

Forensic Accountants as an Expert Witness in Nigeria: A Literature Reflection

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Abstract

The study seeks to provide an insight into forensic accountants as an expert witness in Nigeria. The researchers adopt exploratory and content analysis research methodology. Theoretical, conceptual and empirical literatures were reviewed. The researchers reviews existing literature on forensic accountants and expert witness by using article, journals, textbooks, archival sources, newspaper, magazine, conference papers. The study conclude that forensic accountants as an expert witness present complex business issues, analyze, summarize financial dealing in a logical and understandable manner supported with cogent and verifiable evidence to help the attorney prosecute financial and economic fraudsters or resolve civil dispute. The recommend among others that forensic accountant should be legally made to be part of fraud and civil litigation process in the Nigerian legal system. The Nigeria government should establish a special financial fraud and economic crime courts to prosecute fraudsters with the enactment of forensic accountant as part and parcel of the prosecution process. Professional accountancy bodies, government and the private sector should assist to invest in the training, retraining of forensic accountants in Nigeria.

Keyword: *Forensic Accountants, Expert Witness, Nigeria*

Introduction

The rise in fraud activities in various aspect of our society such as public and Private Corporations has given stakeholders serious concern. There have been increases in different types of fraud, like financial statement fraud, asset misappropriation fraud and corruption. Governments all over the world have formulated antifraud policies to help prevent and minimize the risk of fraud. These fraud policies are set of explicit steps to be taken in response to reported and suspected fraud. The goal of antifraud policies is to enforce controls detect, prevent fraud and report suspected fraud cases to the appropriate authorities. Albrect et al. (2012) reported that fraud is a broad term that encompasses all the various method that human imagination may concoct in order for one individual to gain an advantage over another via false representation. Wells (2014) stated that fraud can encompass any crime for gain that uses deception as its principal modus operandi. It is the responsibility of accountant and auditors to detect fraud and prevent errors in financial statement by enhancing transparency and accountability in the system. Kiabel (2016) reported that auditors and accountant have declined to accept responsibility of fraud detection and prevention in the financial statement, claiming instead that there primary responsibility is to obtain sufficient audit evidence to enable him express opinion on the financial statement by verifying whether there accounting records are prepared in accordance to general accepted accounting principles and audit standard. The accounting profession have created audit expectation gap between the users of audited financial reports by denying that auditors are not responsible for the detection and prevent of fraud in financial statement. In recent there has been rise in corporate failure due to fraud after external auditors have issue a going concern opinion on

the corporations. This event of fraud or scandal leading to corporation failure after unqualified opinion has not only eroded trust in the auditors but has generated credibility crises. In a nutshell the audit plays both centrifugal and centripetal responsibility in the accounting profession. The fundamental responsibility of the external audit is to testify to the true and fairness of corporations' financial statement in compliance to generally accept accounting principle or accounting standards and not to detect and prevent fraud. Crumbley (2012) noted that this has resulted to the introduction of a forensic accountant who has very high technical, expertise and abilities to fulfill the secondary duties of the external auditors. Crumbley (2012) stated that this has resulted in the introduction of a forensic accountant, who has very high technical expertise and abilities, to fulfill the secondary roles and duties of the auditor. Okoye (2013) reported that due to the rise in financial and economic crime in our society there is need to employ the service of forensic accountant to help reduce financial fraud and render expert witness testimony in the court of law. Traditional accounting practice such as internal auditor, external auditor and audit committee as fail to detect and prevent fraud in our society. These are some of the reason where there is so much demand by stakeholders for someone with an expert experience in fraud detection and prevention with a litigation background and a sound computer technocrat, which turn out to be forensic accountant. Damilola and Olatinsola (2007) reported that forensic accountants should be contracted to help identify, prevent, and respond to the harm caused by fraud that auditors were unable to detect and prevent in our society. The traditional audit approach, which was appropriate for the industrial age, may not be adequate for the information technology age, in which assets are intangible, business transactions are transacted electronically, markets are global, and the rate of change is ever accelerating. Enyi (2012) stated that it is past time to advocate for the development of a new area of forensic accounting to tackle fraud that is evolving at a rapid pace due to modern technology. Ahadiat (2010) reported that traditional auditing failure to prevent and identify fraudulent activities in our society and business environment necessitated the need for forensic accounting, which requires technical skills such as the ability to synthesize, critical thinking, ethical behavior, computer competence, analytical and ability to detect and investigate fraud, as well as ascertained evidence suitable for court proceeding. Enyi (2012) maintained that a man must know the monkey's trick in order to capture it. But he must also ensure that he does not become the monkey in the process, implying the importance of forensic accounting in our society and organization. Zysman (2004) noted that forensic accounting to have impeachable character woven around ethical considerations and expert witness knowledge. This means that in order to conduct an efficient investigation, the investigator must be aware of the perpetrator's tricks, which necessitates the use of forensic accounting skills. When performing some form of investigation, forensic accounting employs accounting auditing and investigative skills and expert testimony skills. Furthermore, Crumbly (2012) maintained that forensic accounting is the application of natural laws to human laws. He described forensic scientists as examiners and interpreters of evidence and facts in legal cases, as well as experts who provide expert opinion on their findings in court. Dhar and Sakar (2010) reported that forensic accounting is the application of accounting principles and techniques to legal problems. It necessitates reporting, in which the fraud's responsibility is determined and the report is used as evidence in court or administrative proceedings. Forensic analysis is the use of advanced investigative skills to perform an investigation in such a way that the results can be used in a court of law.

Crumbley (2013) noted that forensic accounting is the use of accounting for legal purposes. He described forensic accounting as the process of locating, documenting, settling, extracting, sorting, reporting, and checking past financial data or other accounting activities in order to settle current or future legal disputes or to use such past financial data to settle

legal disputes. Institute of Forensic Accounting in Nigeria (2016) reported that an expert witness is member who has been engaged, assigned or otherwise obligated to provide an Expert Witness Service. As an Expert Witness, the Member may express opinions or provide Other Evidence to the Court based on the Member's specialized knowledge derived from the Member's training, study or experience on matters such as whether technical or Professional Standards have been breached, the amount of damages, the amount of an account of profits, or the amount of a claim under an insurance policy. Generally all opinion evidence is expert evidence if it is wholly or substantially based on the specialized knowledge derived from the Member's training, study or experience, however not all expert evidence is opinion evidence. Expert evidence may be opinion or Other Evidence. A forensic accountant plays an important role in the criminal investigation, and expert witnessing in the law court to assist the judge in understanding accounting language. Being an expert witness is a key attribute of a forensic investigator and it is essential that they are suitably trained and qualified to provide this service (US LEGAL, 2016). Forensic accounting is seen as a special area of accounting which helps in resolving these cases and this has been thought to provide a solution to the financial fraud (Eliezer & Emmanuel, 2015). In a case of fraud detection, a forensic accountant as expert witness may be asked to assess the findings of a financial investigation based on the analysis of documents, as well as evidence of Ponzi schemes, money laundering, and other systematic forms of financial fraud. In addition to public accounting, forensic accountants as expert witnesses are also licensed and certified in fraud examination, financial forensics, valuation analyzing, financial services auditing, anti-money laundering, and other related areas with the purpose of enforcing fraud prevention and regulatory compliance. (Eliezer & Emmanuel, 2015; Oladejo & Oluwaseun, 2015).

DiGabriele (2011) reported that Forensic accounting experts are usually classified among the following three groups; expert witness “testifying expert”, consulting expert, and fact witness. An expert witness generally appears before a Trier of fact Judge and/or Jury and provides an opinion by deposition or testimony before the court. A consulting expert can advise on an attorney’s work product by providing additional support in resolving a case. When an accounting expert is called to testify as a fact finding witness, he or she is expected to offer only factual analysis regarding the case without rendering an opinion (Michaelson, 2005). DiGabriele (2011) stated that the perception of objectivity is an important element for a forensic accountant engaging in expert testimony. The transparency of an experts’ impartiality is vital from a critical position because this ultimately establishes the credibility of the expert’s findings. Muehlmann et al. (2012) reported that the role of expert witnesses in litigation is to assist the trier of fact in resolving issues in dispute by contributing their specialized knowledge. When litigation revolves around facts that require understanding and application of accounting issues, forensic accountants are able to assist the parties in resolving disputes between taxpayers and revenue authorities. Telpner and Mostek (2002) stated that forensic accounting engagements include assistance with business termination, bankruptcy, loss of earnings, accounting for assets, antitrust price fixing, water utility rate disputes, trademark infringement profits, independent contractor or employee determination, breach of contract, business valuations, shareholder disputes, estate distribution among beneficiaries, divorce disputes, malpractice litigation against professional accountant as well as tax-related matters such as tax fraud, various tax assessment disputes and disallowance of exempt status

With respect of the above submission of the high prevalence of fraud in our society and the significance role of a forensic accountant in fraud detection, prevention, deterrence as an expert witness in the court of competence jurisdiction. Okunor and Obaretin (2010) noted that since there is need for someone with advanced skills to minimize the incidence of fraud and

financial crime in our organizations and expert witness, it has become critical to bring in forensic accountants into organizations to address the problem of fraud activities that we are seeing in our business environment and society. Bragy (2010) reported that forensic accountants provide services in areas such as company valuation, investigative accounting, legal assistance, criminal investigation, electronic forensic, anti-trust, insurance claim, personal injury, false claims, terrorism monitoring, royalty audit, and dispute resolution. Center for Forensic Studies (2010) stated that conventional auditors continue to issue reports that are materially dishonest as accurate and honest views, failing to disclose current fraud and failing to meet public expectations as they interpret in order to close the audit expectation gap. However, the general hope is that forensic accounting will alleviate the traditional accounting and auditing system's susceptibility to financial fraud. As a result, every industry must incorporate new forensic accounting methods in order to enable the accounting profession to effectively deal with the problem of uncovering inventive fraud. Incorporating forensic accounting techniques into auditing may help to stop the leaks that led to widespread fraud. This is due to the fact that proactive forensic accounting looks for errors and unusual transactions before they become fraud. The existing literature on forensic accountant or forensic accounting as an expert witness is limited and only a few academic has analyze issues of forensic accountant as an expert testimony in Nigeria context. Although few studies have been conducted, they are related to forensic accounting and fraud detection. Hence, the need to explore issues, opportunities and challenges of forensic accountants as an expert witness or testimony in the Nigeria context. Thus scholars believed that with the creation of forensic accountant as an expert witness, aid enforcement in the fight against coordinated and complex financial fraud and economic crime in our society, leading to reduction in fraudulent activities.

Theoretical Foundation

This study is underpin on the fraud diamond theory

Fraud Diamond Theory

Fraud diamond theory is a development of fraud triangle theory. Fraud triangle theory was propounded by Cressey (1953). Fraud triangle theory consists of three elements: perceived pressure, opportunity, and rationalization. Wolfe and Hermanson (2004) expanded fraud triangle theory by adding an supplementary constituent, called capacity, and called the fraud diamond theory Wolfe and Hermanson (2004) and Ruankaew (2016) argue that although perceived pressures or incentives may exist along with opportunities and rationalizations, fraud is not achievable unless the fourth part is present: capacity. Therefore, prospective actors must have the skills and talent to actually commit fraud. Sorunke and Abayomi (2016) reported that frauds will not occur without the right people with the right ability to commit fraud. In other words, prospective fraud perpetrators must have the skills and ability to commit fraud. Ruankaew (2016) suggested that the essentials parts of fraud diamond theory are: Incentive/pressure. Fraud activities usually arise from the pressure obtained by employees in an organization. Zhang, and Skousen (2010) argue that fraud behavior is caused by economic pressures such as insatiability, lifestyle, large expenses or personal debt, loan problems, financial losses and inability to meet financial plans; Opportunity. Opportunity is the second component that supports fraud behavior. Rae and Subramaniam (2008) reported that someone will commit fraud if there is an opportunity and lack of control in his or her company. Hence, someone who has the opportunity will exploit his or her abilities and expertise to commit fraud; the third element of fraud diamond theory is rationalization, which is a thought that justifies an action as a natural behavior, which is morally acceptable in a normal society. Jackson et al. (2010) argue that if someone perceives a particular action as a

fraudulent action, it is impossible for him or her to be involved in a fraudulent action; Capacity. Someone who has a position in a company is likely to commit fraud. Wolfe and Hermanson (2004) stated that many huge scale frauds are improbable to occur if there are no people with individual capability in the organization. This study was based on the fraud diamond theory because with the ideology and philosophical foundation of the fraud diamond theory the forensic accountant will be able to reduce the prevalence of fraud in our organization and society. The forensic accountant as a result of the knowledge from the fraud diamond theory will be able to detect, prevent and reduce the activities of fraudsters in our society.

Literature Review

Forensic Accounting and Forensic Accountants

To build on the true position of things, forensic accounting has been dubbed the fastest growing field of accounting today. Despite the recent media attention, forensic accounting is not a novel concept. Its origins can be traced all the way back to the early 1800s in Glasgow, Scotland. Forensic accounting as a discipline remained largely obscure until a slew of high-profile corporate scandals and tighter reporting and internal control regulations brought it to light (Wallace, 1991). Maurice E. Peloubet is credited with coining the word forensic accounting in his 1946 essay forensic accounting. Although the word may not have been coined until the 1940s, Frank J. Wilson, the man who spearheaded the effort to convict Alphonse "Scarface" Capone for tax evasion in 1931, may be considered the first high-profits forensic accountant (Joshi, 2003). According to Webster's Dictionary, 'Forensic' means "belonging to, used in or suitable to courts of judicature or to public discussion and debate. According to Black's Law Dictionary, forensic is used in or suitable for courts of law or public debate. America Institute of Certified Public Accountant (2006) reported that forensic procedures involve the systematic gathering of evidentiary data through the use of recognized investigative techniques that can be presented in a court of law. A forensic specialist, though not specifically defined, is an individual having expertise and/or training and experience in one or more disciplines that could be used in a forensic environment. Disciplines commonly applicable to forensic environments include accounting, auditing, fraud examination, law, computer and other technologies. Forensic accounting services generally involve the application of special skills in accounting, auditing, finance, quantitative methods, specific areas of law and research, and investigative skills to collect, analyze, and evaluate evidential matter, as well as the interpretation and communication of findings, and may involve either an attest or consulting engagement.

Dhar and Sarkar (2010) reported that forensic accounting is the application of accounting principles and techniques to legal problems. It necessitates reporting, in which the fraud's responsibility is determined and the report is used as evidence in court or administrative proceedings. Degboro and Olofinsola (2007) noted that forensic investigation is about determining and establishing facts in support of a legal argument. To put it another way, using forensic methods to diagnose and solve a crime exposes all of the crime's accompanying features and identifies the perpetrators. Howard and Sheetz (2006) stated that forensic accounting is the method of reading, summarizing, and analyzing financial data and, as an expert witness, addressing complex financial problems plainly, succinctly, and factually in court. It is concerned with the application of accounting principles to assist in the determination of factual problems in business disputes (Okunbor and Obaretin 2010). Association of Certified Fraud Examiners (2010) stated that forensic accounting is the application of skills in possible or actual civil or criminal disputes, including the application of commonly accepted accounting and auditing principles in determining losses of benefit,

revenue, property, or harm, estimations of internal controls, frauds, and other situations that require accounting expertise. As a result, forensic accounting entails using accounting principles, auditing methods, and investigative procedures to solve legal issues. There are various types of forensic accounting functions that can take place, such as financial fraud investigation, securities fraud investigation, bankruptcy investigation, defaulting on debt investigation, economic damages investigation, merger and acquisition investigation, divorce proceeding investigation, money laundering investigation, privacy information investigation, tax evasion, fraud investigation, corporate valuation, dispute investigation, professional negligence claims investigation, quantifying damages investigation, bribery and corruption investigation, misappropriation of assets investigation, financial reporting misconduct investigation, business valuation investigation, computer forensic investigation, expert witness and personal injury claims investigation.

Singleton and Singleton (2010) reported that forensic accountants utilize an understanding of economic theories, business information, financial reporting systems, accounting and auditing standards and procedures, data management and electronic discovery, data analysis techniques for fraud detection, evidence gathering and investigative techniques, and litigation processes and procedures to perform their work. A well trained forensic accountant adopts different kinds of skills in discharging functions, such as communication skills, information technology skills, legal knowledge, accounting knowledge, criminology skills, investigative skills, auditing skills. The American Institute of certified public accountants (2006) stated that forensic accountant investigative techniques are public document reviews, background investigation, interviews of knowledgeable persons, confidential sources, laboratory analysis of physical and electronic evidence, physical and electronic surveillance, undercover operation and analysis of financial transactions. Golden et al. (2000) reported that forensic accounting duties and responsibilities are as follows; Reviewing financial documents to identify inaccuracies; Analyzing financial data and tracing discrepancies; Forecasting and preventing financial frauds; Review financial documents to identify inaccuracies; Analyze financial data and trace discrepancies; Forecast and prevent financial fraud; Report on revenue losses and damages from contract breaches; Investigate complex business cases to minimize risk; Provide litigation support and present findings to be used as trial evidence; Perform regular financial record audits to ensure compliance with the law; Ensure all accounting procedures follow legislation; Keep organized files of all legal cases; Attend court, when needed. According to Zysman (2013), there are two types of forensic accounting: investigative accounting and litigation support services.

American Institute of Certified Public Accountants (2006) reported that an investigation is a structured gathering of documentary evidence and testimony to resolve allegations of improper activity, including reported fraud. Investigation is the action of investigating something, someone or systematic examination of perceived fraud and wrong doing. Investigative accounting encompasses forensic services such as analysis and investigation that may or may not be involved in litigation but may acquire the same skills used in litigation services. Crumbely (2003) stated that investigative accounting is concerned with the investigation of criminal matters, and a typical investigative accounting feature will be on employee bribery, insurance fraud, kickbacks, securities fraud and proceeds of crime investigations. Singleton and Singleton (2010) reported that investigative accounting is similar to fraud auditing, but specialist investigation usually requires a lot more non-financial facts, such as testimony from interviews, than fraud auditing. So, when a fraud investigation includes a fraud examination, it also includes the collection of non-financial forensic evidence. Jafaru (2011) suggested that investigative accounting is the use of financial

expertise and investigative mindset within the framework of the rules of proof to overcome unresolved fraud issues. There are different forms of investigative accounting such as employee misconduct, criminal investigations, asset discovery, funds tracing and recovery, forensic intelligence gathering, and due diligence analysis. Employee fraud investigation entails procedures and processes for determining the presence, nature, and scope of fraud, as well as the identification of a perpetrator. These investigations also include interviews with those who had access to the funds as well as a thorough examination of the documentary evidence. Albrecht and Albrecht (2012) identified four forms of evidence gathered during a fraud investigation: testimonial evidence, photographic evidence, and eyewitness testimony. Fingerprints, identification numbers or marks on stolen items, and other identifiable evidence that can be linked to a fraudulent act are examples of physical evidence. Expert forensic analysis is often used in the collection of physical evidence. Personal observation entails information that the investigator has seen, heard, or thought. Personal observation investigation methods include invigilation, monitoring, and undercover operations, among others.

Expert Witness

Amadiababe (2008) posited that a forensic accountant's primary function as an expert witness is to evaluate, interpret, summarize, and present complex business and financial transactions in a rational, understandable, and fact-based manner. An expert witness is a person who, due to their education, training, ability, or experience, is assumed to have knowledge of a subject beyond that of the average person, to the point where others may legally rely on them for specialized science, technological, or other opinions on evidence or facts within their expertise. Crunbley (2013) state that additional function of an expert witness include, communicate finding in the form of report and supporting document, assist in any legal proceeding, assist in obtaining documentation necessary to support or refute a claim, review of the relevant documentation to form an initial assessment of the case and identify areas of loss assist with examination for discovery including the formulation of question to be asked regarding the financial evidence, attend the examination for discovery to review the testimony, assist with understanding the financial issue and to formulate additional question to be asked, review of the opposing expert damage report on both the strength and weakness of the position taken, assist with settlement discussion and negotiations, attend trial to hear the testimony of the opposing expert and to provide assistance with cross examination.

Oworibi and Dada (2013) states that forensic accounting provides an accounting analysis that is suitable to the court which will form the basis for discussion, debate and ultimately dispute resolution it compasses litigation support expert witnessing and investigative accounting. The essential goal of litigation support is to organized, analyze and present case material through computer system. According to Kane (2013) forensic litigation support professionals assist attorney in managing large-scale litigation, designing and implementing database for managing, sorting, indeting, and abstracting large volume of data produce in litigation. Litigation support professional also develop data management strategies, assist with technology in the count room, provide user support and training on both off the shell and proprietary forensic accounting software and coordinate with technology vendors. Telpner and Mostek (2013) assort that lawyers, judges, and forensic accountants often view expert witnessing through different eyes. They state that a layer would like his client's expert witness to rebuild the opposing expert and to arrive at a conclusion favorable to his client. Judge often want the expert to arrive at a conclusion favorable to his client. Judges often want the expert to arrive at a conclusion when the judge cannot reach one without the expert's

assistance. There are time when more than one conclusion can be reached from the forensic facts available to the expert, but the judge want the expert's fact and logic without a conclusion. This allows the judges to arrive at his own conclusion uncolored by opinions of the expert witness. Zysman (2013) states that forensic accountant is one who has mastered the science of accounting and is able to assist lawyers and the courts to understand and apply accounting issues to the law and to disputed matters. Forensic accounting experts have extensive experience in investigations to determine solutions to disputed accounting matters to write expert report on their investigation and to appear in court as expert witness. The expert may be hired solely as a consultant to an attorney and his client during litigation, or as one who provides opinion evidence as an expert. Telpner and Mostek (2013) argued that the role of a forensic accountant as a consultant is not limited to litigation support or expert witnessing. A forensic accountant might be hired to review and strengthen internal controls, to determine if assets are missing or to discover if tax laws or accounting rules have been applied correctly to company transaction. Forensic accountants are hired to determine if embezzlement has occurred or if so how much is missing and how it was done. Telpner and Motsk (2013) reported that when litigation revolves around facts that require interpretation and discovery of accounting matter, development of accounting issues, accounting opinion, or expert witnessing the lawyer should convince his client to hire a forensic accountant before a petition or complaint is filed or answered. The accountant will be able to develop accounting issues for the compliant or answer, assist with interrogations and request for records and reduce the volume of unneeded accounting information that a lay person might request. The accountant can assist with deposition questions and accounting interpretations of statements made by the deposed expert or lay witness in general business, finance, and accounting matters or specific matters of a specialized industry. Telpner and Motsk (2013) states that forensic accounting expert will serve the role of investigator, counselor and educator to the attorney, the court and the jury.

In fulfilling any of these roles, forensic accountant offer many skills to assist the attorney. Forensic accountant have specialized education and experience in working with trial attorneys and uncovering accounting, tax and financial facts and issue in the discovery process. They also have skills and know how necessary to issue an experts report that will assist the engage attorney and the tries of fact to understand the accounting fact, and financial issues and to reach logical conclusions and testify on them. Telpner and Motsk (2013) reported that the accounting expert witness must determine facts and issues within his area of expert knowledge. He must always begin by conferring with the engaging attorney to receive initial direction and understanding of what the attorneys goals are for the accountant. The attorney should ensure that the accounting expert witness is provided with all documents he requests and with those the attorney believes the expert will need even if not requested. These document include all of the financial accounting and tax information that may be relevant to be case, the attorney should not overlook the information associated with the attorneys trade. These documents would include but not limited to the complaint, depositions, interrogatories, and answers, requests for production of records, motions orders and all related document filed with the court. The attorney should readily provide all of this primary information, that is, the official court papers and other public documents, to the accounting expert if the attorney is confident that the accounting expert understands the rules and risk associated with the use of confidential attorney memoranda and other work product, the attorney may choose to provide this information to the expert accountant.

Crumbly (2011) noted that in some circumstance, the expert accountant may be unable to reach valid conclusion without this information or efficiency may demand that summaries of document and records be provided to the expert. Zyman (2012) stated that the attorney should always provide actual and complete deposition to the accounting expert and not the lawyer's

summary of them, at a minimum, the attorney should provide the complete deposition of all of the witnesses whose testimony will have direct bearing on the experts work. The accounting expert witness will read the depositions with the eyes of an accountant and may reach conclusions and develop issues on accounting testimony that differ from an attorney's conclusion. Telpner and Morks (2013) stated that to achieve success in forensic consulting or expert witnessing a forensic accountant must become a super investigator researcher and adopt a creative investigation and research philosophy. A philosophy of forensic accounting or expert witnessing is a way of professional forensic life. It is a logical thinking process to stimulate the intellect and imagination to solve and explain litigation, issues that revolve around accounting and legal matters. Hopwood et al. (2013) stated that as experts, forensic accountant serve as expert consultants and expert witnesses, as an expert consultant the forensic accountant is an independent accounting contractor who provides expert opinion in a wide array of cases, such as those relating to divorces mergers and acquisitions, fraud investigations, employee-employer disputes, insurance disputes, in some cases the forensic accountant serve as both expert consultant and expert witnesses, in both roles, forensic accountants provide expertise in areas such as business valuations economic damage calculations, lost profits and wages, disability income analysis, fraud investigations and management, matrimonial accounting, adequacy of life insurance, mergers and acquisition, and contract negotiations and disputes.

Hopwood et al. (2013) reported that forensic accountant often serve as expert witnesses who are permitted in court to render opinions or conclusion based on facts admitted into evidence and other information on which he choose to reasonably rely. The expert is a major exception to the personal knowledge rule which normally limits witness testimony to matter of personal knowledge. Singleton and Singleton (2010) remarked that before expert can testify as experts, they must first demonstrate their expert qualification. Factors that are typically involved in a court assessment of an expert's qualification include education and certifications experience, publication special awards professional memberships, and professional speaking engagements. Hopwood et al. (2013) posited that many types of certification are relevant to the forensic accountant and some basic certification include the certified fraud examiner, Certified Public Accountant, Certified in Financial Forensic, Certified Forensic Accountant Certified Forensic Consultant, Certified Fraud Specialist, Forensic Certified public accountant. Before someone is permitted to testify as expert, the opposing side is permitted to examine and challenge that expert's background and credential. This can mean intensive questioning about the witness background and expertise. This examination is typically done through depositions and challenge to the expert. Testimony normally is made through perpetrate motion in limine or in mini-trials that apply Danbert Frye or other test. In the United State of America federal court system Rule 702 (testimony by expert) set forth four criteria that requires expert witness testimony to be based on reliable principles and methods which are the technique or theory has been subjected to scientific testing, the technique or theory has been published in peer-reviewed scientific journal, the error rate for the technique is reasonably estimated or know, the technique or theory is accepted in the relevant scientific community. According Hopwood et al. (2013) observe that the forensic accountant expert witnesses could be asked to prepare written pretrial reports. Such reports should at least state the following: the reason the report is prepared, it scope including the matters covered any conclusions drawn by the forensic expert and the information observations and rationale used by the forensic accountant to support any conclusion made in the report. The report should not include any extra information or comments that unnecessarily increase the target area that can be sued to attack the report. Forensic accountant should consider ethics guidelines applicable to their practice of expert testimony. `Forensic accountants are normally member

of organizations with ethics code that requires and recommend conduct relating to credential, confidentially, conflict of interest, and work paper requirement.

Hopwood et al. (2013) reported that forensic accounts can play various roles in dispute resolutions, including as neutrals, dispute participants, expert consultants, and expert witnesses. Collectively, these four roles comprise the litigation support services practice area of forensic accounting. Litigation support is providing accounting assistance in a matter involving existing or pending litigation and deals primarily with issues related to quantifying economic damages. The litigation support specialist may provide this assistance to the attorney in all stages of preparing the case, or could be on the stand serving as an expert witness. American Institute of Certified Public Accountants (2006) reported that litigation services entail the role of the forensic specialist as an expert or consultant and consist of providing assistance for actual, pending, or potential legal or regulatory proceedings before a trier of fact in connection with the resolution of disputes between parties. Litigation services generally consist of expert witnesses, consulting, and other services. These services are defined as follows: Expert witness services are litigation services in which a member is designated to render an opinion before a trier of fact as to the matters in dispute. Consulting services are those litigation services in which a member provides advice about the facts, issues, and strategy of a matter. The consultant does not testify as an expert witness before a trier of fact unless the consultant's role subsequently changes to that of an expert witness. Other services are litigation services in which a member serves as a trier of fact, special master, and court appointed expert, referee, arbitrator, or mediator on behalf of a client. American Institute of Certified Public Accountants (2011) stated that forensic accountants can be called upon to testify in criminal and civil cases involving financial fraud, embezzlement, misapplication of funds, and irregular accounting practices. They can also be called as a prosecution witness or to assist the defendant's attorney in matters involving accounting or auditing. Association of Certified Fraud Examiners (2004) stated that forensic accounting experts will testify as expert witnesses or act as consulting experts during the trial process. When advanced expertise is required to help the jury interpret facts or decide a fact in dispute, expert witnesses testify. On the other hand, consulting experts seldom appear in court. Instead, they are employed to help the plaintiff with technical aspects of the case preparation. In general, all testifying and consulting experts work with the litigation team on a regular basis. Litigation support services, Singleton and Singleton (2010) stated that litigation support services apply to a forensic accountant supporting an attorney in prosecuting or defending a case in the legal system. This assistance can take on a range of skills, but it is ultimately intended to end with the forensic accountant giving an opinion in a Court of Law as an expert witness on matters of accounting fraud. Zysman (2013) suggested that litigation support services is where a forensic accountant provides accounting assistance in a matter involving ongoing or pending litigation, and it mostly deals with the issue of quantifying economic damages. A typical litigation support service, or assignment provided by a forensic accountant, will be calculating the economic damages.

Empirical Review

Emma and Okaro (2011) in their research about the perception of Accounting Academics on the vexed issue of whether the injection of Forensic Accounting techniques, on a cost/benefit basis, in an audit is capable of increasing the ability of the auditor to discover fraud and thus help in bridging the audit expectation gap in Nigeria. A survey research design approach was adopted for this study. Questionnaire was administered on Accounting Academics of 8 tertiary institutions in the Eastern part of Nigeria. The study revealed, from the perception of

Accounting Academics, that Forensic Accounting techniques injected in an audit and given cost/benefit considerations is capable of increasing the ability of the Auditor to detect fraud and thus help bridge the audit expectation gap in Nigeria. They concluded that their finding has implications for both accounting education and accounting practice.

Modugu and Anyaduba (2013) examined forensic accounting and financial fraud in Nigeria. The study employed survey design in a sample size of 143 consisting of accountants, management staff, practicing auditors and stakeholders. The authors employed binomial test for data analysis and found that there is significance agreement amongst stakeholder on the effectiveness of forensic accounting in fraud control, financial reporting and internal control quality. Okunbor and Obaretin (2010) examined the effectiveness of the application of forensic accounting services in Nigerian corporate organization in a sample of ten companies quoted in the Nigerian Stock Exchange by employing simple regression model for the test of hypothesis. The study revealed that the application of forensic accounting services by corporate organization in Nigeria is not effective in determine fraudulent activities.

Onuorah and Ebimobwei (2011) employed survey design to examine the effect of forensic accounting services in fraud detection in Nigeria banks by the use of Augmented Dickey-fuller, ordinary least square and Granger Causality test. The result revealed that the application of forensic accounting services affect the level of fraudulent activities of banks. Adegbe and Fakile (2012) employed Chi-square and statistics package for social science to empirically evaluate forensic accounting as antidote to economic and financial crime in Nigeria. They tested four hypotheses. The study revealed that forensic accounting is a financial strategy to curb and resolve economic and financial crimes in Nigerian economy.

Okoye and Gbegi (2013) employed simple mean and standard deviation to investigate forensic accountants to planning management fraud risk detection procedures. They also used multivariate analysis of variance and analysis of variance ANOVA to compare their study the authors found that forensic accountants effectively modify the extent and nature of audit test when the risk of management fraud is high. They also found that forensic accountant should be involved in the risk of management fraud assessment process than consulting them. Bressler (2011) studied the perception of attorney and judges in the court system as to what might enhance understanding of the role of forensic accountants in fraud investigation. The researcher employed conceptual analysis and found that forensic accountants must be well trained in the rules of evidence, financial data, accounting information system, software and communication skills.

Okoye and Jonathan (2019) examined the study dwelt on the effect of forensic accountants' expert testimony in litigation and the objectiveness of forensic investigation in Deposit Money Banks (DMBs) in Nigeria. The study sought to find out to find out the relationship between forensic accountants' expert testimony and fraud prevention, fraud detection and fraud reduction. Survey research design was adopted in the study. Questionnaires, personal interviews, and document review were the methods that were used to obtain data for this study. A sample of thirty branch manager, and operations managers were used from sixteen DMBs in Nigeria. Pearson moment correlation was used to analysis the data and it was found that forensic accountants' expert testimony have a significant relationship with fraud prevention, fraud detection and fraud reduction. The study thus recommended that the work of the forensic accountant should not just end in fraud investigation but should also and always be invited to provide a sworn expert testimony in the court of law that will aid in the prosecution of fraudsters.

Ojong (2017) examined the need for sworn expert testimony in litigation engagement has been on the increase. This expert testimony is the treasured investigation result of the forensic accountant which is central to the success of litigation. This study addresses the role of the

Forensic Accountant's sworn expert testimony in the successful. The survey design was used in the study with a sample size of 100 consisting of accountants, auditors, and legal practitioners. The simple random technique was utilized in selecting the sample size, while the ANOVA (F-test) was employed in the data analysis. The findings of the study revealed that the forensic accountants' ability to provide sworn expert testimony is integral to forensic examinations because it affects the objectiveness and neutrality of forensic accountants during forensic investigations and examinations. It was thus recommended that Forensic accountants should invest whatever is necessary to acquire investigative skills to add to their professional skills of financial analysis and uphold the quality of honesty and objectivity which will remove any emotional affiliation and interest in the outcome of any litigation process or case thereby making their sworn expert testimony invaluable to the litigation process.

Gbegi and Habila (2017) examined the study examines effect of forensic accounting evidence on litigation service in the Nigerian Judicial system. Primary data were sourced through questionnaires, a descriptive and causal (cause-and-effect) research design adopted while Chi Square (X²) test of significance was used for testing the hypotheses formulated. The findings revealed that forensic accounting evidence (documentary evidence, demonstrative evidence, physical evidence and oral evidence) has significance influence on litigation services in the Nigerian judicial system. The study recommended that Forensic accounting evidence should be constantly employ by the Nigeria court of law in other to positively enhance litigation services in Nigeria, and Forensic accounting oral evidence should be administer in the court of law and should be given by expert witness that has the training and communication skills such as forensic accountants.

Methodology

The researchers adopts exploratory and content analysis research methodology in carryout this research. The researchers review existing literature on forensic accountants and expert witness by using article, journals, textbooks, archival sources, newspaper, magazine, conference papers. The exploratory methodology was found to be appropriate for the purpose of establishing key issues and variables in explaining forensic accounting as an expert witness.

Conclusion

The purpose of this study is to provide an insight into forensic accounting activities as relate to expert witness in Nigeria. Forensic accountants are expert witness who provides litigation support services on varieties of fraud related issues. Forensic accountant as an aspect witness assist attorney in prosecuting large scale financial and economic fraudsters. Forensic accountant as expert witness provide litigation support services and testimony on criminal and civil prosecutions where their services can be used to support investigation of matters such as financial fraud, embezzlement, misappropriation of fund and improper accounting practice. Forensic accountant are defense witness or to support the defendants counsel on matters that involve accounting and audit practice. Forensic accountant as an expert witness testify as an expert witness or consulting expert. Forensic accounting as an expert witness present complex business issues, analyze, summarize financial dealing in a logical and understandable manner supported with cogent and verifiable evidence to help the attorney prosecute financial and economic fraudsters or in settling civil dispute and resolution. Forensic accountant as an expert witness is a professional highly skills, trained, experience, and it believed to have sound knowledge in a subject matter beyond the average person sufficient enough to rely on as a specialize scientific technical knowledge to support the activities of the court in prosecuting fraudulent activities and dispute resolution. Thus, the

study concludes that forensic accountant is expert witness and litigation service provider who support the activities of attorney in the process of prosecuting fraudsters and ensuring dispute resolution.

Recommendation

The study recommends among others that forensic accounting evidence should be constantly employ by the Nigeria court of law in other to positively enhance litigation services in Nigeria. Forensic accounting oral evidence should be administer in the court of law and should be given by expert witness that has the training and communication skills such as forensic accountants. Forensic accountants should invest in retraining to acquire investigative skills to add to their professional skills of financial analysis and uphold the quality of honesty and objectivity which will remove any emotional affiliation and interest in the outcome of any litigation process or case thereby making their sworn expert testimony invaluable to the litigation process. Forensic accountant should be legally made to be part of fraud and civil litigation process in the Nigerian legal system. The Nigeria government should establish a special financial fraud and economic crime court to prosecute fraudsters with the enactment of forensic accountant as part and parcel of the prosecution process. Professional accountancy bodies, government and the private sector should assist to invest in the training, retraining, of forensic accountant's in Nigeria, to aid the prosecution of fraudsters and help reduce the activities of financial and economic crime in Nigeria.

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