



Marion Smith KC

Year of call: 1981 | Silk: 2015

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“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

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, 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 an UNCITRAL arbitration relating to the design and construction of a storage facility for spent nuclear fuel and claims for an increase in the contract price.

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

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