

## DISPUTE RESOLUTION AND LITIGATION SUPPORT



Disputes and litigation are harsh realities of doing business today. As new laws and regulations proliferate—and lawsuits skyrocket—the risks have increased. Significant compensatory and punitive damage awards, litigation costs, and reputational risk may be associated with defending business disputes and interruption claims, purchase price disputes, product liability, employment litigation, insurance litigation, and subrogation claims. Knowing how to resolve disputes efficiently allows businesses to maintain focus, capitalize on opportunities, and drive profits.

Marsh Risk Consulting's Financial Advisory Services (FAS) Practice provides expert assistance, throughout the dispute resolution process, designed to help you resolve issues in an expeditious and cost-effective manner. Fortune 500, mid-sized companies, and not-for-profit organizations routinely engage FAS to provide dispute resolution, litigation support, and expert witness testimony services.

### SERVICE HIGHLIGHTS

To help maximize our clients' chances for a speedy recovery and minimize the risk of costly litigation, FAS provides a wide range of dispute advisory services. FAS' multi-disciplinary team includes forensic accountants, certified public accountants, forensic engineers, professional engineers, attorneys, construction experts, and certified fraud examiners, who assist clients with document discovery, schedule and cost analysis, claims analysis, computations

of damages, the review and analysis of financial information, deposition preparation, reviewing opposing experts' analyses, rebuttal-related analyses, preserving and recovering evidence, and interviewing employees.

For cases which cannot be settled with alternative dispute resolution, FAS offers litigation support and expert witness testimony services. FAS can provide complete litigation management services from recommending counsel, negotiating

### Who it's for:

- Law firms
- Public and private owners
- Contractors and subcontractors
- Manufacturers, suppliers, and vendors
- Lenders, financial institutions, and insurance companies
- Any organization worldwide with a need to ensure timely and effective recovery from a catastrophe, dispute, and/or fraud

### What you get:

- Effective support throughout the litigation process, including assistance with document discovery, claim analysis, deposition preparation, and expert testimony
- Highly qualified forensic accountants, certified fraud examiners, and certified public accountants with significant experience across geographies and industries
- Experts in management, engineering, and construction issues such as cost and schedule analysis and auditing as well as independent technical analysis of multi-party disputes

fees, and overseeing the recovery process in any litigation managed by counsel, through to settlement, trial, or other disposition. Our experts have extensive experience with construction- and insurance-related claims and disputes throughout a variety of industries and dispute resolution forums.

## EXPERT WITNESS TESTIMONY

FAS' professionals are very familiar with the litigation process and have experience in preparing expert witness reports, critically reviewing opposing party expert reports, and testifying in federal and state courts as both expert and fact witnesses. Our experts have deep knowledge in areas such as:

- Commercial damages/business disputes
- Business interruption
- Construction disputes
- Purchase price disputes
- Product liability/mass tort
- Employment litigation
- Insurance-related litigation
- Subrogation claims

## LITIGATION CONSULTING

To assist clients in the litigation process, FAS provides a full suite of services, including:

- forensic accounting and the review and analysis of financial, accounting, and other records obtained in discovery;
- providing assistance to counsel in formulating discovery requests and preparing for depositions;
- public database research;
- computations of monetary damages, including best/worst case damage assessments; and
- early dispute resolution services, including pre-litigation damage assessments.

## INSURANCE-RELATED DISPUTES

FAS has vast experience in insurance claims and insurance-related disputes and litigation. We are routinely engaged to handle large and complex insurance claims, such as many of the largest claims that

resulted from the 2011 earthquake and tsunami in Japan, 2011 flooding in Thailand, 2010 earthquake in Chile, Hurricanes Katrina and Ike, and the World Trade Center disaster. By leveraging market knowledge and broker relationships, we help clients develop successful claim strategies to help maximize their insurance recovery. Our extensive experience helps clients recover monies under all types of insurance coverages, including:

- Property, casualty, and liability claims
- Crime policy and fidelity
- Errors and omission
- Directors and officers
- Wrongful death and personal injury
- Surety, builder's risk, and construction claims

In addition, FAS' uninsured loss recovery experts can provide your risk and legal department with techniques to help identify possible uninsured losses as well as when contractual or legal limitations may arise to bar or reduce recovery.

## CONSTRUCTION-RELATED DISPUTES

With our specialized knowledge and expertise in construction claims evaluation, preparation, and resolution, FAS can guide you through the issues most common in construction disputes:

- Completion delays
- Cost overruns
- Contract application
- Workmanship and scope variations
- Project management performance

Using a phased investigative process, FAS unearths the facts of the dispute, compares performance against contractual obligations and standards of care, and assists in allocating liability among the appropriate parties. This often includes providing a forensic evaluation of entitlement and quantification of project delays, cost overruns, and technical issues. Our independent analysis of documentation and project conditions can serve as the objective evidence review necessary to reconstruct actual performance, assess causation, and evaluate or prepare claims and damages.

For more information on these and other solutions from Marsh Risk Consulting, visit [www.marshriskconsulting.com](http://www.marshriskconsulting.com) or contact your local MRC or Marsh representative.

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