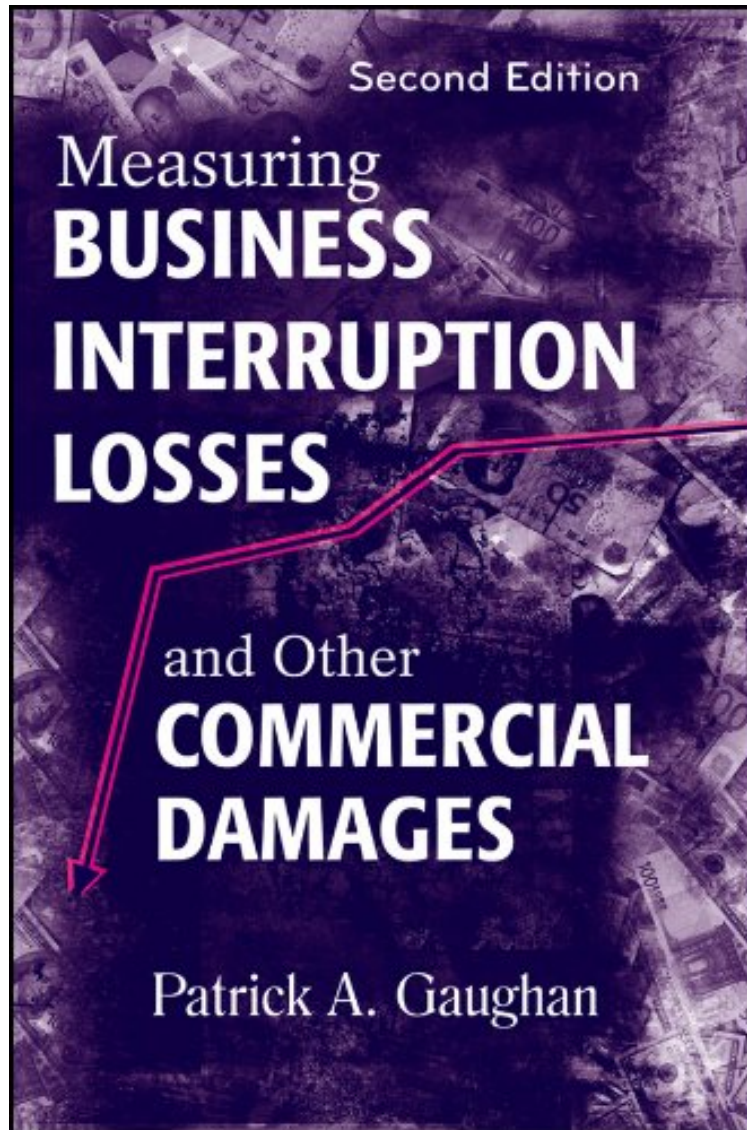


(Download pdf) Measuring Business Interruption Losses and Other Commercial Damages

Measuring Business Interruption Losses and Other Commercial Damages

Patrick A. Gaughan

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Patrick A. Gaughan : Measuring Business Interruption Losses and Other Commercial Damages before purchasing it in order to gage whether or not it would be worth my time, and all praised Measuring Business Interruption Losses and Other Commercial Damages:

0 of 0 people found the following review helpful. Very intense but helpfulBy Dan S. RamseyWhile a very intense book which expects a high level of technical understanding, Business Interruption Losses and Other Commercial Losses is very helpful and useful.11 of 11 people found the following review helpful. Unintended benefitsBy Mike

TarraniI discovered this book after reading "A Guide to Forensic Testimony" (ISBN 0201752794), which is aimed at IT professionals. I had little interest in being an expert witness, but have been a witness in litigation and wanted to better understand the process. In my quest for another book I came across this one, and benefited from two levels - (1) I learned even more about rules of evidence, and expert testimony, and (2) discovered a methodology for computing values associated with business interruptions that have some potential to meet requirements of Rules 104(a) and (e), and 703 [Federal Rules of Evidence]. First, the material related to evidence and expert testimony - this book covers qualifications, expert roles and advice to the expert, and expert reports and admissibility of evidence with respect to economic, accounting and damages experts. More importantly, the author provides excellent advice on using experts from multiple disciplines, which is prudent given the complexity of measuring business interruption losses. The material about this aspect of the book is not only consistent with the book I cited above in general terms, but also went much deeper, and completely addressed the issues and factors associated with the subject from a legal point of view. The second aspect of this book, the methodologies for analyzing loss attacks the problem from multiple angles, which can be aggregated or tailored to the legal theory of a particular case. The angles include an economic framework for the lost profits estimation process, and how to conduct a business interruption loss analysis. The book goes into more depth with a comprehensive description for conducting an industry analysis, especially with respect to relating overall industry growth to the plaintiff's growth, and in-depth chapters on projecting lost revenues and cost analysis and profitability. The methodologies alone or in total are complete, and should meet and Rule 104(a), (e), or Rule 703 test (i.e., "Daubert" issues). Unintended benefits from this book came in the methodologies. I am an IT consultant who specializes in service management, which encompasses business continuity and system availability, among other things. The methodologies, I discovered, can be as easily applied to a proactive approach to determining cost of system unavailability of company-critical systems as they can be in determining after-the-fact losses. This allows realistic impact analyses that show costs, trade-offs and affects on the loss of critical systems. Not so coincidentally, this same data can be used in court to show prior due diligence if losses do occur based on third-party breaches of contracts or warranty issues. More importantly, even though this book was written before the Sarbanes-Oxley Act, the methodologies given in this book can be used to validate compliance with certain sections of the act, most notably 404 (also, to a degree, 302, 409 and 906). Overall, this book is one of the best professional investments I've made - and the reasons for it are purely serendipitous. 1 of 4 people found the following review helpful. Happy with my purchase By Claudia Brambilla RmzI am happy with my purchase; the information is indeed useful and the service was of great quality.

An updated explanation of the methodology for how lost profits should be measured Now fully revised and updated, focused on commercial litigation and the many common types of cases, this is the only book in the field to explain the complicated process of measuring business interruption damages. The book features an easy to understand and apply, step-by-step process for how losses should be measured so as to be accurate and reliable and consistent with the relevant laws. With a new chapter on the economics of punitive damages, the new edition also explains detailed methods for measuring damages in contract litigation, intellectual property lawsuits, antitrust, and securities cases. This new Second Edition incorporates the latest developments in the fields of economics and accounting, while also integrating the most current changes in case law. Here's what you will find Each chapter includes new materials and updated content Added websites for sources of data Includes a website for updated tables that can be utilized by readers A section of the new cases involving Daubert challenges to economists Includes methods on how to do industry research A new section covering the equity risk premium and the various recent research studies, which set forth the debate on what the premium should be Containing exhibits, tables, and graphs, new cases involving Dauber, how to do industry research, equity risk premium, research studies on the marketability discount, anti-trust, punitive damages, and more, Measuring Business Interruption Losses and Other Commercial Damages, Second Edition incorporates the relevant literature and research that has come out in this field over the past four years.

"An updated explanation of the methodology for how lost profits should be measured. Now fully revised and updated, focused on commercial litigation and the many common types of cases, this is the only book in the field to explain the complicated process of measuring business interruption damages. The book features an easy to understand and apply, step-by-step process for how losses should be measured so as to be accurate and reliable and consistent with the relevant laws." (AccountingWEB.com, February 1, 2010) From the Inside Flap The past few decades have seen the dramatic growth of litigation economics. It is now a multidisciplinary field practiced by accountants, insurance adjusters, other insurance professionals, attorneys, and economists. Despite the field's expansion, there has been no single reference that offers these professionals a comprehensive, methodological framework for how to analyze business interruption losses—until now. Clearly written, nontechnical in tone, and broad in scope, Measuring Business Interruption Losses and Other Commercial Damages applies a standardized framework to a vast and complex field. The book's self-contained chapters provide a solid introduction to specialized topics that will prove indispensable when there's a need to partner with other practitioners. This approach enables attorneys, for example, to work with

economists and accountants, and, if necessary, challenge their findings; attorneys will also learn how damages should be measured, helping them form nonspeculative opinions. Similarly, the book's presentation will also allow accountants to become conversant enough in economic topics to perform economic analyses on their own, or work efficiently as a team with economists. *Measuring Business Interruption Losses and Other Commercial Damages* begins with an informative survey of the commercial damages analysis field, covering such relevant topics as how to find an expert on economic damages as well as legal damage principles. It then delivers up-to-date insights on macroeconomic analysis for measuring commercial damages, conducting an industry analysis, projecting lost profits, discounting and the time value of money, business valuation, intellectual property—related damages, securities damages, antitrust concerns, punitive damages, and more. Whether you want to build your own practice in the analysis of economic damages or simply learn how to optimize your partnership with its various litigation support practitioners, you can turn to *Measuring Business Interruption Losses and Other Commercial Damages*, a major contribution to the literature of this emerging, multifaceted field.

From the Back CoverThe definitive guide to success in business interruption litigation Whether they result from a business interruption or other corporate events, commercial damages are often difficult to measure. The process can be complicated, with millions of dollars at stake for claimants and/or plaintiffs, as well as insurance companies and defendants—all of whom must rely on accurate calculations of losses that will hold up in negotiation or litigation. A must for accountants, insurance adjusters and other insurance professionals, attorneys, and economists, *Measuring Business Interruption Losses and Other Commercial Damages* helps you navigate the complexities of this interdisciplinary field. Here, you'll find overviews of research and practices in subfields of economics, giving you points of reference that you can use in working with a team of professionals. The book also applies a much-needed, cohesive framework to the study of forensic economics: the first half of the book reviews damages resulting from the interruption of a business's operations; subsequent chapters then discuss related types of commercial damages. *Measuring Business Interruption Losses and Other Commercial Damages* is your blueprint for expertly analyzing business interruption losses—and, ultimately, success in your practice.