



## Marion Smith KC

Year of call: 1981 | Silk: 2015

Email: marion.smithkc@39essex.com

Phone: +44 (0)20 7832 1111

*'A phenomenal communicator and people person, allowing Marion to make the most complicated of points into something we can all follow. Extremely hardworking and never lets you down.'* The Legal 500 2025 Construction

*'Level headed and attention to detail. A calming influence in fraught situations.'* The Legal 500 2025 International arbitration: arbitrators

*'She always brings a fresh approach to things and is very commercial, and clients love her.'* Chambers and Partners 2025 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 regularly 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 2025, Chambers and Partners 2025 and Who's Who Legal UK Bar report 2024 for Construction; and The Legal 500 2025 for Energy and International arbitrators.

Marion's expertise and experience in international dispute resolution is reflected by her present roles including representing the Bar of England and Wales as Vice Chair of the Bar Council's International Committee.

Marion is also an Honorary Professor of Law, in the School of International Arbitration, Centre for Commercial Law Studies at Queen Mary University of London and a Professional Fellow at Aston University. She contributes to various publications and is in demand as a speaker at international arbitration and dispute resolution conferences worldwide.

# Areas of expertise

Mediators

Adjudicators

Arbitrator

Commercial Contracts

Construction

Energy and Natural Resources

PPP/PFI

Professional Negligence

## Construction

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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).

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 in a five-week TCC trial arising out of a EfW project in the UK.
- 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

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Marion is listed in The Legal 500 2025 for Construction, Energy, Arbitrators and International arbitration; arbitrators; Chambers and Partners 2025 for Construction, and Who's Who Legal 2024 for Construction.

- *"Marion's advice is focused on the client's objectives and she also has an awareness of wider issues and commercial considerations."* Chambers and Partners 2025 (Construction)
- *"She always brings a fresh approach to things and is very commercial, and clients love her."* Chambers and Partners 2025 (Construction)
- *"She is highly intelligent, hands-on and a pleasure to have as part of a team."* Chambers and Partners 2025 (Construction)
- *"Marion is brilliant."* Chambers and Partners 2025 (Construction)
- *'Marion is an excellent arbitrator. She is very conscientious, hard working, and diplomatic.'* The Legal 500 2025 (Arbitrators)
- *'A phenomenal communicator and people person, allowing Marion to make the most complicated of points into something we can all follow. Extremely hardworking and never lets you down.'* The Legal 500 2025 (Construction)
- *'She is very commercial and gets to the heart of a case. Clients love her engaging communication style.'* The Legal 500 2025 (Energy)
- *'Level headed and attention to detail. A calming influence in fraught situations.'* The Legal 500 2025 (International arbitration: arbitrators)
- *"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)

## Memberships

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

## Qualifications

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- 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

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- Honorary Professor of Law, School of International Arbitration, Centre for Commercial Law Studies at Queen Mary University of London
- 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

## Publications

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- Contributor Wilmot-Smith and Darling on Construction Contracts (4th Edition OUP), Chapter 18 Mediation and Alternative Dispute Resolution
- Contributor to GAR Guide to Construction Arbitration (5th Edition), Chapter 9 Alternative Dispute Resolution in Construction and Infrastructure Disputes
- Contributor to Foskett on Compromise (10th Edition Sweet & Maxwell) Chapter 31 Construction Disputes
- Contributor to Net Zero and Nature Positive, (1st Edition LPP) Chapter Construction Professionals Duties

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### 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

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