



A Fistful of Experts

"THE RIG'S ARRIVED TO BEGIN WORK, BUT THEY'RE NOT SURE IT'S UP TO THE TASK," THE CALLER SAID BLUNTLY. "CAN YOU GO AND TAKE A LOOK?"

The voice belonged to a senior lawyer at an international law firm. The partner calling didn't know us personally but had been sent our way by his colleagues who did. The legal team had been scrambled by their client over their serious concerns about the operational readiness of an on-hire rig returning to work in Venezuela. The client was alleging the rig's performance hadn't been up to scratch, including major failures in the Blowout Preventer (BOP) equipment. Adding to the turmoil, the marine authorities had also refused to allow the rig into territorial waters to begin working.

Little did we know this phone call would lead to our involvement in a multifaceted international arbitration requiring our blood, sweat and hard-won industry knowledge for the next three years.

Once a rig has been transported between contracts, reactivation and startup needs to be safe and seamless. Any technical failures can lead to delays, always costly in the energy industry, both in terms of revenue and reputation and sometimes, tragically, even lives. The field operator suspected corners had been cut in the rig's maintenance—accusations the rig owner denied—and wanted to safely restart drilling operations as quickly as possible.

Information was scarce. Not knowing what expertise would be required to inform the tribunal, we immediately mobilised our field engineering team to investigate the rig's condition and gather intelligence. By design, our teams are multinational, covering the languages most widely spoken across the industry.

In this case, a large quantity of information was written in Spanish. Our team's linguistic agility was a bonus, allowing them to quickly focus on the systems and processes forming the technical part of the dispute.

Reporting back allowed us to identify the expertise (and experts) required to report the team's findings to the tribunal on the rig's deficiencies, regulatory compliance and fitness to operate. As the arbitration progressed and escalated, we were a natural choice for an expanding roster of expert services to meet the exacting instructions of the legal team. Over the case's lifetime we provided a team covering marine, well-control equipment, operations and maintenance, and drilling engineering expertise.

"Adding to the complexity was the fact the rig continued to operate"

Our team combed through historical records and technical documentation to prepare reports for the tribunal explaining the technical issues in detail and giving their independent and considered opinions. Needless to say, there were a number of hearings over the three-year period and our experts testified and gave evidence throughout.

Adding to the complexity was the fact the rig continued to operate. We sent specialists to the rig to observe various important equipment strip-downs, inspections and tests—all against a backdrop of worsening conditions in country.

Managing the deliverables of a team of individual experts and on-rig equipment specialists on a stop-start, complex case such as this is no mean feat. We handled all the logistics this while providing the expert services themselves.

So What?

In arbitration cases, the stakes are high for the disputing parties, with legal teams often working feverishly to prepare a watertight case on behalf of their client. In this case we assisted in three key ways.

First, our field engineering team delivered a smooth and rapid assessment of the rig's condition. Their combined skills gave us a good all-round working knowledge of the rig allowing us to readily identify the type of knowledge required to speak to the issues.

Second, our blend of experience and skills gave the legal team access to a single self-sufficient team of talented and knowledgeable industry experts. We seamlessly coordinated the expert testimony with our 'stand-ready' experts, freeing the legal team from the unenviable task of blind-sourcing a long line of specific professionals. Our years of arbitration experience as a firm meant we were well-positioned to provide support to the experts throughout the arbitration process.

Finally, we provided a dedicated project coordinator for the duration of the three-year project, which not only ensured consistently high-quality inputs, but provided a single point of contact. The legal team therefore easily coordinated all the elements they needed for the numerous hearings, with full confidence that nothing would fall through the cracks.



BY JUAN HORRILLO
PROJECT MANAGEMENT ADVISOR