

Mark Smith

Call 1995



Clerks' Details

Colin Griffin
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Appointments

- Accredited Adjudicator
- Accredited Arbitrator

Memberships

- Fellow of the Royal Institution of Chartered Surveyors
- Fellow of the Chartered Institute of Arbitrators
- Member of the Technology and Construction Bar Association
- Member of the Society of Construction Law

Education

- BSc (Hons) (Quantity Surveying & Construction Economics) University of Salford (First class; 1986)
- LLB Manchester Metropolitan University (Distinction; 1993)

Commercial CV

Overview

Mark provides pragmatic and commercially focused legal advice which draws on his first-hand experience of the construction and engineering industries. He is skilled in the drafting, analysis and negotiation of contract documentation and in the avoidance, management and resolution of disputes.

He has extensive experience of both arbitration (domestic and international) and adjudication proceedings and has lectured widely on construction law matters in the UK and across Europe.

He has substantial experience of the forms of contract in common use within the industry such as JCT, NEC3 and FIDIC and has particular experience advising in relation to major European rail and metro schemes. Accredited as an adjudicator by the RICS, the CIARB, the Construction Industry Council and TECBAR and as an arbitrator by the CIARB and TECBAR, he is pleased to accept appointments as either adjudicator or arbitrator.

Mark is a registered Public Access practitioner.

Recommendations

“He has very good experience and gets on with clients as he speaks their language. He is able to create a very strong argument, is a very confident advocate and is very well prepared.”

Chambers and Partners 2020

“He is a former surveyor so he has a unique perspective for construction work. He understands the cases deeply, he is user-friendly and has unparalleled knowledge in construction law with a pleasant manner and a superb legal mind.”

Chambers and Partners 2020

“His industry experience gives him a great understanding of construction disputes.”

The Legal 500, 2020

“He is an excellent counsel with first-class construction knowledge.”

Chambers and Partners 2019

“Very personable and practical.”

The Legal 500, 2018/19

“Assured, authoritative and a good problem solver.”

The Legal 500, 2017

“Totally switched on – he is able to get to the heart of the problem very quickly.”

The Legal 500, 2016

“A ‘weapon of choice’ for complex drafting and advice on construction disputes.”

The Legal 500, 2015

“A construction specialist who acts at all stages of the contractual chain.”

The Legal 500, 2014

Cases

Acting as advocate and lead lawyer in numerous wide-ranging and substantial construction arbitration proceedings.

Advising in relation to numerous (50+) construction adjudications.

Advising European concession company in relation to substantial dispute with Greek State concerning PFI motorway project with value in excess of €3bn.

Advising major European contractor in relation to ICC arbitration against former joint venture partner concerning PFI hospital project.

Advising UK engineering company regarding adjudication against German organisation including subsequent enforcement.

Advising European public sector client and leading team in relation to major dispute and latterly arbitration (£200m approx) with international civil engineering joint venture concerning European capital city metro scheme.

Advising European rail authority on contractual arrangements concerning nationwide signalling upgrade programme.

Advising NHS Trust in relation to multi-million pound dispute concerning construction of new hospital units including acting as advocate in related arbitration proceedings.

Advising regional contractor regarding disputes and related adjudication proceedings concerning two hospitals in Birmingham.

Presenting lecture programme on construction contract law for members of a major UK engineering contractors' association. Also, presenting construction law lectures in Italy, Spain, Denmark, Norway and Sweden on contractual matters generally and FIDIC in particular.

Advising major engineering subcontractor in relation to a multi-million pound dispute with major UK contractor concerning new hospital project in Derbyshire including acting as advocate in subsequent adjudication proceedings. Representing major UK contractor including acting as advocate in arbitration proceedings against local authority concerning new roadwork scheme.

Drafting and negotiating conditions of contract regarding power diversion project relating to major new retail park under instruction from utilities provider.

Acting for joint venture developer as advocate in relation to arbitration against joint venture partner concerning residential housing scheme.

Representing civil engineering/geotechnical subcontractor as lead advisor and advocate in arbitration against national contractor concerning 'geogrid' earth retaining structure at new DIY warehouse project.

Advising local authority in relation to dispute with national contractor regarding roadwork's scheme including conducting negotiations.

Advising national contractor in relation to dispute with Premiership football club concerning construction of new stadium including acting in associated conciliation.

Representing local authority as advocate in arbitration against civil engineering contractor concerning new leisure facility.

Advising local authority in relation to construction of new aquatics complex. Advising major Ports group on its contract strategy for procurement of new civil engineering and building projects including drafting necessary documentation.