

Ben Smiley

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He's incredibly charming, hands-on and always responds. He's flexible in his methods and modern in his approach.

- Chambers & Partners

Ben Smiley has a broad commercial practice, with a particular focus on international disputes, insurance, financial services, arbitration, disciplinary proceedings, professional liability work, insolvency, costs and sport.

He advises on, and appears regularly in, trials, appeals, applications and interlocutory hearings in domestic and international courts and tribunals, as sole or junior counsel.

More detail in respect of the areas in which Ben accepts instructions can be found below.

Ben is named a "*Leading Junior*" in Chambers & Partners and Legal 500. He is described as:

- "Ben is an extremely effective advocate who often out-performs his more senior opposing counsel. He is incredibly well prepared and has a sharp focus on the detail."
- "Highly adept at dealing with complex issues and difficult clients under extreme time pressure, and very user-friendly. He deals with matters pragmatically and commercially which is a great help." "He just works incredibly hard and produces excellent work."
- "An emotionally intelligent advocate who can adapt his style when necessary."
- "He has a particularly impressive ability to quickly digest the details of even the most complex cases. He is also a formidable advocate in court and has achieved some remarkable victories." "He's very clever, very affable, turns things around quickly and efficiently, and always thinks things through."
- "A really reliable and very capable junior barrister."
- "He provides clear, practical advice that goes to the root of the matter and is targeted to meet the aims of the client."
- "A good advocate, and a rising star."
- "An impressive junior with strong analytical skills."
- "Flexible in his methods and modern in his approach."



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- “Incredibly charming, hands-on and [someone who] always responds.”
- “An up-and-coming star, who has a keen mind and an engaging approach.”
- “Always first-rate. Very slick, personable and hard working. He beats deadlines and is ahead of the game.”

Ben has undertaken secondments at international law firms and the Financial Services Authority (now the Financial Conduct 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 objectives of solicitors, insurers and lay clients. He is happy to accept instructions in matters which cross the spectrum of Chambers' work.

Privacy Policy

Click here for a [Privacy Policy](#) for Ben Smiley.

Areas of Expertise

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

A few of the particular cases in which Ben has acted are as follows:

Cases

- **Bahraini bank**
\$1.5bn claim in the Bahrain Chamber of Dispute Resolution concerning an insolvent bank.
- **Acting for a mining company**
\$10m dispute between a mining company and the Uzbek Ministry of Finance
- **Telecomms dispute**
Telecommunications dispute in the Middle East, concerning both contractual and statutory obligations
- **UK shopping centres**
£12m dispute concerning the financial management of several shopping centres



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- **Business transfer agreement**
Claim concerning the enforcement of a business transfer agreement and the related sale of several properties
- **UK petrol stations**
Claim concerning purchase of a number of petrol stations and connected businesses
- **Nigerian leasing arrangement**
Dispute in respect of a proposed commercial leasing arrangement and the enforcement of security in Nigeria
- **Insolvent LLP**
£42m dispute concerning the management and insolvency of a limited liability partnership
- **Share dispute**
Substantial claim for the enforced sale and valuation of shares in a joint venture company

Qualifications & Memberships

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 graded Very Competent in his BVC. A member of Middle Temple, Ben was awarded a Diplock Scholarship by that Inn.

Education – M.A. (Oxon), Dip. Law (City).

Languages – French (basic), Russian (very basic)

Memberships – COMBAR, PNBA, LCLCBA, ARDL

Insights

Unlimited risk – Ben Smiley writes for Litigation Funding Magazine on how funders have now lost the protection of the Arkin cap

15 April 2020

The Court of Appeal recently handed down judgment in ChapelGate Credit Opportunity Master Fund Limited v Money and others [2020] EWCA Civ 246, a case concerning the so-called ‘Arkin cap’. Professional litigation funders can no longer assume (if they ever did) that their liability for a successful party’s costs will be limited to the amount they invested. That remains a possible outcome, but is likely to be rare. However, the impact on the litigation funding market ought to be limited, since the court’s finding was consistent with judicial treatment of the Arkin cap for several years.

Cameron v Liverpool Victoria Insurance Co Ltd: Suing Unnamed Defendants & the Approach to Alternative Service

20 February 2019

Supreme Court decision in Cameron v Liverpool Victoria Insurance Co Ltd: all change on suing unnamed defendants and alternative/substituted service.

2018 – A year in Costs

21 January 2019

Costs law update by 4 New Square - the most significant costs cases of 2018.

Jackson & Powell on Professional Liability (8th Ed)



NEW SQUARE

Sarpd: The Court of Appeal addresses the approach to costs budgets, with surprising results (Thomson Reuters)

22 March 2016

Subrogation: claims against co-assureds (Insurance Law Monthly)

8 May 2014

Liens in the sand: the survival of a solicitor's lien after termination of its retainer (Journal of Professional Negligence)