



Marion Smith KC

Year of call: 1981 | Silk: 2015

Email: marion.smithkc@39essex.com

Phone: +44 (0)20 7832 1111

“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

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 prowess 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 regularly appointed as an arbitrator (sole, party and president) by commercial parties and the major institutions, including the ICC, LCIA and SIAC, and as an adjudicator. She has handled 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 Middle East 2023 for Construction, The Legal 500 2023 for Construction and Professional Negligence and Chambers and Partners 2023 for Construction.

Marion's expertise and experience in international dispute resolution is reflected by her present roles. These include representing the Chartered Institute of Arbitrators as Chair of the Trustee Board and the Bar of England and Wales as the 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

Adjudicators

Arbitrator

Commercial Contracts

Construction

Energy and Natural Resources

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 Contracts.

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, 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 2023 for Construction, The Legal 500 Asia Pacific 2022 for Construction, Energy and Infrastructure, The Legal 500 2023 for Construction and Professional Negligence and Chambers and Partners 2023 for 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

- Commercial Bar Association
- Inter-Pacific Bar Association
- Professional Negligence Bar Association
- 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.

Appointments and Awards

- Aston University: Aston Law School Advisory Board, member.
- Bar Council of England and Wales: International Committee, a Vice Chair
- Chartered Institute of Arbitrators: Fellow, Trustee and Chair of the Board of Trustees
- Doctor of Laws, honoris causa, Aston University
- Gray's Inn: Bencher and Master of Advocacy

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