

Kenneth D. Gartrell, Ph.D.
Founder and Senior Partner



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SUMMARY

Ken Gartrell is an economist, scholar, teacher, author and consultant. His work is multi-disciplinary including the fields of finance economics, accounting and organizations.

PROFESSIONAL EXPERIENCE

BACK BAY ECONOMICS, LLP

(September 2007 -present)
Boston, MA
Founder and Senior Partner

LECG, LLC (August 2003-September 2007)

Cambridge, MA
Managing Director

The Brattle Group (October 1998- July 2003)

Cambridge, MA
Senior Advisor (December 2001-July 2003)
Principal (October 1998-December 2001)

Putnam, Hayes & Bartlett, Inc. (December 1994-September 1998)

Cambridge, MA
Principal

The University of Rochester (January 1989-December 1994)

William E. Simon Graduate School of Business Administration
Rochester, NY
Adjunct Faculty

Rochester Institute of Technology (September 1987-June 1993)

Rochester, NY
Associate Professor of Accounting, Finance and Management

The University of Akron (September 1982-June 1987)

Akron, OH
Assistant Professor of Management

Baldwin-Wallace College (September 1982-March 1984)
Berea, OH
Assistant Professor of Business Administration

Ernst & Ernst (May 1975-April 1982)
Akron, Cleveland and National Offices
Cleveland, OH
Senior Manager

Peat, Marwick, Mitchell and Co. (November 1974-April 1975)
Cleveland, OH
Audit Staff

EDUCATION

Ph.D. Business Administration
Graduate School of Management
Kent State University, 1989
Kent, OH

Dissertation: "Corporate Strategies for Competitive Advantage: The Combined Effects of Operating and Financial Activities on Shareholder Wealth."

Select Academic Recognition

Glueck Award for the best paper, *Congressional Politics and Corporate Mergers*, in the Business Policy and Planning Division at the 1986 National Meetings of the Academy of Management.

Invited participant in the New Faculty Colloquium for the Business Policy and Planning Division at the 1989 National Meetings of the Academy of Management.

Further Degrees

M.B.A. Finance
William E. Simon Graduate
School of Business Administration
University of Rochester, 1992
Rochester, NY

M.A. Economics
Graduate School of Management
Kent State University, 2008
Kent, OH

M.S. Accounting

Graduate School of Management
Kent State University, 1975
Kent, OH
Beta Gamma Sigma
Beta Alpha Psi

B.G.S. Concentrations in
Business & Economics,
Mathematics, Psychology, English and
International & American Politics

College of Arts & Sciences
Kent State University, 1973
Kent, OH

C.P.A.

Ohio license no: 04-3-09336
Mass license no: 20796

PUBLICATIONS

Weblog: <http://www.kengartrell.com/blog/>

"In Search of Excellence in the Strategic Management of Law firms; A time series and cross sectional study of organization structure and economic performance among America's largest 100 Law Firms." Working paper in process.

"The Flow of Private Equity Finance into Litigation Projects." Working paper in process.

"New Economy Litigation: Claims to Intellectual Property

"The Economics and Financial Theory in Support of Damages, Claims and Causation for the Deepening of Insolvency Litigation." Working papers in process.

"Federal Reserve Policy, Market Collapse and Regulatory Political Opportunism: reasons for the collapse of the NASDAQ and subsequent financial crises." Working papers in process.

"Changing Face of Loss Causation; An assessment of District Court and Appellate findings in securities class actions pre and post Dura ruling of the US Supreme Court." Working paper in process.

"White Collar Crime: The case against criminalization of innovative and productive managerial behavior with existing civil remedies; a view of the dysfunctions brought on by unbalanced regulation and prosecutorial coercion." Working paper in process.

The State of Racial Politics in America with Implications for 2008 Elections and Near Term Political Alignments: An economic/organizational analysis." Working paper in process.

Human Capital in a Global Institutional Environment Changing at the Speed of Thought," with Mark Sarro and Jürgen Weiss, International Society of New Institutional Economics, September 2001.

"Succeed in the New Economy: Bust the Fed's Bubble". Strategic Research Institute's Valuing New Economy Companies III, New York, NY (April 18-19, 2001).

"Become an Expert at Choosing Experts: Five Rules You Should Use in Healthcare Qui Tam Cases Because Your Opponents Will." ABA Tips Newsletter on Law & Medicine. Spring 2001.

Employee Ownership, Corporate Strategy and Economic Performance. National Conference of the Foundation For Enterprise Development, San Diego CA (1993).

Mergers and Political Conditions. 1991 Annual Meetings of the Midwest Finance Association. St. Louis, Missouri.

"Industry Specialization, Innovation and Shareholder Value." California Management Review (1990).

Economic and Accounting Performance Differences Between Frequently-Acquiring Diversifiers and Industry-Dominant Companies. 1990 Southern Finance Association Conference.

Diversification, Innovation and Shareholder Value. For the 1989 International Strategic Management Society Conference. San Francisco, California.

Executive Preferences, Strategy Content and Merger Frequency: Empirical Findings Encouraging a Positive Theory of Corporate Diversification. For the 1989 International Strategic Management Society Conference. San Francisco, California.

"The Political Climate and Corporate Mergers: When Politics Affects Economics." Western Political Quarterly (1988), with T. Yantek.

Business Mix and Corporate Strategy. For the 1987 International Strategic Management Society Conference. Boston, Massachusetts, with Melcher.

"Leading Strategies: The Tradeoffs of Financial, Production and Marketing Activities." The Handbook of Business Strategy: The 1986/1987 Yearbook. Warren, Gorham & Lamont, New York (1986), with Melcher & Aragoyswamy.

Congressional Politics and Corporate Mergers. Best Papers Proceedings. National Academy of Management Conference (1986), with Yantek.

Political Conditions and Corporate Mergers. 1986 National Conference of the American Political Science Association, with T. Yantek.

Strategy and Performance of Multi-Business Companies. 1985 International Conference of the Strategic Management Society. Barcelona, Spain.

A Model of Corporate Performance Under Varying International Reporting Standards and Economic Conditions. Proceedings. Midwest Institute of Decision Science (1985)

Theory of the Banking Firm: An Analysis of the Additivity and Substitutability of Current Empirical Research. 1984 Southern Finance Association Conference. Atlanta, Georgia.

The Effects of Accounting and Accountants on Corporate Policy. 1984 International Conference of the Strategic Management Society. Paris, France.

TESTIMONY

Expert Report of Dr. Kenneth D. Gartrell in re: *Irwin J. Barkan & D&D Barkan, LLC vs. Dunkin' Donuts, Inc. & Baskin-Robbins USA, Co.* Civil Action No. 05-50-L in the United States District Court for the District of Rhode Island (July 2008).

Testimony of Dr. Kenneth D. Gartrell in re: *Southeast Regional School District vs. KPMG, LLC, Brock Romano and Lon Compton.* Civil Action No. 03-3588-E in the Superior Court Department of the Trial Court of the Suffolk County Division for the Commonwealth of Massachusetts (June 2008).

Testimony of Dr. Kenneth D. Gartrell in the NYSE arbitration *Frank H Suits et. al. v. Merrill Lynch Fenner and Smith, Inc.* NYSE No: 2006-016588. Rochester, New York (May 2008).

Testimony of Dr. Kenneth D. Gartrell in *United States of America v. Hafiz Muhammed Zubair Nassem.*, Indictment 07 Cr., in the United States District Court for the Southern District of New York (December 2007).

Affidavit of Dr. Kenneth D. Gartrell in re: Tyco International, Ltd., Securities Litigation, MDL Docket No. 02-1335-B relating to Civil Action No. 02-266-PB in the United States District Court for the District of New Hampshire (October 2007)

Damaged Shares and Aggregate Damages Report and Exhibits of Dr. Kenneth D. Gartrell, Presented to Stichting Shell Reserves Compensation Foundation, in re: Royal Dutch / Shell Transport Securities Litigation (April 2007).

Deposition of Dr. Kenneth D. Gartrell in re: *Amcast Automotive of Indiana, INC., And Amcast Industrial Corporation*, Chapter 11, Case No. 05-33322-FJO-11 in the United States Bankruptcy Court for the Southern District of Indiana (February 2007).

Expert Report of Dr. Kenneth D. Gartrell in re: *Lohmann & Rauscher Inc. v. YKK Inc.*, Case No. 05-2369-JWL in the United States District Court for the District of Kansas (December 2006).

Testimony of Dr. Kenneth D. Gartrell in re: *HID Corporation v. Newton International Management*, Given before American Arbitration Association, Case No. 11-181-00310-06 (December 2006).

Expert Report of Dr. Kenneth D. Gartrell in re: *Amcast Automotive of Indiana, INC., And Amcast Industrial Corporation*, Chapter 11, Case No. 05-33322-FJO-11 in the United States Bankruptcy Court for the Southern District of Indiana (September 2006).

Testimony of Kenneth D. Gartrell in re: *Waddell & Reed Financial Inc. Market Timing / Late Trading Investigation by the U.S. Securities and Exchange Commission and Office of the New York Attorney General* (September 2004).

Deposition of Dr. Kenneth D. Gartrell in re: *Airadigm Communications, Inc*, Chapter 11, Case No. 06-10930 in the United States Bankruptcy Court for the Western District of Wisconsin (August/September 2006).

Rebuttal Report of Dr. Kenneth D. Gartrell in re: *Airadigm Communications, Inc*, Chapter 11, Case No. 06-10930 in the United States Bankruptcy Court for the for the Western District of Wisconsin (August/September 2006).

Deposition Dr. Kenneth D. Gartrell in *Southeastern Regional Vocational Technical School District v. KPMG LLP, et al.*, Civil Action No. 03-3588-E, in the Superior Court Department of the Trial Court Suffolk Division for the Commonwealth of Massachusetts (July 2006).

Expert Report of Dr. Kenneth D. Gartrell in re: *Airadigm Communications, Inc*, Chapter 11, Case No. 06-10930 in the United States Bankruptcy Court for the for the Western District of Wisconsin (June 2006).

Testimony of Dr. Kenneth D. Gartrell in *L-3 Communications Corp. v. OSI Systems, Inc.*, Index No. 02 Civ. 9144 (DC), in the United States District Court for the Southern District of New York (May 2006).

Deposition of Dr. Kenneth D. Gartrell in *Blue Hills Office Park LLC v. J.P. Morgan Chase Bank, et al.*, Civil Action No. 05-CV-10506 (WGY), in the United States District of Massachusetts (April 2006).

Deposition of Dr. Kenneth D. Gartrell in *Barbara D. Williams, Daniel C. Farabee, and Carolyn J. Farabee v. Waddell & Reed Investment Management Company, et al.*, Case No. 04-450-CV-C-SOW, in the United States District of Missouri Central Division (April/June 2006).

Rebuttal Report of Dr. Kenneth D. Gartrell in *Blue Hills Office Park LLC v. J.P. Morgan Chase Bank, et al.*, Civil Action No. 05-CV-10506 (WGY), in the United States District of Massachusetts (March 2006).

Expert Report of Dr. Kenneth D. Gartrell in *Blue Hills Office Park LLC v. J.P. Morgan Chase Bank, et al.*, Civil Action No. 05-CV-10506 (WGY), in the United States District of Massachusetts (March 2006).

Expert Report of Dr. Kenneth D. Gartrell in *Barbara D. Williams, Daniel C. Farabee, and Carolyn J. Farabee v. Waddell & Reed Investment Management Company, et al.*, Case No. 04-450-CV-C-SOW, in the United States District of Missouri Central Division (March 2006).

Expert Report of Dr. Kenneth D. Gartrell in *Southeastern Regional Vocational Technical School District v. KPMG LLP, et al.*, Civil Action No. 03-3588-E, in the Superior Court

Department of the Trial Court Suffolk Division for the Commonwealth of Massachusetts (January 2006).

Testimony of Kenneth D. Gartrell in re: *Estate of Phyllis Johnson v. Melvin Rose, Inc., Johnson Corrugated Products Corp., and Randy Johnson, et al.*, Civil Action No. 2004-622-A, in the Superior Court Department of the Trial Court of Worcester Division for the Commonwealth of Massachusetts (December 2005).

Expert Report of Dr. Kenneth D. Gartrell in *S. Prestley Blake v. Friendly Ice Cream Corporation and Donald Smith*, Civil Action No. 03-3, in the Superior Court Department of the Trial Court Hampden Division for the Commonwealth of Massachusetts (December 2005).

Testimony of Kenneth D. Gartrell at Gate Gourmet Inc. interest arbitration under the Railway Labor Act, Washington D.C. (October 2005).

Expert Report of Dr. Kenneth D. Gartrell in re: *Welding Rod Products Liability Litigation*, Case No. 1:03-CV-17000, MDL Docket No. 1535, in the United States District Court for the Northern District of Ohio, Eastern Division (August 2005).

Testimony of Dr. Kenneth D. Gartrell in re: *Merek Rubin, individually and on behalf of Olympic Adhesives, Inc. v. John E. Murray, Jr., et al.*, in the Commonwealth of Massachusetts Superior Court, Civil Action No. 2000-433, Norfolk Superior Court (July 2005).

Deposition of Dr. Kenneth D. Gartrell in *L-3 Communications Corp. v. OSI Systems, Inc.*, Index No. 02 Civ. 9144 (DC), in the United States District Court for the Southern District of New York (July 2005).

Expert Report of Dr. Kenneth D. Gartrell in *L-3 Communications Corp. v. OSI Systems, Inc.*, Index No. 02 Civ. 9144 (DC), in the United States District Court for the Southern District of New York (June 2005).

Affidavit of Dr. Kenneth D. Gartrell in *S. Prestley Blake v. Friendly Ice Cream Corporation and Donald Smith*, Civil Action No. 03-3, in the Superior Court Department of the Trial Court Hampden Division for the Commonwealth of Massachusetts (June 2005).

Deposition of Dr. Kenneth D. Gartrell in *Kaiser Aluminum Corp., et al., Debtors*, Case No. 02-10429 (JKF), Chapter 11, in the United States Bankruptcy Court for the District of Delaware (March 2005).

Declarations (3) of Kenneth D. Gartrell in *United States v. Anne (Sandy) Batchelor-Robjohns, et al.*, Case No. 03-20164-Civ in the United States District Court for the Southern District of Florida, Miami Division (February 2005).

Testimony of Dr. Kenneth D. Gartrell in re: *Waste Management, Inc., et al. v. Danis Industries Corporation, Inc., et al.*, Case No. C-3-00-256 in the United States District Court for the Southern District of Ohio, Western Division (December 2004).

Deposition of Dr. Kenneth D. Gartrell in *United States v. Anne (Sandy) Batchelor-Robjohns, et al.*, Case No. 03-20164-Civ in the United States District Court for the Southern District of Florida, Miami Division (November 2004). Deposition of Dr. Kenneth D. Gartrell in *United States v. K-Sea Transportation Corporation and EW Holding Company*, Case No. 03-149T, in the United States District Court for the District of Rhode Island (November 2004).

Declaration of Dr. Kenneth D. Gartrell in *Kaiser Aluminum Corp., et al., Debtors*, Case No. 02-10429 (JKF), Chapter 11, in the United States Bankruptcy Court for the District of Delaware (October 2004).

Expert Report of Dr. Kenneth D. Gartrell in *United States v. K-Sea Transportation Corporation and EW Holding Company*, Case No. 03-149T, in the United States District Court for the District of Rhode Island (September 2004).

Declaration of Dr. Kenneth D. Gartrell in *re: Welding Rod Products Liability Litigation*, Case No. 1:03-CV-17000, MDL Docket No. 1535, in the United States District Court for the Northern District of Ohio, Eastern Division (September 2004).

Expert Report of Dr. Kenneth D. Gartrell in *United States v. Anne (Sandy) Batchelor-Robjohns, et al.*, Case No. 03-20164-Civ in the United States District Court for the Southern District of Florida, Miami Division (August 2004).