

At A Glance

## Statistical Sampling and Data Analysis

### Overview

NERA's Statistical Sampling and Data Analysis Group provides rigorous design and implementation of both simple and complex sample designs and analysis of the resulting data to address issues in mass torts, product liability, insurance allocation, intellectual property, antitrust, and labor litigation. Our extensive experience in sampling allows us to design cost effective sampling plans and then analyze the resulting data to make precise and accurate statements about the larger population from which the samples are drawn. We have applied sampling techniques to a wide range of large bodies of data including invoice histories, financial transactions, allegedly defective products, insurance claims, buildings or construction sites, households, and potential class members. Properly constructed samples can provide important and defensible information about large populations of people, products, buildings, or events.

#### Our capabilities include:

- Evaluation of the proper definition of the population relevant to the litigation.
- Review and evaluation of the available data (e.g., lists of names and addresses, invoices, transactions information, claims, and products sales information) for purposes of sampling.
- Design of sampling procedures to generate precise and accurate descriptions of the population.
- Actual drawing of samples from the relevant sampling lists.
- Development of appropriate sampling weights to correct for disproportionate sampling in subgroups.
- Analysis of characteristics of the samples relative to the population to evaluate potential sampling bias.
- Computation of the appropriate confidence intervals and precision of estimates of population characteristics.
- Reviewing and critiquing statistical samples submitted into evidence.

### Key Areas of Application of NERA's Statistical Sampling Expertise

#### Mass Torts and Product Liability

NERA has designed samples for use in class actions, construction defects, product liability, insurance disputes, asbestos, and other health-related claims. Examples include developing samples of homes to test building products, samples of food products to test for contamination, samples of windows to test for leakage, samples of sales records to estimate total sales, samples of health injury claims to estimate the rate of correct documentation of claims, and samples of potential class members to conduct surveys.

### **Intellectual Property**

Our experts have designed samples of products to estimate what percentage is infringing on trademarks, copyrights, or patents. These have included a wide range of products and sales channels. For example, we have developed samples of types of eyeware sold throughout the US, samples of music played on radio stations across the US, samples of video clips on the web, and samples of items sold on eBay. We have experience in sampling from more traditional “brick and mortar” locations, as well as developing reliable methods to sample accurately from the Internet.

### **Labor Litigation**

Our statisticians have designed research addressing issues of discriminatory promotion and hiring practices in a number of EEOC-related cases. We have presented evidence on the statistical reliability of race, gender, and age-based hiring and promotion practices in a number of industries. We have also presented evidence related to litigation on meals and breaks, and designed and implemented samples used to understand corporate and employee practices related to these issues.

### **Antitrust**

NERA’s experts have designed samples used in matters ranging from unfair competition cases to merger cases. We have designed samples demonstrating audience share and royalty payments and the country of origin for manufactured goods. In cases of “steering,” we have sampled service contracts and service center calls to determine what share of consumers received their preferred choice. We have presented evidence before both the FTC and European Commission in a number of matters.

## **About NERA**

NERA Economic Consulting ([www.nera.com](http://www.nera.com)) is a global firm of experts dedicated to applying economic, finance, and quantitative principles to complex business and legal challenges. For over half a century, NERA’s economists have been creating strategies, studies, reports, expert testimony, and policy recommendations for government authorities and the world’s leading law firms and corporations. We bring academic rigor, objectivity, and real world industry experience to bear on issues arising from competition, regulation, public policy, strategy, finance, and litigation.

NERA’s clients value our ability to apply and communicate state-of-the-art approaches clearly and convincingly, our commitment to deliver unbiased findings, and our reputation for quality and independence. Our clients rely on the integrity and skills of our unparalleled team of economists and other experts backed by the resources and reliability of one of the world’s largest economic consultancies. With its main office in New York City, NERA serves clients from more than 20 offices across North America, Europe, and Asia Pacific.

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