



## MARTIN CUNNIFF

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### **State Bar:**

District of Columbia

Maryland

### **Court Admissions:**

United State Supreme Court

U.S. District Court for the District of Columbia

U.S. Court of Appeals for the District of Columbia

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Tenth Circuit

### **Education:**

University of Florida School of Law, JD (with high honors)

Loyola University, BBA

For over thirty years, Mr. Cunniff has been involved in all types of big litigation including “on his feet” experience in dozens of trials, arbitrations, and regulatory hearings throughout the United States (and, at times, outside the United States). His legal career started when he was told in the sixth grade by the choir director that he likely was tone deaf but seemed smart, so he was being put on the debate team. He’s been successfully debating for his clients ever since. His varied litigation experience allows him to handle complex legal and economic analysis and his courtroom experience helps him present those arguments in a persuasive manner.

His practice includes antitrust litigation, intellectual property litigation, business litigation and class action litigation. He has thirty years of litigation experience including serving as chair of commercial litigation for the then largest litigation firm in the world for ten years. For twenty-two years, Mr. Cunniff was a member of the largest unfair trade and competition practice in the world. Later, he was chair of antitrust for a large law firm for five years.

Much of Mr. Cunniff's litigation experience has been as lead counsel in high-exposure cases involving complex analysis and procedural mechanisms. For example, he was lead counsel in the BCS Antitrust litigation with forced a college football playoff system and co-lead trial counsel in multi-week hearings before the Copyright Royalty Board to set the statutory royalty rates for digital music streaming. He also has been involved in a wide array of litigation including the largest gold mining fraud ever, the largest credit ratings cliff case, a high-profile international arbitration under the NAFTA treaty, several civil rights actions for the homeless citizens of Washington, D.C. and the first traffic study of the Internet.

Many of the cases Mr. Cunniff has litigated involved the use of complex economic or financial models to prove damages or set rates. He is the co-editor of *Calculating and Proving Damages* (Law Journal Press 2011-16), a leading treatise on damages. This treatise is unique because it reflects a collaboration between testifying experts and litigators, each of which bring their unique perspective to these critical issues.

Mr. Cunniff has extensive experience in teaching trial advocacy, including: training hundreds of litigators; instructing expert witnesses at the FBI Academy at Quantico, VA; speaking at the National Convention of FBI Accountants; being on the faculty at AICPA training programs for accounting and financial experts; and leading teams that won numerous national awards for training excellence including the American Society of Training and Development's "BEST" award. His work on competency models for law firms has been featured in a book published by the ABA. Mr. Cunniff has been selected to Super Lawyers (D.C.) for the last six years.

**Publications:**

*Calculating and Proving Damages*, Law Journal Press (2011-2016)