

The marketplace for business has a global footprint, characterised by international suppliers and customers that service multiple sectors in multiple jurisdictions.

When key commercial relationships break down businesses face uncertainty. Uncertainty in these cases is usually directly linked to the costs and outcomes of the matter at hand, but it can also extend to other areas, such as diverted management time, loss of reputation and business disruption. Our aim is introduce certainty, during uncertain times.

What we do

DWF Forensic is a team of qualified forensic accountants and investigators, with 'Big Four' accounting expertise and decades of relevant experience. Over the years we have assisted clients with the quantification or challenge of losses arising from business interruption; breach of contract; defamation; fire and water damage; breach of copyright and losses arising from personal injury

We have particular expertise in assessing and advising upon quantum in commercial disputes, the regulatory environment and insurance related claims. We help our clients to focus upon the likely costs and outcomes of any legal strategies from the outset. This facilitates appropriate decision making and helps our clients to reach satisfactory settlements, at the earliest opportunity.

Using decision trees in disputes

One area that the forensic team has developed, involves the use of decision trees during the dispute process.

Working collaboratively with all key stakeholders, which often includes several members of our client's management team, counsel and the legal team, we create decision trees that capture the likely costs and probable outcomes of various legal strategies, typically on a single page.

This approach facilitates an efficient and transparent means to identify key issues, costs and likely outcomes and to share that information amongst the key stakeholders. Then, by calculating weighted average outcomes, our clients are able make risk based decision in support of their objectives.

Key areas of our work

- Consulting; we work closely with our clients and their back office finance teams, to identify and preserve key evidence in support of commercial claims. Our early input provides a robust assessments of loss and likely damages that facilitate decision making and the legal strategy.
- Shadow expert; in the event that an independent expert is required to support our client's claims, we will assist with their identification and engagement. In addition, our early involvement reduces the cost of their input; narrows the issues and sharpens the scope of their involvement. We project manage their deliverables and support the quality of their findings through regular review and challenge, which mitigates the risk of unwelcome surprises arising during oral testimony.
- We support our clients by preparing calculations and evidential support for losses arising from breach of contract, breach of warranties or contract termination. We provide insight and challenge, where necessary, to those claims lodged against our clients.
- Throughout the life of a dispute and during settlement negotiations, we use decision trees that enable our clients to stay focused upon likely outcomes.
- We are able to quantify losses in connection with shareholder disputes.
- Assisting our insurance clients with the examination and challenge of claims arising from personal injury or fatality; business interruption or professional indemnity.
- We are also able to act as independent experts.

Our Work

- A UK based construction company was faced with various claims from its former client, the operator of a new luxury hotel. Amongst the claims was a substantial amount relating to loss of profits that the hotel operator attributed to necessary remedial works. A member of the team acted as the construction company's expert in the subsequent adjudication. As a result the claim was dismissed in its entirety by the Adjudicator.
- In an LCIA arbitration, one of our forensic accountants compiled a multi-million pound wasted costs counter-claim for a client that was sued for wrongful termination in connection to a technology contract. The counter-claim ran to several volumes of quantum tables and exhibits (and several thousand underlying records). Then, because our forensic accountant was tasked with acting in a shadow expert capacity, the defendant's independent expert was better prepared for meetings with the claimant's independent expert. The overall cost of the expert's input was substantially reduced as a result of this approach.
- In claims arising from the Buncefield Oil depot explosion in December 2005, a member of the forensic team supported various claimants that had lost millions of pounds, as a consequence of fire damage and increased costs of working. The claim calculations and the accompanying lost interest models, were agreed and fully satisfied following the defendant's loss adjusters detailed review.
- In an ICC arbitration, a client was party to various contracts connected to the operations of an oil pipeline in Africa. That pipeline, for a number of reasons, was rendered inoperable for several months and as a consequence, the client claimed lost profits. A member of team calculated the losses that flowed from this issue, which ran to several million dollars.
- At a mediation arising from a warranty dispute that arose over the sale of a ladies fashion business (and its subsequent

- underperformance); we successfully used decision trees to set out the likely costs and outcomes of pursuing the dispute through the UK Courts. This analysis enabled to the parties to agree to a full and final settlement.
- One of our clients was concerned that it was defending a speculative claim and that the claimant would be unable to satisfy an award for legal costs, if it was ordered to do so. We prepared a detailed report on the claimant's financial position in support of our client's security for costs application. Our report proved critical in bringing the claim to a swift conclusion.

Why DWF Forensic?

- Doing things differently, compared to traditional law firms, is a fundamental cornerstone of our approach. Our Forensic Accounting expertise supports clients from an early stage with the quantum aspects of claims, disputes and investigations
- Ours is a truly multi-disciplinary, privilege-protected service that makes the real difference and sets us apart from other firms.
- DWF Forensic charge their time on an hourly basis, providing 'Big Four' accounting firm expertise, without charging 'Big Four' rates. Our hourly rates mirror our lawyers' charges and consequently our skills and experience are often available at a substantial discount to those available via the open market.

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