



## Marion Smith KC

Year of call: 1981 | Silk: 2015

Email: marion.smithkc@39essex.com

Phone: +44 (0)20 7832 1111

*"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

## Energy and Natural Resources

---

Marion has acted as counsel and as arbitrator in disputes arising from the construction of oil and gas infrastructure projects around the world. She has specific expertise in relation to EfW projects in the UK and has extensive experience in the interpretation and application of engineering, procurement and construction (EPC) contracts and the FIDIC and IChemE suite of contracts.

Marion's energy and natural resources practice includes:

- Biomass and energy from waste
- Electricity; Nuclear; Renewables
- Water

### Cases of note

- Lead counsel, advising a local authority in relation to indexation provisions in a long-term contract for the supply of waste services.
- Lead counsel, in interrelated adjudication and TCC proceedings relating to claims for variations arising out of an EPC contract for the design and construction of an EfW plant in the UK.
- Lead counsel, advising in relation to extensions of time for epidemic, force majeure, severe weather and change in legislation and liquidated damages arising out of the design and construction of an EfW facility in the UK.
- Lead counsel, advising a local authority in relation to the delayed completion of its EfW plant being provided under a public finance initiative in the UK
- Lead counsel, advising on the termination of an EPC contract for a liquified petroleum gas (LPG)-fuelled power plant in Africa for delay and defects and claims under related financing arrangements.
- Lead counsel, advising joint venture parties in a dispute related to delay and disruption in the performance of an EPC contract for a residual waste treatment facility.
- Lead counsel, advising in relation to disputes arising out of the design and build of the civil, structural and architectural works for a waste-to-energy (W2E) plant
- Lead counsel, advising in relation to statutory adjudication and related claims before a dispute board arising out of the design and construction of a coal fired power plant in Malaysia.
- Lead counsel, acting for a state enterprise in a complex technical UNCITRAL arbitration relating to the decommissioning of nuclear facilities in Europe.

## 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

---

### London

81 Chancery Lane,  
London  
WC2A 1DD  
Tel: +44 (0)20 7832 1111  
DX: London/Chancery Lane 298  
Fax: +44 (0)20 7353 3978

### MANCHESTER

82 King Street,  
Manchester  
M2 4WQ  
Tel: +44 (0)16 1870 0333  
Fax: +44 (0)20 7353 3978

### SINGAPORE

Maxwell Chambers,  
28 Maxwell Road,  
WC2A 1DD  
04-03 & 04-04, Maxwell Chamber  
Suites  
Singapore 069120  
Tel: +65 6320 9272

### KUALA LUMPUR

#02-9, Bangunan Sulaiman  
Jalan Sultan Hishamuddin,  
50000 Kuala Lumpur,  
Malaysia  
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com