



Prepared to Walk Away

EVEN WINNERS IN DISPUTE CASES RARELY EMERGE WITH THEIR REPUTATION UNSCATHED. DISCRETION IS OFTEN THE BETTER PART OF VALOUR.

Large, complex feats of engineering can take years to complete. Sometimes contractual relationships can become strained over the life of a project, especially so if parameters have changed. Usually the parties involved in a project work to avoid conflicts and disputes. Being ready for a dispute, however, is half the battle. Such was the case with one of our clients undertaking a program of mega drillship projects costing billions of dollars.



BY JUAN HORRILLO
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Our client's project was nearing completion when a change in the prevailing conditions forced them to revisit their contracts specifications. Suspecting they were heading to arbitration, they mobilised their legal team, but they needed to be more certain of fundamental engineering and technical aspects that would affect the unit's operation. Although the situation had not yet reached a formal dispute resolution process, the complex nature of the potential claim needed early intervention by experts—and fast.

It wasn't the first time we'd assembled a team of experts for a dispute in short order. We knew that understanding the issues and working with the client and their lawyers to quickly identify the exact knowledge requirements was key to mobilising the right expertise to uncover

the facts, provide impartial opinions and inform the decision-making demands on our clients.

As is often the case, the project's manufacturing, construction and assembly sites spanned the globe. Logistics and deliverables planning and management were key. Within a few days we had assembled and mobilised a team of experts that included engineering, construction and project management professionals. All were experienced in their field and, crucially, court and tribunal tested.

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Our investigation team was transported seamlessly through Europe, Africa and South East Asia. Meanwhile, our delivery management and support team ensured that progress and interim findings were relayed efficiently to the client's lawyers. Reports were compiled and presented consistently and a data library of documents was maintained and easily referenced in support of our experts' findings and opinions.

In the end, the parties found an amicable solution to their differences avoiding the need for formal dispute resolution through arbitration proceedings.

So What?

Being able to quickly identify the right expertise, then assemble and autonomously manage a multi-expert team enabled our client to continue its operations with minimal disruption. The impartial investigations our experts conducted, and the opinions they set out, strengthened our client's position.

Liaising with our client's lawyers through a single interface made the whole process efficient, mitigating crosstalk and misunderstandings. Efficient deliverables management relieved the burden of coordination on our client's organisation and their lawyers, getting timely factual input into their hands.

Our investigation proved valuable to our client in reaching an amicable solution to the issues, thereby avoiding the cost, disruption and reputational damage of a potentially time-consuming arbitration. Having the right facts and independent insights in your back pocket gives you the confidence to convince the other party that a dispute can best be settled by other means.