



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

PPP/PFI

Marion is often appointed as counsel in relation to private finance initiatives (PFI) and public private partnerships (PPP).

Marion advises on operational, strategic and tactical issues, taking PFI/PPP disputes through all types of formal dispute resolution processes. She has over 20 years of experience across multiple sectors: education, energy, health, road maintenance, social housing, street lighting and waste. This substantial experience means she is well placed to address the legal issues involved in these disputes in the financial and political context in which they arise.

She is also regularly appointed as an adjudicator on PFI/PPP disputes.

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 an NHS trust in respect of defects in the fire compartmentation in its PFI hospital and facilities management issues.
- Lead counsel, advising a local authority in relation to the impact of Covid-19 on its road maintenance programme and services.
- Lead counsel, advising an NHS trust in relation to the provision of building, maintenance and engineering services and service variations.
- Lead counsel, advising a local authority in relation to a waste contract procurement project in a dispute involving design, installation and termination issues.
- Lead counsel, advising a government on the construction and operation of military facilities in a dispute involving the reduction of services and termination.
- Lead counsel, advising an NHS trust in relation to a benchmarking exercise connected with facilities management and the provision of the helpdesk.
- Adjudicator in a dispute between a further education college and its provider of project management services in relation to fees for a substantial urban development project.
- Adjudicator in a dispute between NHS trust and project co/service provider in relation to the adjustment of service fees.

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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