



## Paul Smylie

### Senior Associate

psmylie@fenwickelliott.com

Paul has experience acting for employers, contractors and subcontractors in litigation, mediation and adjudication, as well as providing legal and commercial advice on disputes on live projects. He also has considerable experience of defending claims against construction professionals.

Paul has a strong understanding of the construction industry, having previously worked in a major construction consultancy firm assisting with delay and quantum analyses.

Paul was a principal researcher for the first edition of Paul Reed QC's *Construction Professional Indemnity Insurance*.

### Specialist expertise

*Examples of Paul's expertise include:*

- acting for a manufacturer of construction products concerning multiple contribution claims in the TCC related to causes of action under the Building Safety Act 2022;
- acting for an employer in recovering payment under a performance bond following the insolvency of the main contractor;
- acting for a claimant management company in respect of alleged cladding and firestopping defects at a residential property, including a successful application for strike out and summary judgment;
- acting for a main contractor in an adjudication by its subcontractor seeking an extension of time and loss and expense having failed to comply with the condition precedents under the subcontract;
- advising the liquidators of a main contractor in respect of pursuing sums due against the employer following the termination of the main contract;
- advising a mechanical and electrical subcontractor in respect of two international data centres regarding disputes on the valuation of its works and liability for delays and termination of the subcontracts following the insolvency of the main contractor;
- acting for a mechanical and electrical contractor in multiple adjudications concerning its final account in respect of the redevelopment of a major UK railway station;
- acting for a main contractor in an adjudication defending allegations that it was in breach of a subcontract by omitting works and exercising a termination at will provision to allow it to employ another party to complete the subcontract works;

- advising a main contractor in respect of a claim against its consultant engineer regarding alleged defects in the design of the concrete superstructure of a residential development which were discovered during construction;
- advising a multi-disciplinary practice regarding the purported termination of its appointment as architect and replacement as contract administrator in respect of the construction of a new care home;
- acting for a quantity surveyor in respect of a claim by the employer for allegedly over-certifying the value of works prior to the main contractor becoming insolvent;
- acting for a defendant project manager in multi-party litigation concerning delays and cost overruns in respect of an extension to a higher education institution; and
- advising an employer in respect of the termination of the main contractor's appointment on a £10 million project for the expansion and refurbishment of an office building.

**Academics**

Paul graduated from Oxford University with an upper second class law degree and achieved a distinction in his masters in International Business and Commercial Law at Manchester University.

**Memberships**

- member of the Society of Construction Law.