



Seeing the Bigger Picture Or the (curious) case of the 'wrong' expert and the right outcome

"WE'RE LOOKING FOR A WELDING EXPERT," SAID ONE OF OUR LAW FIRM CLIENTS ON A CALL ONE BRIGHT MORNING. WE, OF COURSE, HAVE WELDING EXPERTS. HOWEVER, THE DESCRIPTION HE OUTLINED ABOUT THE ISSUES SUGGESTED A DIFFERENT EXPERT STRATEGY.



BY IRENA SPANOVIC,
GENERAL MANAGER

This was a high-value case involving repairs to crude oil storage tanks on a Floating Production and Storage and Offloading facility (FPSO) while it was operating. Dispute resolution lawyers are smart people and are the first to confess that they do not know everything, especially when key issues revolve around the technical or operational nature of plant, equipment and machinery. Which was the case here.

We gave our off-the-cuff thoughts to the lawyer on the phone and set up a meeting with the legal team. During the meeting, which brought together the partners and barristers involved, it became apparent that a welding expert was not going to (ahem) cut it. Rather than the services requested, the technical aspects of the case would be better served with an opinion from experts who had knowledge of the overall approach to these kinds of repair projects.

Such a person could talk to the technical aspects and also provide a view on the time and cost impacts from issues the FPSO owner had suffered during the work. All in all, a marked difference from the initial request.

We were retained to provide such a service and give expert testimony on the case's issues. After the usual process of expert reporting and meetings, the case culminated in a lengthy hearing at the London Court of International Arbitration (LCIA) when our experts gave evidence and were cross-examined.

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So What?

The case concluded favourably for the party that had retained our services. In the ruling, our experts were identified as those whose opinions the tribunal panel had relied on most to understand the technical aspects of the case and reach their verdict.

Had we taken the law firm on face value and supplied a welding expert as requested, only the particular welding issues would have been addressed and the outcome may have been different.

We have no doubt the legal team would have arrived at the need for a wider view of the technical landscape of the issues by themselves. But, without our intervention and suggestions, valuable time would have been lost.

Time that was required to fully investigate the issues and provide a strong factual basis for the expert opinions that were arrived at.

We have provided expert services to cases dealing with all manner of operational, project management and technical issues for nearly two decades. Sometimes, as was the case here, it makes sense to engage those who provide the service to identify the right expertise for the case.