The rapid globalisation of world economies has led to the growing use of arbitration to settle disputes. Due to its potential for flexibility, cost effectiveness and timeliness, arbitration is increasingly preferred by organisations to settle commercial disputes that have significant financial exposure.

**Expert witnesses have been key in the current arbitration scenario**

Quantification of settlement amounts in many disputes, particularly those involving international arbitration, involve complex financial and economic theories, technical issues, cultural diversity, multiple languages and currencies. Such elements may be beyond the knowledge and experience of both the legal counsel and arbitrator. The determination of such settlement amounts requires specific subject matter expertise and hence necessitates the presence of an expert witness who can provide an objective assessment of the case and help resolve the dispute effectively and efficiently.

**The role of an expert witness**

An expert witness assumes significance in an arbitration because the role of an expert witness is not only to articulate the client’s position but also to provide the arbitration tribunal with specific, subject matter information which would assist it in taking an informed decision regarding the dispute. An expert witness may be a valuation expert, economist, industry expert, engineer or forensic accountant, amongst others. Key potential advantages of appointing an expert witness in arbitration proceedings are mentioned below:

- **Independence**
  - Though an expert witness may be appointed jointly or by either party to the dispute, the duty of the expert witness is to report to the tribunal.
  - An expert witness can help provide an independent and unbiased perspective to the dispute.

- **Credibility**
  - A statement of claim backed by an expert witness report/testimony holds credibility in a court of law/arbitration tribunal.

- **Facilitates informed decisions**
  - An expert witness can help provide a realistic expectation of a settlement outcome, facilitating informed decision making and helping obtain a prompt and fair settlement.

- **Professional expertise**
  - In complex and technical disputes, expert witnesses help provide the required subject matter insights and facts which facilitate effective and efficient dispute resolution.
KPMG’s Dispute Advisory Services

KPMG in India has a wide range of experienced forensic, accounting and advisory professionals who provide impartial and independent testimony to assist in the resolution of disputes, whether in a litigation, arbitration or mediation. Our expert witnesses have a vast range of experience and in-depth knowledge on different technical and financial aspects of disputes. Our compelling and easy to understand reporting of the issues at hand, opinions and conclusions are supported by reliable, strong and robust oral evidence.

We have provided evidence and have been cross-examined in various forums both in the Indian and international context. Our expert witnesses have courtroom experience in multiple jurisdictions on commercial arbitrations and in other legal and regulatory matters. When preparing courtroom testimony, we tap our global network for resources to assemble a focused team with the right combination of functional and relevant industry skills.

Disputes – Not just a question of law

KPMG’s expert witnesses + Legal team = Assistance in effective dispute resolution

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Our value proposition

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