

Litigation & Dispute Consulting



Litigation and complex business disputes are a growing risk for corporations around the world today, potentially disrupting the business, creating reputational damage, and leading to significant costs. Internal and external legal counsel play vital roles in such actions, but many other specialists – outside of counsel's typical scope – may also be needed to influence the outcome. This is where effective litigation and dispute consultants can play a vital role.

Providing valuable financial insight and clarity to counsel during the various stages of a business dispute.

Who we are

Deloitte's Litigation & Dispute Consulting professionals advise clients and outside counsel as they address challenging financial and economic aspects of today's complex disputes. We seek to understand the unique aspects of each case and its underlying issues and facts to help our clients determine an effective approach. We articulate our findings in an organized and persuasive manner, whether in the form of a written report or testimony in court.

Our professionals:

- Are skilled problem solvers
- Communicate facts succinctly and accurately
- Are creative in isolating key case determinants and issues
- Possess highly developed analytical skills
- Offer in-depth industry knowledge and experience
- Have deeply practiced technical skills
- Are responsive in meeting client needs and deadlines

We apply the collective knowledge, experience, and judgment of our colleagues throughout the Deloitte LLP subsidiaries and the larger business community to help support our client's position in a case. Because we are backed by the worldwide resources of Deloitte Touche Tohmatsu Limited member firms, we can help support our clients virtually anywhere in the U.S. and around the world.

How we can help

We offer decades of experience and knowledge based on thousands of cases of various types. We offer valuable financial insight and clarity during each stage of the engagement, from case theory development and discovery to expert witness testimony. We use proprietary tools, methodologies, and technology, including data mining and mapping, electronic discovery, and computer forensic capabilities, and we maintain associations with outside experts, professors, Ph.D.s, and think tanks for special and sometimes very specific requirements of a particular matter.

Our core services

The services that clients depend on us for often include:

Risk assessment and damages exposure – we provide assistance with analysis and information regarding potential damages, strengths, and weaknesses of an opponent's damages position; settlement offers; and cost/benefit analyses to help clients effectively manage their case strategies.

Financial analyses and damages theories – we help perform market and competitive analyses, cost determinations, lost-profit analyses, economic studies, statistical analyses, and industry reviews in a variety of business dispute situations. Our insight and experience helps develop credible damages theories and models appropriate to the issues of a case, and we capably assist with the critique of the adversary's position.

Expert testimony – our professionals are skilled communicators at trial and in other dispute resolution forums, with years of experience testifying before judges, juries, and arbitrators in complicated areas of business, economics, and finance. We simplify complex technical information, and we assist in screening, coordinating, and preparing other expert witnesses.

Arbitration – we have extensive experience assisting parties and counsel with damages relating to international commercial disputes and arbitrations in a variety of strategic roles, including determining and proving the “loss,” challenging alternatives, determining foreseeability and mitigation, and other associated issues. Some of our most senior partners can act as neutrals in various types of disputes, especially purchase price adjustment cases, arbitrating under AAA, CPR, UNCITRAL, and ICC, as well as in numerous private arbitrations. We also often serve a party in an arbitration, advising on forensic and litigation support and in many other disciplines.

Buy-sell disputes – with extensive experience in purchase and sale agreement disputes across the U.S. and internationally, we help perform analysis of the underlying records, research of complex accounting questions, or interpretation of contractual modifications of generally accepted accounting principles. We consult with buyers and sellers, working as the independent arbitrator or rendering expert opinions in breach of representation litigation matters.

Malpractice claims – for accounting firms in disputes involving professional malpractice claims, we offer extensive experience both as non-testifying consultants to outside counsel and providing expert testimony. We help analyze technical accounting complexities of a matter; perform research and interpret professional standards; analyze the work performed by our client against the claims asserted against them to help evaluate their merit and assist outside counsel in responding to them; and assist outside counsel with its deposition and expert testimony preparation.

Specialty areas

In addition to our core capabilities, clients often look to us for these other specialized services:

Business insurance claims preparation – with more than 40 years of experience, we help clients develop and calculate damage estimates, and we help support their claims preparation and recovery processes. We specialize in complex claims, helping clients evaluate available options, serving as intermediary between the client and insurance company adjusters and accountants, and providing expert testimony in depositions and trials, including international arbitration and construction litigation.

Complex claims management – for companies facing a significant claim or group of related claims with the potential to disrupt normal business activity, we have extensive experience in crisis management, incident response, project management, accounting, law, and data and claims processing. Having worked on some of the nation's largest and most intricate claims management projects, we can assist with analyzing the magnitude and validity of the claim(s), assessing remediation options, demonstrating to stakeholders that an organized response is being developed and implemented, executing a carefully structured remediation plan, and addressing related compliance, commercial, and reputational risks.

Construction litigation – we are highly experienced in nearly every aspect of today's complex capital construction processes. With advanced degrees in engineering, architecture, business, accounting, and law, we help perform analyses of delay and damage claims, fraud, unforeseen site conditions, change orders, inefficiencies, contract terminations, and project management issues. We also provide assistance with project management oversight for both public- and private-sector projects, and we serve as construction industry testifying experts in the resolution of construction disputes involving hundreds of millions of dollars.

Economic and statistical consulting – led by Ph.D. economists, we assist law firms, government agencies, and many types of businesses with strategic planning, pricing analysis, settlement negotiations, fact finding, damages analysis, court proceedings, and exposure analysis. Using microeconomic theory and statistical and econometric analysis, we help create concise, fact-based descriptions of consumer, corporate, and other institutional behavior and how it affects business performance, business risk and

To prevail in this environment requires the skill and ability of experienced litigators supported by dispute consulting professionals who provide meaningful financial and economic analysis.

liability, and litigation processes and outcomes. We also help develop strategic recommendations that can help identify appropriate business actions in a wide range of business and litigation areas.

Environmental and sustainability consulting – we help assess risks, monitor regulatory compliance, and analyze financial reporting related to a variety of environmental issues across industries and geographic regions. Supported by specialists in valuation, insurance claims, bankruptcy, fraud, and corporate investigations, we help conduct deep investigations into the underlying circumstances surrounding complex environmental issues and assess their impact.

Intellectual property litigation – in disputes involving patents, trademarks, copyrights, trade secrets and other intellectual property (IP), we use sophisticated research tools, databases, and techniques to evaluate market issues and trends, and analyze damages components, including lost profits, reasonable royalties, price erosion, increased costs, and a defendant's unjust enrichment. We review intellectual property case law and closely monitor new precedents to assess their impact on legal and damages theories, and we are versed in the requirements and nuances of damages theories established in landmark decisions. In addition, we assist in discovery, deposition preparation, settlement strategies, and trial preparation, and expert testimony. From IP litigation to strategy, licensing negotiations, financial evaluation, monetization, and contract investigation and compliance, we offer an array of services and a broad perspective and capability.

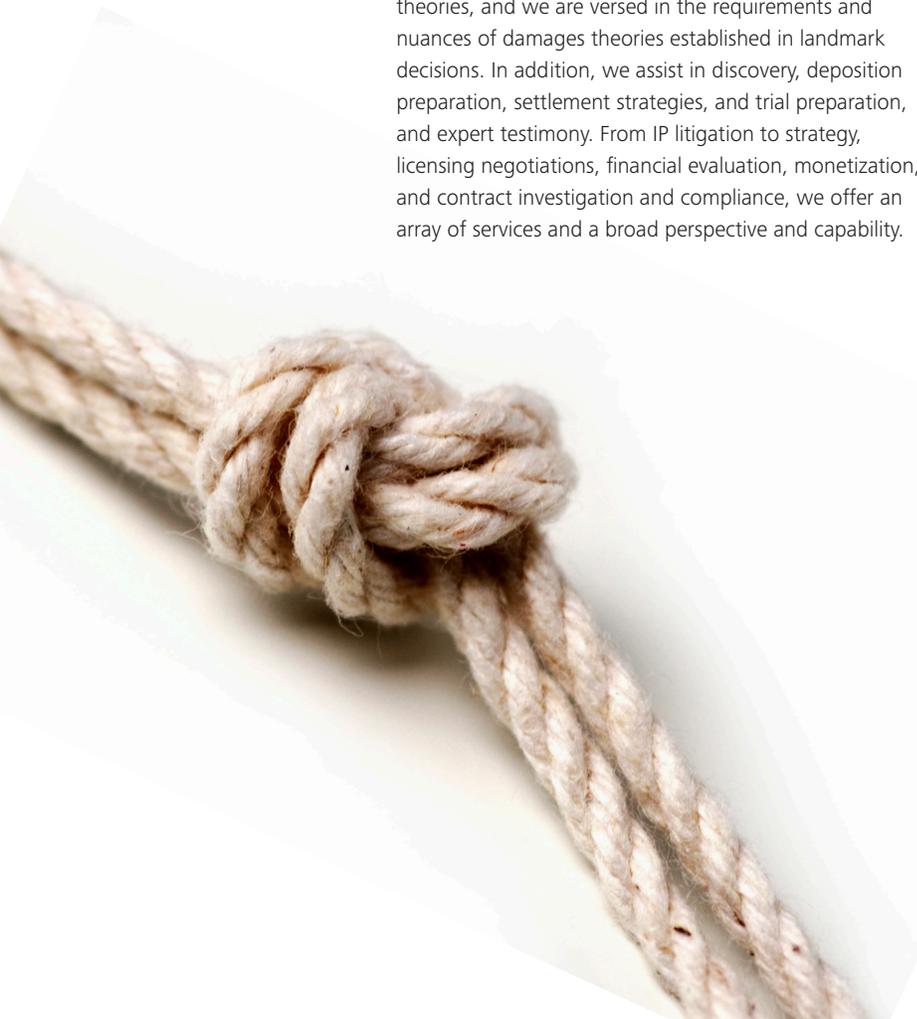
Securities litigation – we offer forensic accounting, corporate investigations, and financial analysis skills for securities litigation and SEC investigations, including all phases of 10b-5 litigation, SEC enforcement actions, and other regulatory investigations. We help identify and analyze documents, including electronic evidence, and assist with conducting interviews to help distill the complex information obtained in these investigations into a readily understandable form. We also help calculate the economic, industry, and company-specific factors that affect an organization's stock price.

Related offerings

Electronic Discovery Solutions Center – this is the centerpiece of our data collection, processing, hosting, and production capability, a secure computer forensics and discovery lab built to meet Department of Defense Sensitive Compartmented Information Facility (SCIF) security standards. It is designed to meet tier III and tier IV data center specifications, allowing Deloitte personnel from other cities or countries to securely access and operate the systems. With more than 800 high-end servers, 700 virtual servers, and approximately two petabytes of data storage dedicated to this environment, the center is also built to meet security standards for facilities handling highly sensitive and evidentiary data.

Deloitte Discovery – in complex business disputes or regulatory investigations, we assist companies and outside counsel in responding to discovery requests, typically involving complex requirements for proper data collection, processing, hosting, review, and production. Our services include maintaining chain-of-custody records and tracking activity; recommending and implementing customized discovery systems; coordinating discovery efforts including documentation; applying sophisticated discovery techniques and software; maintaining data security protocols; providing large-scale, redundant hosted environments for storage and access to discovery documents; providing around-the-clock customer service from Deloitte's E-Discovery Solutions Center; and helping develop litigation readiness programs.

Corporate investigations – for companies facing whistleblower allegations, government inquiries, or other allegations regarding possible improprieties, we help conduct careful and quick fact-finding investigations to help vet allegations, assist in assessing and determining how to address wrongdoing, make recommendations for demonstrating strong corporate ethics, and advising on steps that can be taken to protect shareholder value.



Our specialists possess the financial acumen, forensic accounting and investigatory skills, and technological know-how to assist with conducting effective corporate investigations spanning many levels of scope and complexity for multinational entities, large national enterprises, and fast-growing businesses, both publicly and privately held, across numerous industries.

Document review services – we offer a strategic and cost-effective document review option for companies and outside counsel by employing a metrics-based approach to track patterns and trends in the process and giving clients input for informed decisions based on historical information. Since Deloitte does not engage in the practice of law, our document review services are provided under the direction and supervision of a client’s legal counsel, who establish document review guidelines. We facilitate supervision of our work by providing well-documented processes and collaborating with outside counsel for lock-step communication and information transfer.

Business valuation – we provide assistance with valuation services for arbitration, pre-trial planning, depositions, and other litigation-related situations, including shareholder dissolution and purchase price dispute cases; third-party reviews ranging from an analysis of the work prepared by other appraisers to a full independent re-appraisal; intellectual property infringement analysis of the investment attributes of intellectual property, estimates of fair market values for intangible assets, and calculations of damages associated with infringement; and valuation-focused expert witness testimony in federal, state and tax courts – an important element of the litigation process.

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For more information, please visit our website at:

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