

Keating Chambers
15 Essex Street
London
WC2R 3AA

DX: LDE1045

T +44 (0)20 7544 2600
F +44 (0)20 7544 2700
keatingchambers.com

KEATING
CHAMBERS



Harry Smith

Call: 2014

hsmith@keatingchambers.com

Areas of practice

- Construction & Engineering
- Professional Negligence
- Adjudication
- Arbitration
- Procurement

Clerks' Details

Declan Redmond

T: +44 (0)20 7544 2616
E: dredmond@keatingchambers.com

Will Shrubsall

T: +44 (0)20 7544 2712
E: wshrubsall@keatingchambers.com

Anthony Carroll

T: +44 (0)20 7544 2604
E: acarroll@keatingchambers.com

Shaun Coleman

T: +44 (0)20 7544 2609
E: scoleman@keatingchambers.com

Practice overview

Harry Smith was called to the Bar in 2014 and became a tenant at Keating Chambers on the successful completion of his pupillage in 2015.

Harry is developing a broad and busy commercial practice in line with Chambers' profile, including construction and engineering, procurement, professional negligence, energy, utilities, and insurance matters. Harry has worked on a large number of cases involving a standard form contracts including the JCT and NEC forms.

In addition to a substantial amount of court work (both appearing in his own right and assisting others), Harry's experience includes arbitration, adjudication, mediation, expert determination and various forms of settlement negotiations.

Before commencing pupillage, Harry represented a number of clients in Employment Tribunals in one, two and three-day hearings on a pro bono basis for the Free Representation Unit.

Recent Work

Advocacy

The recent hearings at which Harry has appeared as sole counsel include:

- Taunton County Court hearing. Defending a manufacturer of construction products in a claim for negligent misstatement. Harry obtained summary judgment for the Defendant on the grounds that the Claimant had no prospect of succeeding at trial without expert evidence, which the Claimant had not obtained and, having carried out remedial works, was no longer in a position to obtain.
- Aldershot County Court hearing. Defending the supplier of a telecommunications goods and services package in a claim for breach of contract. Harry successfully resisted the Claimant's application to amend its case.
- Bridgend County Court final hearing. Defending a major telecommunications company in a breach of contract claim. Harry successfully argued that the term relied on by the Claimant had not been incorporated into the contract.
- Cardiff County Court telephone CMC. Representing an architect in a claim for repayment of fees. Harry obtained an order that unless the Claimant filed an amended statement of case the claim would be struck out.
- Brighton County Court directions hearing. Defending a major building contractor in a claim for distress and inconvenience. Harry obtained an order that the Claimant file Amended Particulars of Claim.

Construction & Engineering

Harry's recent work includes:

- Acting (as junior counsel to Calum Lamont) for a well known engineering firm in a \$20 million arbitration concerning a dispute over a micro-tunnelling project in the Middle East.
- Advising an Austrian building contractor in relation to a dispute worth £11.5 million concerning the construction of the Louvre Abu Dhabi.
- Instructed to act (as junior counsel to Gideon Scott Holland) in a £3.5 million dispute concerning renovation and refurbishment works to a substantial private home.
- Drafting the Defence in a restitution claim arising out of a determination made by the First-Tier Tribunal (Property Chamber) involving complex procedural and limitation issues.
- Drafting the skeleton argument in an appeal brought under the Party Wall etc. Act 1996.
- Drafting the Defence in a dispute concerning non-payment of fees allegedly due under air-conditioning maintenance agreement.
- Drafting Particulars of Claim in a dispute concerning the fitness for purpose of a fire prevention system.
- Drafting (during pupillage) closing submissions in an international arbitration concerning the construction of a power plant in Trinidad.
- Advising (during pupillage) on whether the intervention of a local planning authority gave rise to an entitlement to an extension of time under a building contract.

Procurement

- Acting (as junior counsel to Sarah Hannaford QC) for the Legal Aid Agency in a number of challenges to its procurement of legal aid services in the High Court.
- Assisted (during pupillage) with drafting a skeleton argument resisting an application to strike out the claim form in circumstances where the Claimant had allegedly failed to comply with the procedural requirements of the Public Contracts Regulations 2006.

Professional Negligence

- Drafted a Defence in a claim brought against an architect, involving inter alia an alleged failure to put in place an appropriate contractual arrangement between the employer and the contractor.
- Assisted (during pupillage) with drafting a Defence against an architect in a dispute concerning an alleged failure to ensure that the design and construction complied with the planning consents obtained by the employer.

Adjudication

- Drafted (during pupillage) the Referral in a substantial adjudication concerning a dispute worth £430,000 involving the NEC3 Option A contract.
- Drafted (during pupillage) the skeleton argument for a TCC hearing resisting enforcement of an adjudicator's award 815,000 euros.

Bonds & Guarantees

- Drafted Particulars of Claim seeking enforcement of a performance bond as security against a building contractor's impending insolvency.
- Advised on the enforceability of certain bonds in the context of a large waste management construction project.

Insurance

- Advised an insurer as to the potential impact of various statutory requirements on the scope of risks covered by the wording of its insurance policy.
- Assisted with advising an insurer as to the potential liability of a firm of geotechnical engineers in a claim involving a novel application of complex structure theory.
- Drafted Particulars of Claim in a claim brought by an insurer against a building contractor arising out the defective condition of various new-build properties.

Education & Professional Career

Law LLB, University of Warwick (First Class)	2009 – 2013
City University, Bar Professional Training Course	2013 – 2014
Called to the Bar, Inner Temple	2014
Pupil, Keating Chambers	2014 – 2015
Tenant, Keating Chambers	2015

Awards & Scholarships

Worshipful Company of Arbitrators

Arbitration Weekend 2015, Best Individual Advocate

City University

Evan Ashfield Memorial Prize (highest mark in the Free Representation Unit module)

Inner Temple

Major Scholarship

University of Warwick

Giving to Warwick (outstanding contribution to pro bono work)
Master of the Moots (2012-2013)

Publications, Seminar & Papers

- 'Estoppel by convention: a shield or a sword?', Practical Law, Oct 2015.

Languages

French (conversational)

Additional Information

In his spare time Harry enjoys playing the piano and skiing.