

Ben Smiley

Call: 2009

+442078222000 b.smiley@4newsquare.com

Clerk: Alex Dolby

a.dolby@4newsquare.com

+442078222036 +447912405151



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."



NEW SQUARE

- “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

Sports Law

“Provides clear, concise advice.” – *Legal 500, 2021*

“An emotionally intelligent advocate who can adapt his style when necessary.” – *Legal 500, 2020*

Ben enjoys advising and advocating in respect of sports disputes. He acts for governing bodies, clubs and players/athletes. His experience includes the whole range of sports issues:

- Advising on and drafting rules and codes
- Advising and acting for athletes and sports bodies in selection disputes
- Claims involving doping and other breaches of disciplinary rules
- Assisting with commercial disputes connected to the world of sport

Ben accepts sports instructions on a Public Access basis, in appropriate cases.

Examples of cases that Ben has worked on are set out below.

Cases

- **Selection dispute**
Successfully representing an athlete in a Commonwealth Games selection appeal
- **Disciplinary issue**
Assisting Richard Liddell in several cases involving the British Horseracing Authority
- **Commercial dispute**
Providing advice in relation to a claim against a Championship football club regarding player contracts
- **Commercial dispute**



NEW SQUARE

Assisting in relation to a claim against an Indian Premier League cricket club regarding contractual payments

- **Rules**
Drafting arbitration rules for a sports body
- **Doping charges**
Assisting with the defence of a darts player in respect of doping charges relating to recreational drugs
- **Commercial dispute**
Acting for a football club in defending a claim based on an uncommercial agreement entered into by the club's previous owner
- **Doping charges**
Acting for a rugby player in respect of doping charges relating to a steroid
- **Selection dispute**
Advising a sports body in respect of a selection issue arising in preparation for the Tokyo Olympics
- **Selection dispute**
Successfully representing a governing body in resisting the appeal of a selection decision for the Gold Coast 2018 Commonwealth Games
- **Selection dispute**
Acting for and advising a governing body regarding issues arising from an intimate relationship between a coach and an athlete, in connection with selection for the Gold Coast 2018 Commonwealth Games

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



NEW SQUARE

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)

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)