



Philip Haberman

Senior Partner

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Experience

- Widely recognised and respected as one of the world's leading accounting expert witnesses
- Acted as expert witness since 1990
- More than 300 cases, with over 60 resulting in oral evidence
- Experienced in all financial and accounting aspects of disputes, including valuation, liability and causation

Philip is one of the top accounting experts in international arbitration and UK litigation, having first given expert evidence 30 years ago. He has six times been named "Arbitration Expert Witness of the Year" by Who's Who Legal.

He has been actively involved in over 300 matters including commercial and contractual disputes, investor-state cases, transaction-related disputes, competition matters, disputes arising out of accounting and financial irregularities, and valuation disputes. He has given oral evidence and been cross-examined more than 60 times before several tribunals including the UK Courts (High Court, Competition Appeal Tribunal, County Court), international arbitration (LCIA, ICC, ICSID, SIAC and ad hoc) and overseas. He has carried out expert determinations to resolve disputes, has advised clients in CEDR-led mediations, and is a successful mediator.

Philip has a degree in mathematics from Cambridge University. He qualified as a chartered accountant with KPMG in 1980 and gained broadly-based general practice experience including audit (ranging from multi-nationals to proprietorial companies), transaction advisory services and special investigations. He specialised in forensic accounting from 1990 and became a partner at KPMG in 1991. He joined Ernst & Young as a partner in 2002 to lead their dispute advisory practice. In 2013, he launched Haberman Ilett as a specialist firm, dedicated to providing accounting and financial expertise in the context of disputes.

He is a Fellow of the Institute of Chartered Accountants in England and Wales, a Member of the Chartered Institute of Arbitrators, a founder member of the Expert Witness Institute, a Professional Member of the Royal Institution of Chartered Surveyors, and a CEDR-accredited mediator. He is also a Trustee of the British Institute of International and Comparative Law and a member of the Board of the London Court of International Arbitration.

Philip's experience as an expert witness is mainly on quantum and related matters, although he has also dealt with liability issues (such as breaches of accounting warranty and allegations of professional negligence) and causation where his expertise was relevant. He is willing to provide examples of specific cases in which he has acted, but his general experience includes the following.

He has dealt with consequential loss claims in various industries, including electricity (generation and distribution), oil and gas, manufacturing, aerospace and defence, retail, insurance and reinsurance, hotels and leisure, investment business, automotive, telecoms, and distribution. Many of these disputes involve some aspect of valuation – of a company, a business or a project – and Philip has given oral evidence on many occasions (in Courts and before arbitration tribunals) to explain the principles of commercial valuation and how they are applied in practice. Some disputes have had an intellectual property angle, and his experience includes both loss of profits and account of profits bases.

He has advised clients and given evidence on the interpretation of the accounting requirements of commercial contracts, including PFI contracts and cost- and production-sharing arrangements, and has given evidence on the financial and economic basis for transactions in cases brought by the UK tax authorities.

He has given expert evidence in bilateral investment treaty disputes (under ICSID, ICC and UNCITRAL rules), acting for claimants (including cases against Egypt, Uzbekistan, Turkey, Czech Republic, Poland) and respondents (including Pakistan, Barbados, Venezuela, Croatia, Romania, Czech Republic, Georgia), and in disputes under multilateral treaties such as the Energy Charter Treaty.

His experience in competition and related matters includes quantification of loss, evidence on causation, advice to banks on the justification for charges, and the assessment of evidence of wrongdoing.

In transaction-related disputes, he has advised on transactions with values up to £5 billion, on disputes where the parties' positions have been up to £700 million apart, and where claims for breach of warranty have been so large as to exceed the original purchase price.

As a dispute resolver, he has acted as independent expert to determine disputes on 19 occasions (giving a mixture of non-speaking and reasoned determinations), he has given a non-binding neutral evaluation to assist parties in their settlement of a dispute, and he has successfully mediated disputes.