

EXPERT WITNESS · CONSTRUCTION LAW · OPINION

Systech MDP – friend or foe to external law firms?

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Why a consultancy with its own law firm is not a competitor to the firms that instruct its experts – and why that makes the experts better.

Every so often a law firm tells us, politely, that it would rather not instruct a Systech expert because Systech has a law firm. The worry is understandable: nobody introduces a competitor to a client. But it rests on a misunderstanding of how our multidisciplinary practice works, and I want to set the record straight.

THE MDP AT A GLANCE

First
Alternative Business Structure licensed in the construction law sector

Tier 2 & 3
Contractors and subcontractors are Systech Law's clients

US$20–100m
Systech Law's sweet spot in dispute value; larger matters go to Tier 1 firms

One team
Consultants, independent experts and lawyers under a single engagement

WHAT THE SYSTECH MDP IS

Systech combines commercial managers, project controls specialists, delay and quantum experts and lawyers in one practice. Systech Law is licensed as an Alternative Business Structure under the Legal Services Act 2007 – **the first ABS in the construction law sector** – which is what allows a regulated law firm to sit inside a consultancy group and offer clients a genuine one-stop shop. Our expert witness practice works both alongside Systech Law and, more often, independently for other law firms and their clients.

WE ACT FOR DIFFERENT CLIENTS

Systech Law acts for **Tier 2 and Tier 3 contractors and specialist subcontractors**. It does not act for employers, developers, funders or public client bodies, and it does not act for Tier 1 contractors. Those are the clients of the Tier 1 law firms that instruct our experts. We sit on different sides of the contractual chain, and usually on different sides of the dispute. A Tier 1 firm acting for an employer

against a main contractor is not going to lose that employer to Systech Law; we would not act for the employer in any event.

PARTY IN THE CHAIN	TYPICAL LEGAL ADVISER	SYSTECH LAW
Employer / client body / funder	Tier 1 law firm	Does not act
Tier 1 contractor	Tier 1 law firm	Does not act
Tier 2 contractor	Mid-market or specialist firm	• **Core client base**
Tier 3 contractor / subcontractor	Mid-market or specialist firm	• **Core client base**

Nor do we compete on scale. Systech Law's sweet spot is disputes of roughly **US$20 million to US$100 million**. The multi-hundred-million international arbitrations on which Tier 1 firms build their practices sit above that band, and we do not seek to lead them.

WE BRING WORK TO TIER 1 FIRMS

Because we have long relationships with contractors and subcontractors, we are often the first to see a dispute forming. Where it sits up the line – employer against main contractor – or above our value band, we refer it to a Tier 1 firm.

On occasion, with our client's blessing, we go further: Systech Law brings the opportunity to a Tier 1 firm and the two of us respond to the RFP together. The Tier 1 firm leads – its brand, its strategy, its oversight. Systech Law works beneath it at a blended rate on the down-the-line issues, the subcontract chain, the records and the claims, and brings in our experts and project controls where they add value.

The client gets a Tier 1 name and strategic direction at **a materially lower overall price**, with technical depth from a team that understands the contractor's side of the record from the inside. The Tier 1 firm gains an instruction it would not otherwise have seen. Why would that not be attractive to any client?

THE SHORT ANSWER

We do not compete with the Tier 1 law firms that instruct our experts. We bring them advisory and independent expert appointments through the Systech MDP.

WHY THIS MAKES OUR EXPERTS BETTER

FOR THE EXPERT

- Appointments a stand-alone expert practice would never see, generated by the MDP's client relationships and its referrals to Tier 1 firms.
- Early sight of disputes, when records can still be secured and the analysis shaped.
- Colleagues who know what a tribunal needs from a delay or quantum report, and instruct accordingly.

FOR THE INSTRUCTING FIRM

- An expert practice with no interest in the firm's client base.
- A referral relationship that runs towards the firm, not away from it.
- Experts who understand the contractor's side of the record from the inside, whichever party the firm acts for.

INDEPENDENCE, ON EVERY INSTRUCTION

Whichever route an instruction arrives by, the expert's engagement is the same:

- **A separate engagement letter** for every instruction.
- **An overriding duty to the tribunal** under CPR Part 35 or the arbitral equivalent.
- **No contingent or results-based fees.**
- **Reporting lines separate** from Systech Law.
- **Information barriers** between the expert and legal teams, other than through formal instruction.

On matters instructed by external firms, Systech Law has no visibility of the matter. These protocols have been tested in cross-examination and have held.

So, friend or foe? If you act for employers, client bodies or Tier 1 contractors, we are not your competitor; we may well be your next referral. If you are weighing up whether to instruct one of our experts, I would welcome the conversation.

Systech is an independent, privately owned consultancy providing claims, dispute resolution, commercial management, legal and expert witness services. Systech Law is licensed as an Alternative Business Structure under the Legal Services Act 2007. This article is general commentary, not legal advice.