

# INTERNATIONAL ARBITRATION

Economic Consulting  
Forensic and Litigation Consulting  
Technology  
Corporate Finance/Restructuring  
Strategic Communications

The number, size, and complexity of international arbitration cases continues to grow. The amounts in dispute often are large, the valuation and damages issues complex. FTI Consulting's International Arbitration team is retained by law firms, companies, and governments, to provide independent advice and expert testimony on damages and related issues at each stage of the dispute resolution cycle.

FTI Consulting is a leading provider of investigations, regulatory, litigation, finance, economics, and technology services to law firms, corporations and governments. We serve the largest and most demanding clients. We understand that the intricate business and regulatory issues facing our clients often permit various alternative solutions. Our broad range of services brings a depth of knowledge and experience that few organisations are able to match.

## SERVICE HIGHLIGHTS:

- Damages assessment before all the main forums—ICSID (including NAFTA and ECT disputes), ICC, LCIA, etc.
- Experts in accounting, economics, finance, valuation including intellectual property, statistics, strategic analysis, forensic investigations, construction, and supporting technological services
- Deep experience in energy, telecoms, mining, construction, transportation, manufacturing, hotel & leisure, media, financial services, biotech, consumer goods, professional services, and other industry sectors
- Broad range of language capabilities
- Highly-qualified, dedicated team based in London, Paris, Geneva, New York, Washington, Houston, and Toronto

Damages issues are at the heart of many international arbitration disputes, and the careful framing of the issues and quantification of damages are vital to achieving appropriate outcomes in such cases.

FTI Consulting's International Arbitration team brings together a team of highly credentialed testifying experts with deep experience in damages quantification and related services in the context of treaty and commercial arbitration, supported by a dedicated team of professionals, industry specialists and emerging experts.

We provide practical, actionable advice, and independent written and oral expert testimony, delivered concisely and clearly.

## DEEP TECHNICAL SKILLS

Our International Arbitration experts have a wide range of relevant skills and qualifications, including in accounting, economics, finance, valuation including intellectual property, statistics, strategic analysis, forensic investigations, construction, and supporting technological services.

We have extensive experience in applying these disciplines in damages assessment in the context of international arbitration.

We apply these skills across a wide range of industries, including energy, telecoms, mining, construction, transportation, manufacturing, hotel & leisure, media, financial services, biotech, consumer goods, professional services, and others, in combination with the very broad set of capabilities of FTI Consulting's global team.

## BROAD OFFERING

FTI Consulting's International Arbitration team works with a global client base across all industries from FTI Consulting's offices around the world, including London, Paris, Geneva, New York, Washington, Houston, and Toronto.

FTI Consulting's International Arbitration experts have testified in treaty and commercial arbitrations before panels constituted by international arbitration bodies including the ICC, the LCIA, the SCC, the ICDR, ICSID (including NAFTA and ECT disputes), the Iran-US Claims Tribunal, as well as under UNCITRAL rules and ad hoc arbitrations, and before domestic courts and tribunals.

The International Who's Who of Commercial Arbitration 2011, published by Who's Who Legal and based on an independent survey of general counsel and practicing lawyers, identified FTI Consulting as 'the leading firm' of expert witnesses active in international commercial arbitration, with 11 of our experts among the 59 leading expert witnesses identified.

## SUPPORT ACROSS THE DISPUTE RESOLUTION CYCLE

Our experts work with clients at each stage of the dispute resolution cycle, from the initial decision to issue a request for arbitration, through the development of the initial damages case, the preparation of expert reports and reply reports, delivery of oral testimony, and other hearing preparation required, to any post-hearing activities.

FTI Consulting's involvement in a case will typically lead to expert testimony, with the associated obligations of objectivity and independence. On occasion, members of FTI Consulting's International Arbitration team are also engaged on a consulting basis where independent testimony is not required.

## CLEAR COMMUNICATION

FTI Consulting's International Arbitration team recognises that providing clear, concise and understandable reports and expert testimony is second in importance only to independence and objectivity.

As part of the process of developing our experts internally, and in order to help legal practitioners to develop their advocacy expertise, we regularly collaborate with law firms and associated foundations to develop and deliver advocacy training in the examination of experts. We also provide experts for oral examination in such training sessions.

## EXAMPLE CASES

LCIA arbitration relating to wrongful parallel importing and tax fraud

- Retained by South Asian respondent to provide detailed analysis of lost profits counter-claim and alleged misappropriation of funds. Expert testimony provided in three expert reports, as well as oral evidence.

ICC arbitration relating to the alleged impact on the holder of trade mark licensing rights of the wrongful attempted cancellation of those rights by their former owner

- Retained by respondent to write expert opinion relating to lost profits alleged by claimant's expert. Expert testimony provided in three expert reports and oral evidence provided to the tribunal. Instructed at the hearing by the tribunal to perform damages calculation on behalf of tribunal, in preference to claimant's expert.

ICC arbitration relating to a petroleum pricing dispute between co-located petroleum producers in North America

- Retained by respondent to prepare expert reports (including reply report) on industry and quantum issues.

IAC of the Austrian Federal Economic Chamber

- Retained by respondent to prepare an expert report providing an opinion of value related to a branded beverage bottling and distribution business in Asia. Expert testimony provided at hearing.

ICSID arbitration in a NAFTA case relating to lost profits due to the closing of a national border to certain chemical products

- Retained by claimant to prepare an expert report providing an opinion of damages based on lost profits from unrealised sales and out of pocket costs. Expert testimony provided at hearing.

## CONTACTS:

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CONSULTING

CRITICAL THINKING  
AT THE CRITICAL TIME.™

### About FTI Consulting

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 3,500 professionals located in most major business centers in the world, we work closely with clients every day to anticipate, illuminate, and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. More information can be found at [www.fticonsulting.com](http://www.fticonsulting.com).