



NEW SQUARE

Ben Smiley

Education

Education: B.A. (Oxon), Dip. Law (City).



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Year of Call: 2009

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Profile

Ben has a broad commercial practice, with a particular focus on international disputes, insurance, financial services, arbitration, utilities, disciplinary proceedings, professional liability work and costs. He advises on, and appears regularly in, trials, applications and interlocutory hearings in the High Court, County Courts and other domestic and international tribunals in these and all other areas of Chambers' expertise, as sole or junior counsel.

More detail in respect of the areas in which Ben accepts instructions can be found by following the links in "[Areas of Practice](#)".

As an undergraduate, Ben read Politics, Philosophy and Economics at Oxford, obtaining a First Class degree. He went on to receive his legal training at City University, achieving a Distinction in his GDL and being marked Very Competent in his BVC. A member of Middle Temple, Ben was awarded a Diplock Scholarship to support him in his BVC year.

Ben has undertaken secondments at international law firms and the Financial Services Authority, working on international commercial cases, insurance matters, financial services regulation, professional liability work and sports disputes.

Just as comfortable providing advice as making submissions, and equally adept at written work as in court or conference, Ben has a keen understanding of the needs and commercial considerations of solicitors, insurers and lay clients. He is happy to accept instructions in matters which cross the spectrum of Chambers' work.

Professional Liability

Ben's practice takes in the whole gamut of professional liability work. He has particular experience of acting in claims involving the liability of:

- Financial advisors;
- Accountants and auditors;
- Insolvency practitioners and administrators;
- Insurance brokers;
- Mortgage brokers;
- Solicitors;
- Barristers;
- Surveyors.

Financial Services Professionals

International Arbitration

Ben accepts instructions in any domestic or international commercial disputes which are being determined by way of

arbitration. His experience includes advising or assisting in respect of:

- Arbitrations under the LCIA and other rules;
 - The meaning and effect of the Arbitration Act 1996;
 - The drafting of arbitration rules in the context of disputes relating to sport.
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Chancery

Ben has acted in numerous chancery matters, involving the law of: real property, mortgages, trusts, companies and insolvency. He has particular experience of:

- Claims against insolvency practitioners and administrators;;
 - Disputes relating to the duties of trustees;
 - Claims for possession and other relief by mortgagees and landlords.
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Commercial Dispute Resolution

Ben's practice involves a wide range of commercial disputes in the United Kingdom and abroad, including the Middle East and Central Asia. He has worked on substantial claims involving:

- Banking and finance
 - Insurance
 - Utilities
 - Mining
 - Shipping
 - Aviation
 - The sale of goods
 - Company law
 - The law of assignment
 - Spread-betting
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Financial Services Regulation

Ben has a strong interest in financial services work, and has advised or appeared in respect of claims against:

- Financial advisors;
- Insurers and insurance brokers;
- Mortgage brokers and lenders;
- Firms involved in administering and promoting investments.

Having undertaken a secondment at the Financial Services Authority, Ben has detailed knowledge of relevant regulatory law and practice.

Insurance & Reinsurance

Ben's practice has a particular emphasis on all insurance-related matters, acting for and against insurers. He has experience of both litigation and arbitration, in claims (and potential claims) involving:

- The potential impact of regulatory action on insurance coverage;
 - Material misrepresentation and non-disclosure;
 - Notification;
 - Aggregation issues;
 - Reinsurance and retrocession;
 - The construction of policy wording.
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Costs

Ben's practice includes consideration of a wide range of issues concerning costs. He has acted or advised in respect of:

- The reforms of Lord Justice Jackson;
 - Costs management orders;
 - The construction and enforceability of CFAs;
 - The recovery of costs under s.51 of the Senior Courts Act 1981;
 - The determination of costs against a publicly funded individual and the Legal Services Commission;
 - The award and assessment of costs in respect of interim applications and trials.
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Disciplinary

Ben enjoys disciplinary and regulatory work. His experience includes appearing before the Taxation and Disciplinary Board as Presenter for the Chartered Institute of Taxation and also the Association of Taxation Technicians.

Sports Law

Ben is developing his practice in this area. His experience includes:

- Assisting Richard Liddell in cases involving the British Horseracing Authority;
 - Providing advice in relation to a claim against a Championship football club;
 - Assisting in relation to a claim by an Indian Premier League cricket club.
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