –Central District, Case No. BC379287, on behalf of defendants regarding the influence of environmental risk on real estate price, September 9, 2008

Deposition testimony, In Re Mt. Konocti Mutual Water Company, Inc, Official Committee of Unimproved Lot Owners vs. Mt Konocti Mutual Water Company, Case No. 90-11573 regarding water connection fee methodology on behalf of defendants, January 14, 2008.

Declaration, In Re Mt. Konocti Mutual Water Company, Inc, Official Committee of Unimproved Lot Owners vs. Mt Konocti Mutual Water Company, Case No. 90-11573 regarding water connection fee methodology, on behalf of defendants, January 4, 2008.

Hilmar Supplemental Environmental Project, Managing Salt in the Central Valley, submitted to the California Regional Water Quality Control Board, Central Valley Region in compliance with Order No. R5-2006-0025, November 16, 2007 with David Sunding and Yoram Rubin.

Measures to Reduce the Economic Impacts of a Drought-Induced Water Shortage in the San Francisco Bay Area for the San Francisco Public Utilities Commission with David Sunding, Robert Gamble, and Sean Randolph, May 3, 2007.

Analysis of the Economic Impacts of a Shutdown of Limestone Mining in Florida's Lake Belt District on behalf of the Miami Dade Limestone Products Association with Ann McDermott, March 21, 2007.

Valuation of Hells Canyon Jet Boat Outfitters and the Impact of the River Flow Restrictions on behalf of Idaho Power Corp., April, 2006.

Deposition Testimony in the Matter of *Corbitt v. American Furniture Manufacturing Inc. and W.S. Bradcock Corporation*, United States District Court, Middle District of Alabama Civil Action 2:05CV58-T, on behalf of defendants regarding product liability, November 18, 2005.

Expert Report and Direct Testimony of Mark Berkman and David Sunding in the matter of Hilmar Cheese Company Inc., Hilmar Whey Protein Inc., California Regional Water Quality Control Board Central Valley Region, ACL Complaint No. R5-2005-0501, August 2005.

Economic Impacts of Critical Habitat Designation for Vernal Pool Species, prepared for the U.S. Fish and Wildlife Service, U.S. Department of Interior with David Sunding, June 25, 2005.

“Environmental liability forecasts regarding manufactured gas plant sites for Pacific Gas & Electric,” September 2004. (Confidential)

Expert Report of Mark Berkman in the matter of *BFI Waste Systems of North America, Inc. v. City and County of Denver and Waste Management of Colorado, Inc.* on behalf of the plaintiff. Filed in the United States District Court for the District of Colorado. August 30, 2004.

Expert report in the matter of *United Haulers Association, Inc. et al. v. Oneida-Herkimer Solid Waste Management Authority, County of Oneida and County of Herkimer* before the U.S. District Court for the Northern District of New York. Performed an analysis on behalf of the plaintiffs of the solid waste flow control laws enacted by Oneida and Herkimer Counties, New York. November 15, 2002.

“Forecast of Environmental Remediation Liability for Pacific Gas & Electric.” With Gordon Rausser, October 10, 2002.

“The Economic Impacts of Closing the Canton Mill.” With Burton Griffith. Prepared for Blue Ridge Paper Products, Inc., June 1, 2001.

“Estimates of Environmental Risk Associated with the BMI Site.” Prepared for Marsh & McLennan, March 2000.

“The Effect of CO₂ Reduction Policies on the Canadian Electricity Industry and Economy.” Prepared for ATCO Electric, EPCOR, New Brunswick Power, Nova Scotia Power, Ontario Power Generation, Saskatchewan Power and TransAlta Utilities, July 5, 1999.

“The Economic Impacts of Policies to Reduce Alfalfa Water Consumption.” Report, prepared for Natural Resources Defense Council, October 12, 1998.

“Market Opportunities for Environmental Remediation and Site Management” Report prepared for Pacific Corp, 1998.

“Comments on CalFed’s Draft EIS of March 1998.” Prepared for Save San Francisco Bay Association, June 30, 1998.

“Evaluation of Tax Claim Against the State of Montana.” Prepared for the Fort Peck Reservation, September 18, 1997. (Confidential)

Deposition Testimony on behalf of homeowners in Benicia, California, regarding property value diminution in *Lagrimas v. Southampton et al.*, September 1997.

Testimony before the Trade Waste Commission, City of New York, January 21, 1997, on behalf of the New York City Economic Development Commission, regarding maximum rate regulation of commercial waste collection.

“Costs and Benefits of the Proposed Enclosed Unloader at the Fresh Kills Landfill.” Prepared for the New York City Law Department, December 1996.

Rebuttal Testimony on behalf of Central and South West Energy, Inc. in the matter of Application No. 93-2, CSW Energy, Inc. and KVA Resources, Inc., Northwest Regional Power Facility, Before the State of Washington Energy Facility Site Evaluation Council, October 1995, regarding the costs and benefits of controlling residual NO_x and CO emissions and CO₂ emissions at a proposed natural gas-fired power plant in Washington.

Affidavit on behalf of the New York City Law Department, in the matter of the Application of New York City Department of Environmental Protection for Renewals of the State Pollutant Discharge Elimination System Permits for New York City's 14 Publicly Owned Treatment Works, August 24, 1995, regarding the costs and benefits of proposed pollution control investments.

Deposition Testimony on behalf of Browning-Ferris Industries, in the matter of *W.J. Curry & Son v. Velsicol Chemical Co. v. Kraft et al.*, July 12, 1996, regarding the allocation of Superfund remediation costs.

"Estimating Employment Effects of Electric Price Increases in U.S. Manufacturing Industries and Assessing Such Effects in New Jersey." Prepared for Jersey Central Power & Light, June 28, 1996.

"Estimate of Employment Effects of Electric Price Increases in U.S. Manufacturing Industries and Assessing Such Effects in Maryland." Prepared for Allegheny Power, Maryland, June 17, 1996.

Rebuttal Testimony on behalf of Central and South West Energy, Inc. in the matter of Application No. 93-2, CSW Energy, Inc. and KVA Resources, Inc., Northwest Regional Power Facility, Before the State of Washington Energy Facility Site Evaluation Council, October 1995, regarding the costs and benefits of controlling residual NO_x and CO emissions and CO₂ emissions at a proposed natural gas-fired power plant in Washington.

Affidavit on behalf of the New York City Law Department, in the matter of the Application of New York City Department of Environmental Protection for Renewals of the State Pollutant Discharge Elimination System Permits for New York City's 14 Publicly Owned Treatment Works, August 24, 1995, regarding the costs and benefits of proposed pollution control investments.

"The Cost of Flow Control." Prepared for Browning-Ferris Industries, May 3, 1995.

"Economic Impacts of VOC Emission Reductions Beyond the 15% Plan in the Cincinnati CMSA." Prepared for Cincinnati Gas & Electric, April 27, 1995.

Prefiled Rebuttal Testimony before the Montana Public Service Commission, on behalf of the Montana Power Company, Docket No. 94.8.30, regarding affiliated coal prices, January 13, 1995.

Prefiled Direct Testimony before the Montana Public Service Commission, on behalf of the Montana Power Company, Docket No. 94.8.30, regarding affiliated coal prices, August 22, 1994.

“Water Quality Benefits of Floatable Reduction in the New York Bight.” Expert Witness Report and Testimony on behalf of the New York City Law Department before the State of New York Department of Environmental Conservation in the Matter of the Application of The New York City Department of Environmental Protection for Renewals for the State Pollutant Discharge Elimination System (SPDES) Permits for New York City’s 14 Publicly Owned Sewage Treatment Works. DEC No. 0026131, April 27, 1994.

“Comments Regarding Water Pricing and Water Markets Under the Reclamation Reform Act of 1982,” to the U.S. Bureau of Reclamation on behalf of the Natural Resources Defense Council, March 14, 1994.

“Initial Comments of National Economic Research Associates, Inc. on Florida DSM Employment Impacts,” prepared with J. Landon and P. Griffes for Florida Power & Light Company, January 1994.

Rebuttal testimony before the Montana Public Service Commission on behalf of the Montana Power Company, Docket No. 93.6.24, regarding affiliated coal prices, October 15, 1993.

Declaration on behalf of the Hacienda Improvement Association before the Superior Court of the State of California, Case No. BS 021186, *Hacienda La Puente Unified School District of Los Angeles County, et al. v. County of Sanitation District No. 2 of Los Angeles County, et al.*, regarding solid waste disposal capacity in Los Angeles, October 14, 1993.

“A Review of Environmental Damage Studies.” Prepared for Ontario Hydro, October 1993.

Direct prefiled testimony before the Montana Public Service Commission on behalf of the Montana Power Company, Docket No. 93.6.24, regarding affiliated coal prices, June 21, 1993.

“Environmental Externalities Briefing Book.” Prepared for Florida Power & Light Company, April 17, 1993.

“External Costs of Electric Utility Resource Selection in Nevada.” Prepared with D. Harrison, Jr., A. Nichols, and S. Bittenbender for Nevada Power Company, March 1993.

“The Economic Impacts of AOX Reduction on the U.S. Pulp and Paper Industry.” Sponsored by Georgia-Pacific Corporation, October 22, 1992.

“Appraisal of the 107th Meridian Strip Coal Reserves.” Prepared for the Crow Indian Tribe, July 1992.

“Carbon Tax Impacts on Coal Production and Rail Shipments.” Prepared with John Wile for Association of American Railroads, May 1992.

“Socio-Economic Impacts of Strategies to Comply with the Clean Air Act Amendments of 1990.” Prepared for The Cincinnati Gas & Electric Company Licensing and Environmental Affairs Department, May 1992.

“The Environmental and Social Costs Associated with Wood Roof Removal Legislation.” Prepared with Clayton Environmental Consultants for Steel Roofing Manufacturers’ Association, February 1992.

“The Economic Feasibility of VOC Control Technologies for the Wood Furniture and Cabinet Industries.” Prepared for the American Furniture Manufacturers Association, Business and Institutional Furniture Manufacturers Association, Kitchen Cabinet Manufacturers Association, National Paint and Coatings Association, January 1992.

Rebuttal testimony before the Texas Public Utility Commission on behalf of Houston Lighting and Power, Docket No. 10473, regarding the treatment of environmental externalities, October 4, 1991.

“Key Issues in Least-Cost Planning.” With Kent Anderson, National Economic Research Associates, Inc. Working Paper #10, August 1991.

“Hydroelectric Relicensing: Comparing the Value of Power and Nonpower Uses.” With Mike Rosenzweig, April 1, 1991.

Expert testimony before the District Court of the Fifth Judicial District of the State of Idaho, *State of Idaho, ex rel. R. Keith Higginson v. United States, State of Idaho, et al.*, Case No. 39576, on behalf of the United States, regarding water claims fees, February 4, 1991.

“An Evaluation of State Efforts to Incorporate Environmental Externalities Into Electric Utility Planning.” Prepared for Central Maine Power and the Energy Research Group, with John Wile, January 1991.

Testimony before the Oregon Environmental Quality Commission, on behalf of the Oregon Department of Environmental Quality, regarding out-of-state waste charges, November 1, 1990.

“Evaluation of Out-of-State Waste Surcharge Proposal.” Prepared for Oregon Department of Environmental Quality, October 5, 1990.

“Environmental Regulation Beyond the Clean Air Act Amendments: Incorporating Externalities,” Prepared with John Wile for the Energy Research Group, June 26, 1990.

“Economic Impacts of Proposed SO₂ Emissions Standards on Hamilton County, Ohio.” Prepared for the Hamilton County SO₂ Task Force, June 1990.

Expert testimony before the Indiana Utility Regulatory Commission on behalf of Northern Indiana Public Service Company regarding acid rain legislation and coal price forecasts, September 27, 1989.

“Electric Utilities and the Environment in the 1990s.” Prepared with Lewis Perl for the Energy Research Group, June 20, 1989.

"The Impact of Environmental Regulation on Electric Utility Fuel Use." *NERA Energy Outlook*, Special Report, April 17, 1989.

Affidavit for the New York City Department of Sanitation in *The Presidents' Council of Trade Waste Associations, Inc., et al. v. Edward I. Koch, Mayor of the City of New York, et al.*, commenting on increases in waste disposal rates and methods used to determine rates, October 27, 1988.

Determination of Market Price for Angel Mining Inc.'s and Diversified Fuels Inc.'s Contracts With Taiwan Power Company." With Fred Dunbar and Jerry Hausman before the International Chamber of Commerce on behalf of Angel/Diversified, April 1987.

"Economic Review of The McKinley County Coal Exchange." With Fred Dunbar, Washington, D.C.: National Coal Association, February 1987.

"Lessons For the Interstate Gas Pipeline Industry From Railroad Deregulation." With Fred Dunbar, Washington, D.C.: The Interstate Natural Gas Association of America, 1986.

Testimony before the Vermont Public Service Board on capacity planning and load forecasting on behalf of Central Vermont Public Service Corporation, July 12, 1985.

"The Economics of U.K. Coal Mining." With S. Barrett, December 1984.

"Pricing Solid Waste Disposal in New York City," November 1984.

"Risk Analysis of the Pacific Power and Light Company PCB Handling and Disposal Program." With B. Price, October 19, 1984.

"An Evaluation of Capacity Planning and Load Forecasting for Central Maine Power Company." With Lew Perl and John Wile, February 17, 1984.

Expert Witness Report and Testimony before the United States District Court, District of Montana, on the coal severance taxes and the market for Western coal, on behalf of the Crow Indian Tribe, 1984.

Co-author, "Solar Energy Technologies: Market Estimates and Federal R & D Payoff." Prepared for the Energy Research Advisory Board, sponsored by the U.S. Department of Energy, 1982.

Co-author, "Analysis of Proposed Changes to Federal Surface Mining and Coal Leasing Policy." Final Report for the U.S. Department of Energy, October 1982.

Co-author, "Barriers and Incentives for Fuel Cell Commercialization." Prepared for the U.S. Department of Energy, 1981.

Environmental Health and Safety

Expert Report of Mark P. Berkman in the matter of Jorge Santiago, Sr. v. Wholesale Furniture Distributors Inc., 139th District Court, Hidalgo Texas, Cause No. C-1311-07-C on behalf of defendant regarding the risks of death and injury from upholstered furniture ignited home fires, June 15, 2009.

Expert Report of Mark P. Berkman in the matter of Price v. Price, Circuit Court of the Fifteenth Circuit in and for the County of Palm Beach Florida, Case No. 50 2007 DR1982 MBFC, regarding environmental and business risks associated with a construction and demolition landfill, December 2008.

Expert Report of Mark P. Berkman in the matter of John Stewart Edwards v. La-Z-boy et.al, in the District Court 258th District, Polk County Texas, on behalf of defendant regarding the impact of fire safety regulations on upholstered furniture fires, May 16, 2008.

“An Evaluation of the CPSC Staff Preliminary Regulatory Analysis of the Draft Upholstered Furniture Flammability Standard.” on behalf of the American Home Furnishings Alliance National Home Furnishings Associations and the Upholstered Furniture Action Council, March 2, 2006.

Deposition Testimony in the matter of Seng v. Levitz et al. in the Superior Court of the State of Washington, in and for Snohomish County, on behalf of the defendants regarding product liability. Oakland, California, August 27, 2003.

“Assessing the Need for a Federal Small Open Flame / Cigarette Ignition Upholstered Furniture Flammability Standard.” On behalf of the Upholstered Furniture Action Council, February 16, 2001.

“A Review of the Federal Motor Carrier Safety Administration’s Economic Analysis for its Proposed Hours of Service Standard.” Prepared for the American Trucking Associations, August 3, 2000.

“A Review of OSHA’s Economic Analysis For Its Proposed Ergonomics Standard.” On behalf of the National Coalition on Ergonomics, February 29, 2000.

Testimony before the U.S. House of Representatives Committee on Education and the Workforce on behalf of the American Trucking Association regarding the costs and benefits of a proposed ergonomics standard, July 1997.

“Benefit-Cost Analysis of OSHA’s Proposed Ergonomics Standard on the Trucking Industry.” On behalf of the ATA Foundation, September 1996.

Testimony on behalf of the Inter-Industry Wood Dust Coordinating Committee, before the Occupational Safety and Health Administration, Department of Labor, Docket No. H-020, August 12, 1988.

“The Economic Impact of OSHA’s Proposed Air Contaminants Rule on the Wood Products Industries.” Prepared for the Inter-Industry Wood Dust Coordinating Committee, July 25, 1988.

Labor and Employment

Trial Testimony in the matter of *Amy Moran v. Qwest Communications et. al.*, Superior Court of the State of California, City and County of San Francisco Case No. CGC08-480654 on behalf of plaintiff regarding damages attributable to alleged gender discrimination and sexual harrassment, February 2, 2010.

Measuring Minority- and Woman-Owned Construction and Professional Service Firm Availability and Utilization for the San Mateo County Transit District and Peninsula Joint Powers Board, with Robert Fairlie and Mathew Johnson, April 2008.

Measuring Minority- and Woman-Owned Construction and Professional Service Firm Availability and Utilization for the Santa Clara Valley Transit Authority, with Robert Fairlie and Mathew Johnson, December 2007.

Arbitration Testimony in the Matter of *George Santana v. The New Santana Band* on behalf of the Defendant regarding damages arising from alleged wrongful termination, February 16, 2006.

Trial Testimony in the Matter of *Public Works Contract Cases, City of San Francisco, et. al. v. William D. Spencer et. al. and F.W. Spencer & Son Inc., et. al. v. David Norman, et. al.* Judicial Council Coordination Proceeding No 4379, on behalf of defendant regarding evidence of discrimination in public contracting, November 14, 2005.

Deposition Testimony in the matter of *Carlos Torres et. al. v. Gristedes Operating Coporation et. al.*, United States Court Southern District of New York, Cas No. 04 CV 3316 (PAC) (ASP), October 25, 2005.

Expert Report of Mark Berkman in the matter of *Carlos Torres et. al. v. Gristedes Operating Coporation et. al.*, United States Court Southern District of New York, Cas No. 04 CV 3316 (PAC) (ASP), regarding a wages and hours claim on behalf of defendant, October 11, 2005.

Deposition Testimony in the Matter of *Public Works Contract Cases, City of San Francisco, et. al. v. William D. Spencer et. al. and F.W. Spencer & Son Inc., et. al. v. David Norman, et. al.* Judicial Council Coordination Proceeding No 4379, October 7, 2005.

Declaration of Mark P. Berkman PhD, in the matter of *Public Works Contract Cases, City of San Francisco, et. al. v. William D. Spencer et. al. and F.W. Spencer & Son Inc., et. al. v. David Norman, et. al.* Judicial Council Coordination Proceeding No 4379, June 10, 2005.

Trial Testimony of Mark P. Berkman in the matter of *Barbara Niesendorf v. Levi Strauss & Company* on behalf of the defendant, regarding alleged wrongful termination. San Francisco, CA, June 10, 2004.

Deposition Testimony of Mark P. Berkman in the matter of *Barbara Niesendorf v. Levi Strauss & Company* on behalf of the defendant, regarding alleged wrongful termination. San Francisco, CA, April 29, 2004.

Deposition Testimony of Mark P. Berkman in the matter of *Michelle Hamamura v. Kelly-Moore Paint Company, Inc.* on behalf of the defendant, regarding alleged gender discrimination. San Jose, CA, February 12, 2004.

Trial Testimony of Mark P. Berkman in the matter of *Willard E. Kopetski v. Chevron Corporation et al.*, Superior Court of the State of California in and for the County of San Francisco, on behalf of defendant Chevron Corporation, regarding alleged wrongful termination. San Francisco, CA, January 21, 2004.

Expert Report in the matter of *Michelle Hamamura v. Kelly-Moore Paint Company, Inc.* in the United States District Court, Northern District of California, on behalf of defendant Kelly-Moore Paint Company, Inc. January 20, 2004.

Trial Testimony in the matter of *National Association for the Advancement of Colored People, et al. v. The State of Florida Department of Corrections, et al.*, In the United States District Court for the Middle District of Florida, Ocala Division, on behalf of the plaintiffs. Ocala, Florida, November 12–13, 2003.

Expert witness report of Mark P. Berkman, Ph.D., filed in the matter of *Jeri Hewitt v. Amerigas Propane, Inc.*, calculating damages estimates on behalf of the defendant with regard to alleged wrongful termination. November 5, 2003.

Supplemental expert report of Mark P. Berkman filed in the matter of *National Association for the Advancement of Colored People, et al. v. The State of Florida Department of Corrections, et al.*, In the United States District Court for the Middle District of Florida, Ocala Division, on behalf of the plaintiffs. October 20, 2003.

Trial Testimony in the matter of *Daniel Millar v. San Francisco Bay Area Rapid Transit District*, Superior Court for the State of California, for the County of Alameda, on behalf of San Francisco Bay Area Rapid Transit District, regarding alleged wrongful termination. Oakland, CA, October 8–9, 2003.

Deposition Testimony of Mark P. Berkman in the matter of *Willard E. Kopetski v. Chevron Corporation et al.*, Superior Court of the State of California in and for the County of San Francisco, on behalf of defendant Chevron Corporation, regarding alleged wrongful termination. San Francisco, CA, August 18, 2003.

Rebuttal Report of Dr. Mark P. Berkman in the matter of *Mark J. True v. Allstate Insurance Company et al.*, United States District Court, Eastern District of California, on behalf of the defendant. Report filed July 9, 2003.

Expert Witness Report of Dr. Mark P. Berkman in the matter of *Mark J. True v. Allstate Insurance Company et al.*, United States District Court, Eastern District of California, on behalf of the defendant, outlined proper methods for damage calculation. Report filed June 18, 2003.

Deposition Testimony in the matter of *Daniel Millar v. San Francisco Bay Area Rapid Transit District*, Superior Court for the State of California, For the County of Alameda, on behalf of San Francisco Bay Area Rapid Transit District, regarding alleged wrongful termination. Walnut Creek, CA, April 3, 2003.

Expert Witness Report in the matter of *Alpheus Ray Brokaw v. Qualcomm, Inc.*, U.S. District Court, Southern District of California, on behalf of Qualcomm, Inc. regarding alleged wrongful termination. Report filed January 23, 2003.

Deposition Testimony and Trial Testimony in the matter of *Lannie Staniford v. Acordia Inc., Acordia of California Insurance Services, Robert DeValle, James Wells, Wells Fargo and Company, and DOES 1 through 20 inclusive*, in the Superior Court of the State of California, in and for the County of San Francisco, on behalf of defendant Acordia, Inc. regarding alleged wrongful termination. Deposition December 23, 2002; Trial Testimony January 13, 2003, both in San Francisco, CA.

Deposition of Mark P. Berkman before the U.S. District Court, Southern District of California, in the matter of *Durante et al. v. Qualcomm, Inc.* on behalf of Qualcomm, Inc. regarding alleged age-based termination. San Diego, CA, December 10, 2002. Declaration filed in San Diego, CA, November 6, 2002.

Trial Testimony on behalf of the NAACP in the matter of *NAACP v. State of Florida Department of Corrections*, U.S. District Court, Middle District of Florida, Ocala Division regarding statistical evidence of race discrimination in the promotion, training and discipline of black corrections officers, Ocala, Florida, November 6, 2002.

Expert Testimony on behalf of the NAACP in the matter of *NAACP v. State of Florida Department of Corrections*, U.S. District Court, Middle District of Florida, Ocala Division regarding the adequacy of available data for statistical analysis. Ocala, Florida, September 14, 2001.

Trial Testimony of Mark P. Berkman in the matter of *Dawn Goodman v. City of San Jose* before the Superior Court of the State of California on behalf of the City of San Jose regarding economic damages related to alleged wrongful termination, San Jose, CA, August 16, 2001.

Deposition of Mark P. Berkman in the matter of *Victoria Aguinaldo Boudakian v. Avco Financial Services, et al.* Testimony before the United States District Court for the Eastern District of California on behalf of Avco Financial Services, regarding alleged gender-based pay discrimination and termination, Oakland, CA, June 19, 2001.

Trial Testimony of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra Costa et al.*, before the U.S. District Court for the Northern District of California, on behalf of Contra Costa County regarding the utilization of minority- and women-owned firms by the County, June 18, 2001.

Affidavit of Mark P. Berkman in the matter of *National Association for the Advancement of Colored People, et al. v. State of Florida Department of Corrections, et al.*, to examine the Florida Department of Corrections data regarding the hiring and promotion of staff and analyze it for evidence of race and gender discrimination, April 4, 2001 and September 13, 2000.

Deposition of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra Costa et al.*, regarding comments on reports filed by plaintiff's experts, February 16, 2001.

Deposition of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra Costa et al.*, regarding the calculation of the utilization of minority- and woman-owned firms in professional services and purchasing by the County, October 17, 2000 and July 18, 2000.

Amended Declaration of Mark P. Berkman in the matter of *Lucy Sales et al. v. County of Contra Costa et al.*, to calculate the utilization of minority- and woman-owned firms in professional services and purchasing by the County, September 19, 2000 and July 14, 2000.

"A Statistical Analysis of Coaches' Salaries at California State University, Fresno. Prepared with Michael Liu, (Confidential), March 2000.

"A Statistical Analysis of Fair Lending." Prepared with Anthony Yezer and Stuart Gabriel, (Confidential), January 1999.

"The Availability of Minority and Woman-Owned Businesses for the Southern California Regional Rail Authority." Prepared at the request of the Southern California Regional Rail Authority, December 1996.

Testimony before the California Public Utilities Commission, on behalf of The Joint Utilities Subcommittee, consisting of 12 California utilities, regarding NERA's study to estimate the availability of service disabled veteran-owned establishments within the geographic and product markets from which the California utilities purchase goods and services, October 17, 1996.

"California Disabled Veteran Business Enterprise Availability Study." Prepared for The Joint Utilities Subcommittee, consisting of 12 California utilities, October 15, 1996.

"An Analysis of the Utilization and Availability of Minority and Woman-Owned Businesses in the Los Angeles Metropolitan Area." Prepared with D. Evans et al., March 7, 1996.

"The Oregon Health Plan Economic Impact Analysis for the Employer Mandate." Prepared with John Gaisford et al. for the Oregon Office of the Health Care Administrator, February 10, 1995.

"The Economic Impact of Health Care Reform in Arizona." Prepared for the Arizona Affordable Health Care Foundation, February 8, 1994.

"The Utilization of Minority and Women-Owned Business Enterprises by Member Agencies of the Regional Transit Association." Prepared with D. Evans et al., May 1993.

“The Utilization of Minority and Woman-Owned Business Enterprises by the San Francisco Redevelopment Agency.” Prepared with D. Evans et al., April 1993.

“The Utilization of Minority and Woman-Owned Business Enterprises by the City of Hayward.” Prepared with D. Evans et al., March 1993.

“Economic Implications of *Los Angeles Times* Job Fair-Related Activities.” Prepared with Richard T. Rapp, on behalf of the *Los Angeles Times*, October 27, 1992.

Declaration on behalf of San Francisco Bay Area Rapid Transit District in *RGW Construction, Inc. San Francisco Bay Area Rapid Transit District, et al.*, regarding evidence of discrimination against minority contractors in the Bay Area, October 8, 1992.

“The Utilization of Minority and Woman-Owned Business Enterprises by Alameda County.” Prepared with D. Evans et al., June 1992.

“The Utilization of Minority and Woman-Owned Business Enterprises by Contra Costa County.” Prepared with D. Evans et al., May 1992.

Intellectual Property

Deposition Testimony in the matter of *Quickie LLC v Greenberg Traurig et.al*, United States District Court Southern District of New York, 07Civ.10331 (RMB) (DFE), on behalf of plaintiffs, April 13, 2009.

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“Trends in Intellectual Property Litigation: What Do the Data Show?” NERA seminar, Minneapolis, Minnesota, October 2, 2000.

“Relevant Market Definitions in Intellectual Property/Antitrust Litigation,” at the Practising Law Institute Intellectual Property/Antitrust Seminar, San Francisco, California, July 20, 2000.

“Valuing Intellectual Property,” at the Intellectual Property in the New Millennium Conference presented by the North Dallas Chamber of Commerce, Dallas, Texas, April 25, 2000.

“Valuing Intellectual Property Assets for Licensing Transactions,” at the Insight Conference, “Negotiating and Drafting Licensing Agreements,” San Francisco, California, March 23, 2000.

“What Do We Know About Patent Litigation? State of the Art in Economics Research” NERA Breakfast Seminar, Menlo Park, California, February 11, 2000.

“What Approach Should You Take for Calculating Reasonable Royalties,” NERA Luncheon Seminar, Los Angeles, California, January 2000.

“Zero Waste: A Detour on the Road to Rational Waste and Environmental Policy,” California Resource Recovery Association, San Francisco, California, June 8, 1999.

“Modern Methods for the Valuation of Intellectual Property,” NERA Breakfast Seminar, Menlo Park, California, April 22, 1999.

“The Economics of Acceptable Non-Infringing Alternatives,” NERA Breakfast Seminar, San Francisco, California, December 9, 1998.

“Estimating Damages in Antitrust Cases: Lessons From Kodak,” before the American Bar Association, Antitrust Section, Spring Meeting, April 1998.

“Damage Issues in High Technology Industries,” NERA Breakfast Seminar, Menlo Park, California, November 13, 1997.

“Merger Analysis in High Tech Industries” before the American Bar Association Intellectual Property Section, San Francisco, California, August, 1997.

“Costs and Benefits of Ergonomics Regulations,” Managing Ergonomics in the 1990s Conference, Cincinnati, Ohio, June 18, 1997.

“The Use and Abuse of Statistics in Mortgage Lending Discrimination Cases,” NERA Luncheon Seminar, Chicago, Illinois, June 1996.

“Two Myths Exposed: Why Losses Don’t Go On Forever and Why Plaintiffs Actually Should Find Employment,” NERA Luncheon Seminar, San Francisco, California, April 24, 1996.

“Environmental Policy and Utility Deregulation”, Advanced Workshop in Regulation and Public Utility Economics 14th Annual Conference, Newport, Rhode Island, May 25, 1995, sponsored by Rutgers University.

“Electric Utility Restructuring and Electricity Demand: Implications for the Nuclear Industry,” The Fuel Cycle 95 Conference, San Diego, California, April 3, 1995, sponsored by the Nuclear Energy Institute.

Discussant, Seventh Annual Western Conference/Advanced Workshop in Regulation and Public Utility Economics sponsored by the Rutgers Graduate School of Management Center for Research in Regulated Industries, San Diego, California, July 8, 1994.

Guest lecturer, “Applied Economics of Solid Waste,” course at University of California at Berkeley, March 19, 1994.

“Solid Waste Disposal Pricing: The Role of Social Costs,” 11th Annual Recycling Congress, National Recycling Coalition, Nashville, Tennessee, October 14, 1993.

“Incorporating Environmental Adders into Utility Resource Planning: A Status Report,” Electric Utility Business Environment Conference, Denver, March 17, 1993.

Panel member, “Solid Waste: Refuse or Resource” Conference, sponsored by the Global Cities Project, San Francisco, October 23, 1992.

“Incorporating Environmental Externalities into Utility Resource Planning,” Electric Utility and the Environment Conference, Chicago, September 24, 1992.

“Incorporating Environmental Externalities into Utility Planning,” Western Economic Association International Conference, July 12, 1992.

“Solid Waste Economics: Theory and Practice,” University of California at Berkeley, February 12, 1992.

“Economic Impacts of VOC Emissions Control on the Furniture and Cabinet Industries,” presented to the National Air Pollution Control Techniques Advisory Committee, Durham, North Carolina, November 21, 1991.

“Substituting Economics for Politics: Towards a Rational Water Allocation System,” San Francisco City Club, June 4, 1991.

“Pricing Solid Waste and Recycling,” seminar entitled The End of the Garbage Era: The Growth of Recycling in a Time of Fiscal Frugality, sponsored by The Northern California Recycling Association, Oakland, California, May 8, 1991.

“Recycling and Solid Waste Management: Market vs. Regulatory Approaches,” Fresh Thinking on Urban Issues: A Market Oriented Approach, Conference sponsored by The Reason Foundation, Los Angeles, California, September 17-18, 1990.

“The Economics of Waste or The Waste of Economics,” Trash 2000 Conference, sponsored by Claremont College Rose Institute of State and Local Government, Claremont, California, April 4, 1990.

“Generating Capacity Shortages and the Consequences for Economic Development,” 1990 Electric Utility Business Environment Conference, Denver, Colorado, March 8, 1990.

Panel member, “Natural Gas and the Environment” Conference, sponsored by Gas Daily, Washington, D.C., January 18, 1990.

“Estimating Natural Resource Damages Following *State of Ohio v. United States Department of Interior*,” presented at NERA Environmental Seminar Luncheon, San Francisco, California, January 16, 1990.

“Pricing Solid Waste Disposal at Marginal Cost: The New York City Experience,” presented to the Fifth International Conference on Solid Waste and Secondary Materials, Philadelphia, Pennsylvania, December 7, 1989.

“The Economic Impacts of Wood Dust Regulations,” presented to the Health Issues in the Forest Products Industry: Their Identification and Control Conference, Kissimee, Florida, October 31, 1989.

“Air Quality Regulations and Electricity Demand,” presented to the Energy and the Environment Conference, Denver, Colorado, September 12, 1989.

“The Economic Impact of Tribal Taxation,” presented to the Symposium on Tribal Taxation Within Indian Country, Sundance, Utah, November 10, 1988.

“The Underpricing of Landfills,” New York, NY: Third Annual Conference on Solid Waste Management and Materials Policy, February 1987.

“Conservation and Cogeneration: The Utilities’ Friends or Foes,” presented at the NERA Electric Utility Conference, Surviving an Era of Changing Regulation, February 1986.