



Marion Smith KC

Year of call: 1981 | Silk: 2015

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"Marion is an excellent advocate, with a profound grasp of how to simplify complicated scenarios and obtain an effective outcome for clients.." The Legal 500 2024 Construction

"Marion is outstanding in every respect. You want her in your corner."
Chambers and Partners 2024 Construction

Marion is experienced as counsel representing and advising national and international clients in a wide range of business sectors, including construction, energy, engineering, infrastructure, insurance, media and transport matters. She is recognised for her expertise in adjudications, Technology and Construction Court (TCC) proceedings and international arbitration. She is well known for her ability to establish excellent working relationships with clients, experts and the legal team. Her in-depth experience in advocacy in document-heavy cases includes disputes in which the relevant law is not English law.

She is appointed as an adjudicator, arbitrator (sole, party and president) and mediator handling matters across a wide range of industry sectors, legal issues and geographical regions.

Marion is recognised as a leading lawyer in many of the legal directories including, The Legal 500 2024 and Chambers and Partners 2024 for Construction, The Legal 500 Middle East 2024 for Construction, and The Legal 500 2024 for Energy and Professional Negligence.

Marion's expertise and experience in international dispute resolution is reflected by her present roles including representing the Chartered Institute of Arbitrators as Trustee (since 2016) and Chair of the Trustee Board (2023), and the Bar of England and Wales as Vice Chair of the Bar Council's International Committee.

Marion is also a Professional Fellow at Aston University, contributes to various publications and is in demand as a speaker at international arbitration and dispute resolution conferences worldwide.

Areas of expertise

ADR (contractual and statutory adjudication, expert determination and mediation)

Arbitrator

Commercial Contracts

Construction
Energy and Natural Resources
PPP/PFI
Professional Negligence

Construction

Marion has over 20 years' experience as counsel representing and advising in relation to a broad range of energy, infrastructure and construction matters. She has extensive experience in domestic and international standard form contracts, including the FIDIC, JCT and NEC and ICC suites.

Marion has in-depth experience in advocacy in TCC proceedings and international arbitration, including in disputes in which the relevant law is not English law. She is regularly appointed as an arbitrator (sole, chair and party appointed), adjudicator and as an expert determiner. Marion has given expert evidence on English law in proceedings before courts in the ASEAN and MENA region.

Marion is recommended in the leading directories for construction. She is a contributor to Wilmot-Smith and Darling on Construction Contract (4th Edition OUP) and GAR Guide to Construction Arbitration (5th Edition 2023).

Marion's Construction practice includes:

- Adjudication
- Cladding and other building defects
- Construction professionals' liability
- Construction, engineering and infrastructure disputes
- Delay and disruption; Energy; International arbitration

Cases of note

- Lead counsel, acting for scaffolding contractor enforcing an adjudicator's decision in a case which turned on the interpretation of the conclusive evidence clause in the JCT Design & Build contract, instructed by Ward Hadaway: Battersea Power Project Phase 2 Development Company Ltd v. QFS Scaffolding Ltd [2024] EWHC 591 (TCC)
- Lead counsel, acting for an employer in a multi-million pound delay dispute in adjudication arising from a construction project on an inner-city brownfield site involving contamination and piling issues.
- Lead counsel, advising three councils in a dispute relating to an EfW project and deductions for facilities management services.
- Lead counsel, advising in relation to claims for an extension of time and the prevention principle in the context of a warehouse development.
- Lead counsel, representing the main contractor in an adjudication relating to the supply of logistics handling equipment with issues relating to jurisdiction and the implication of the scheme's payment mechanism provisions.
- Lead counsel, representing the specialist sub-contractor in an adjudication relating to a large and complex commercial façade project with issues of delay, extensions of time and liquidated damages.
- Lead counsel, advising a public sector client in an adjudication relating to the effect of Covid-19 on compensation events under its contract for highways maintenance.
- Lead counsel, representing a rail infrastructure provider in TCC proceedings relating to machinery and plant hire.

- Lead counsel, advising the provider of student accommodation on its entitlement to EOT and the application of the de minimis principle.

Recommendations

Marion is listed in The Legal 500 Middle East 2024 for Construction, The Legal 500 2024 and Chambers and Partners 2024 for Construction and The Legal 500 2024 for Energy.

- *"She is extremely conscientious, thorough and assiduous in her work, which she approaches with charm and dedication."* The Legal 500 2024 (Construction)
- *"Marion is an excellent advocate, with a profound grasp of how to simplify complicated scenarios and obtain an effective outcome for clients."* The Legal 500 2024 (Construction)
- *"Very persuasive and great with clients."* The Legal 500 2024 (Construction)
- *"Marion is incisive, with a strong dose of common sense and an advocacy style which pleases an international tribunal."* The Legal 500 2024 (Construction)
- *"Marion is outstanding in every respect. You want her in your corner."* Chambers and Partners 2024 (Construction)
- *"Marion really puts clients at ease and communicates very clearly with them. She can identify what clients want to get out of the issue, and the clients can feel like they're in very safe and capable hands."* Chambers and Partners 2024 (Construction)
- *"Marion Smith has a great commerciality about her."* Chambers and Partners 2024 (Construction)
- *'Marion is outstanding in all areas and really gets what is needed to persuade a court or adjudicator. She is brilliant in client-facing situations as well.'* The Legal 500 2023 (Construction)
- *'Extremely knowledgeable, with a calm advocacy style.'* The Legal 500 2023 (Professional Negligence)
- *'She is extremely conscientious, thorough and assiduous in her work, which she approaches with charm and dedication.'* The Legal 500 Middle East (Construction)
- *"A very experienced and respected silk. She has a serene disposition, even in the most pressured of situations."* The Legal 500 2022 (Professional Negligence)
- *"Very experienced and respected, even by opponents. She has a very pleasant and calm disposition, even in the most pressured of situations."* The Legal 500 2022 (Construction)
- *"Marion Smith QC is a quality silk who is recognised for her prowess in adjudications, TCC proceedings and international arbitration. She is sought after to advise on a variety of matters, including PFI, energy and engineering disputes. She is noted for her ability to establish excellent working relationships with clients."* Chambers and Partners 2021 (Construction)
- *"She produces clear, measured advice."* Chambers and Partners (2021)
- *"An absolute pleasure to work with and very on the ball, she knows her stuff and is very good with clients."* Chambers and Partners (2020)
- *"She gets to grips with the paper quickly, is really client-focused and actually very commercial too."* Chambers and Partners (2020)
- *"Provides first-rate advice which considers the client's objectives throughout."* Chambers and Partners 2020
- *"She is able to distill complex themes and extensive documentation into something that is unfailingly understandable."* The Legal 500 2020
- *"An outstanding speaker and advocate."* The Legal 500 2020

Memberships

- Civil Mediation Council
- Commercial Bar Association
- Inter-Pacific Bar Association
- Professional Negligence Bar Association
- Society of Construction Arbitrators
- Society of Construction Law
- TecBar

Qualifications

- University of London, Queen Mary College: LLB (1978)
- University of London, London School of Economic & Political Science: LLM (1979)
- Chartered Institute of Arbitrators, Fellow.
- IMI Qualified Mediator

Appointments and Awards

- Doctor of Laws, honoris causa, Aston University
- Aston University: Aston Law School Advisory Board member.
- Bar Council of England and Wales: International Committee, a Vice Chair
- Chartered Institute of Arbitrators: Trustee
- Council of the Inns of Court: Trustee
- Equal Representation in Arbitration (ERA) Pledge Bar Sub-Committee: member
- Gray's Inn: Bencher and Management Committee member

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