



## John Denis-Smith

Year of call: 1998

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*"It absolutely was a pleasure to work with John – he added considerable value in getting us to where we are."* FTSE100 enterprise client

John is a solutions-driven practitioner with a singular focus on helping his clients to achieve a swift and pragmatic result in any dispute. His approach is to explore all angles, persistently building on the evidence to identify the best options for a successful resolution. Both in his commercial practice as well as in construction disputes, he dedicates his energy, knowledge and ingenuity to getting clients the quickest and most favourable results. His approach is informed by previous experience as a construction litigator in top tier solicitors' firms, which has given him a closer understanding of a client's needs and a grasp of the best strategic approach to managing high-value disputes. John has developed niche expertise, especially in fire cases and fire prevention works, in particular in relation to construction and insurance issues arising.

He has been praised for his "coolness and tenacity" in arguing his client's case. During a mediation, his pragmatism led a solicitor client state "we'd have you in the room on our side anytime" and another was delighted with "our successful working relationship".

John's experience is wide and ranges across all dispute resolution areas, including mediation and arbitration, as well as various sectors, from construction and energy to professional negligence and insurance. He receives instructions in disputes as counsel, either on his own or led by some of these chambers' highly-regarded silks, or instructions for advisory work. He also receives instructions from clients under the Direct Access scheme.

## Areas of expertise

Construction  
Commercial

### Construction

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John has a wide-ranging practice in construction disputes including:

- Delay damages claims under NEC forms
- Disputes under JCT contracts, including claims for additional work/disputes concerning responsibility for design or construction defects

- Disputes under ICE Conditions of Contract, including issues of responsibility for work not capable of being performed legally
- Disputes concerning termination provisions and remedies
- Disputes concerning the effect of absence of planning permission
- Interim and final account claims
- Defects and remedial works claims, including claims for resulting financial loss and limitation bar disputes
- Enforcement of adjudication decisions
- Professional negligence claims
- Claims in relation to listed buildings

John has extensive experience in mediation, including acting in relation to:

- Delay damages claims under NEC forms
- Multi-party property damage disputes
- Post-sale title and alleged conversion dispute
- Defects and remedial works claims
- Professional negligence claims

Extensive experience of adjudication, including

- Claims for extensions of time and payment and related enforcement proceedings
- Claims by local authority for delayed completion of works and defects
- Defending employer's claim for alleged repudiation and damages
- Disputes in relation to interim applications and pay less notices
- Final account disputes

#### Cases of note:

- Advising and acting for sub-contractors on (ongoing) claims arising out of alleged non-compliance with Building Regulations concerning fire in the construction of internal and external works, including external cladding, in a complex multi-party dispute arising out of the design and construction of a specialist emergency care hospital in Northumberland, in which quantum is claimed in excess of £125m;
- Acting for a South-East Asian shipbuilding company in London Court of International Arbitration (LCIA) arbitration (claims and counterclaims of over £100m) and related court proceedings arising out of contracts for the construction of drilling rigs;
- Acting in proceedings covering multi-million pound claims pursued in multiple jurisdictions, concerning alleged defects in cladding works to residential properties, including advice on limitation, liability caps, and acting in successful mediation;
- Acting for an architect in a claim for fees and defence to a multi-million pound counterclaim for professional negligence against a high net worth individual client relating to the multi-million pound development of an estate in Herefordshire comprising listed manor house and other buildings;
- Acting in adjudications and various adjudication enforcement proceedings, including successfully enforcing an adjudication decision in the face of allegations of a breach of natural justice and defeating the defendant's application for a stay of execution on the grounds of the claimant's financial position (*Berry Piling Systems v Sheer Projects* [2012] EWHC 241 (TCC) 141 CON LR 225);

- Acting for an employer in claims against a contractor and professional negligence claim against engineers for damages arising out of collapse of a listed building during development works, including successfully acting for client in opposing an application for order for preliminary issues (*Aldersgate Estates Ltd v HAM Construction Ltd* [2013] EWHC 104 (TCC))

## Memberships

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- The Technology & Construction Bar Association (Tech Bar)
- Society of Construction Lawyers (SCL)
- ComBar
- The London Common Law & Commercial Bar Association

## Qualifications

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### Education

- 2003-2005/ King's College London/ MSc Construction Law & Arbitration (Distinction)
- 1996-1997/ Inns of Court School of Law/ Bar Vocational Course
- 1995-1996/ City University, London, Postgraduate Diploma in Law (CPE)
- 1989-1993/ St John's College, University of Oxford/ BA English Language & Literature (First Class Honours)

### Scholarships and Prizes

- 2004/ King's College Construction Law Association Prize for best performance by a second-year student, MSc in Construction law & Arbitration
- 2004/ King's College, Society of Construction Law Prize for best dissertation, MSc in Construction law & Arbitration)
- 2003/ King's College, The Bickerdiike Allen Prize for best performance by a first year student, MSc in Construction law & Arbitration
- 1997/ Gray's Inn, Prince of Wales Scholarship
- 1993/ St John's College, Oxford/ Book Prize

## Appointments

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- Fellow of the Chartered Institute of Arbitrators

## Publications

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- Contributor to Practical Law and Westlaw Insight on construction law issues.
- Contributor (chapters on Standard Form Contracts and Litigation) to Wilmot-Smith on Construction Contracts (Fourth Ed, 2021).
- Contributor (chapter on Brexit and Construction) to Doing Business After Brexit: A Practical Guide to the Legal Challenges (Second Ed, 2022).
- UK contributor to Arbitration World, Sixth Ed, 2019.

- Contributor of articles/papers/webinars for LexisNexis and SCL.
- 2002-04 Co-Editor of the Construction Industry Law Letter ("CILL") Informa Group, London (involved commissioning, editing and writing reports with commentaries on recent case law of importance for the construction field).

## Languages

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- French (intermediate)
- Romanian (basic)
- German (basic)

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