

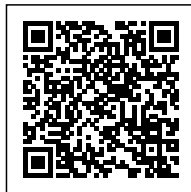
THE REQUIREMENT FOR PROPER EXPERT ANALYSIS - KPMG

Posted on 24/02/2008



Category: [Uncategorized](#)

Tag: [cat-disputeresolution](#)



In order to support an arbitration claim it is important that both the financial and economic analysis presented is both credible and justified, says Pablo Bernad Ramoneda, Head of KPMG's Europe Middle East and Africa Forensic Group. His experience tells him that as with any aspect of arbitration, it is fundamental that a party, or indeed the arbitrators themselves, are able to rely on an independent and professional analysis of a claim, and that it is presented in the best possible manner.

"In the vast majority of arbitration disputes what is ultimately at stake is a financial claim. But what clients demand is not merely the expertise to analyse a matter and establish an opinion on, for example, the relative merits of a disputed company valuation or damages quantum. You must also be able to robustly defend this position on paper and in person if called upon to do so."

A team of dedicated auditors, accountants, economists and technicians may spend many months

analysing a claim and producing a comprehensive report of their findings, he explains. "But this will mean nothing if the analysis is not sufficiently well-articulated, or if you are unable to justify and support your findings before a panel of arbitrators often selected by the parties for their very specialist expertise."

Bernard is clear however that in the decade since KPMG's 60-strong Madrid-based forensic group was established, there has been a significant upturn in both the expectations and expertise of the players involved in both domestic and international arbitrations.

"There will always be aspects of your own knowledge, or the spread of expertise of your team, that you may look to further develop but this of course takes time. But there has been a clear trend towards arbitration as a means of resolving disputes," he says.

But he emphasises that it is not enough to try to promote your services to capitalise on opportunities as they arise, such as those currently presented by a rise in Latin American disputes or those affecting the international oil and gas sector.

"If you are to bring real value to clients you have to truly dedicate yourself to these areas, to offer very specialist expertise, and to present a long-term and wider international view."

Pablo Bernad Ramoneda, socio director del grupo de expertos independientes de EMA en KPMG afirma que un análisis eficaz de un caso dependerá en gran medida de la calidad del trabajo realizado por los expertos llamados testificar y de su profesionalidad al presentar sus conclusiones.

Pablo Bernad is Managing Partner and Chairman of Forensic Europe, Middle East and Africa and can be contacted at pablobernad@kpmg.es