

Commercial Litigation Support Capability Statement

The following credentials document highlights our capabilities and the easily understood advice and support we offer to legal teams in the field of litigation, mediation or arbitration.

A man with a beard and short dark hair, wearing a dark blue suit jacket over a white button-down shirt, stands with his hands clasped in front of him. He is smiling at the camera. To his right, the front of a dark-colored car is visible, with its headlights and side mirror illuminated. The background is a dark blue gradient. The bottom of the image features a stylized graphic of a road with yellow and orange light trails, overlaid with a series of black and white squares of varying sizes.

Joze

One of the
RSM team

Helping you move forward
with confidence

Commercial Litigation Support

Commercial disputes and litigation are becoming increasingly common and often involve complex accounting and financial issues.

Our national commercial litigation support team has the expertise and experience to provide independent, easily understood advice to assist legal teams in litigation, mediation or arbitration.

Our team, combining the expertise and experience of our Corporate Finance, Fraud & Forensic and Insolvency personnel, has a demonstrated understanding of the court process and a track-record in providing written and oral expert evidence in court.

We're regularly engaged to help local, national and international companies of all sizes to provide commercial litigation advice in a myriad of commercial disputes, covering everything from insurance and personal injury claims, wills and estates, through to breach of contract and beyond.

“I recently instructed RSM to produce a single expert report on behalf of my clients, for use in Supreme Court of WA proceedings. RSM produced a balanced, reasoned and thorough business valuation report, which assisted my clients to negotiate a sizeable settlement in their favour.”

RSM Client

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Our services

An overview of our range of offerings

Forensic accounting

Our team at RSM has the expertise to assist with all complex financial matters. Based on a thorough examination and analysis of financial records and the delivery of conclusive reports, we provide the right advice for each court of law circumstance.

Valuations

As Chartered Accountants Australia and New Zealand (CAANZ) qualified Business Valuation Specialists, we're recognised as a leading provider of valuations within our industry sector. Our expertise and experience in valuing a business, the equity of an entity and intangible business assets is regarded highly by the clients who engage these services.

Critiques

We're able to add value to your case and your client by critically reviewing a valuation, quantification of loss or damages or a forensic report prepared by other experts. We assess the rationale of the methodology deployed, the calculations undertaken and the conclusions reached. We also provide comprehensive reports outlining any deficiencies, errors or items that require additional investigation or attention.

Dispute advisory

Owing to the complexities associated with commercial disputes, which often result in expensive litigation, we can, where appropriate, prepare expert determinations or mediate and/or arbitrate for commercial disputes.

Quantification of economic loss/ damages

We can help calculate the economic damages resulting from lost business, business interruption or reliance on misleading information in commercial disputes and economic loss in personal injury claims.

Expert witness testimony

Our team also has extensive experience documenting and providing oral expert evidence on a single and shadow expert basis in both state and federal courts. We understand the requirements of producing documents, and appearing (in court) as experts, for all manner of legal proceedings.

Financial modelling

Complex commercial litigation cases often involve the requirement and use of complex financial models. Using our extensive experience, we can help construct robust financial models and review financial models prepared by the other party(s).

Your financial expert

Involve one of our financial experts early in your matter to assist with:

- preparing disclosure requests
- preparing statement of claim and financial disclosures
- preparing for cross examination



Detailed capabilities

Valuations

Our extensive experience also extends to valuations for a myriad of purposes, comprehensive valuations of businesses, equity (e.g. shares held in a company) and specific intangible assets. We're also proficient in valuing investment entities such as investment trusts and share portfolios.

All of our valuations are conducted in accordance with the Accounting Professional and Ethical Standards Board Statement for Valuation Service (APES 225).

Our national team completes over 350 valuations annually, across all industry sectors. These range from agribusinesses to retailing and vary in size from SMEs to multinational corporations. In recognition of our expertise in these areas, we're also on the panel of valuers for ASIC, major Australian banks, state and local Government entities.

Our CAANZ qualified Business Valuation Specialists nationally are recognised as dedicated valuation practitioners within a full-service firm.

Forensic Accounting

In a legal context, forensic means suitable for 'use in a court of law', and RSM has the required skills and experience to thoroughly examine and analyse financial records. We deliver conclusive advice and reports that stand up to the most rigorous scrutiny.

Our forensic accounting services include:

- Investigation and tracing exercises
- Analysing and reconstructing accounting records
- Assessing the integrity of financial information
- Documenting and analysing financial statement review
- Identifying and interpreting accounting evidence
- Determining documents required for disclosure

Here at RSM, all of the forensic accounting assignments we conduct comply with the Accounting Professional and Ethical Standards Board Statement for Forensic Accounting Services (APES 215).

RSM's Fraud & Forensic Services national team also offers Forensic IT services, Forensic Investigations and corporate security risk reviews.



"The service provided by the RSM team has been to the highest standard and with the highest of integrity. My clients have all been very satisfied with the professional service and advice provided by the team. I have also been referred to other teams within RSM and they too have provided my clients with good, solid and cost effective advice. I have no hesitation in referring work to RSM in the future."

RSM Client

Commercial Disputes

Our commercial dispute-related services include expert advice on the following:

- Business interruption claims
- Breach of contract
- Post-acquisition disputes
- Trade practices claims
- Completion and pricing disputes
- Intellectual property and royalty disputes
- Shareholders disputes
- Loss of profit claims (fraud and non-fraud related)

Financial Modelling

Our experience in building financial models includes the following areas:

- Budgeting and forecasting
- Scenario analysis
- Discounted cash flow models
- Major projects and commercial analysis
- Presentation of financial evidence

Our team also has experience in reviewing financial model prepared by the other party(s). Our review includes assessing the assumptions and formulae that underpin the model together with a review of outputs and sensitivities.

Industry specialisations

- Health sector including aged care
- Retail and franchises
- Engineering
- Property and construction
- Food and drink including processing
- Agribusiness
- Professional services
- Mining services
- Technology



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