

Roger Smith

PGDipArb FRICS FCI Arb
Director



Profile

Prior to specialising in dispute resolution, Roger worked as a quantity surveyor for various contracting organisations where he progressed to managing surveyor. He understands, first hand, how disputes can arise and how they can potentially be avoided. He fully appreciates the significance of commercial reality when a dispute does arise.

Roger has extensive experience of advising and representing parties on all commercial aspects and alternative dispute resolution on a variety of construction projects. His involvement spans the entire dispute resolution process from initially advising clients on entitlements and strategy, before a dispute crystallises, through to the enforcement of adjudicator's decisions and representation in arbitration/advice on litigation.

Roger has prepared and managed the preparation of numerous claim documents to establish and resolve quantum and time entitlement, whether by direct negotiation or by representation in mediation, adjudication or arbitration.

Roger is a qualified adjudicator and is on the RICS Low Value Dispute panel and the UK Adjudicators panel.

Roger has experience of being appointed as Quantum Expert both in litigation and in arbitration.

Roger is also experienced in conducting seminars and workshops, providing retained visits to clients to advise on contractual matters as and when they arise and has carried out expert determination where jointly appointed by parties to a dispute.

Qualifications and Professional Membership

PGDipArb	Post Graduate Diploma in Arbitration (College of Estate Management, Reading)
FRICS	Chartered Quantity Surveyor
FCI Arb	Fellow of the Chartered Institute of Arbitrators

Career History

2013 to date	Director at Tudor Rose
2010 - 2013	Associate at Tudor Rose
2005 - 2010	Director at a dispute resolution practice
2002 - 2005	Senior Consultant a dispute resolution practice
1994 - 2002	Managing Surveyor at national contractor
1989 - 1994	Surveyor at a national contractor
1983 - 1989	Trainee Surveyor / Assistant Surveyor at a regional contractor

Assignments and Achievements

Commercial

- Retained by clients to advise on administration of various contracts including JCT, NEC and bespoke forms.
- Retained by a client to act in capacity of “Commercial Director” on a particularly problematic project.
- Seconded to a process engineering project on Humberside to resolve numerous quantum disputes between the purchaser and the civil engineering contractor (approx. value in dispute £4m), and thereafter to administer the contract.

Adjudication (as party advisor/representative)

- Been responsible for preparation for, and representation in, numerous construction adjudications in both a referring and responding capacity.
- Advising a contractor on strategy and managing the process of successive adjudications regarding disputes with an employer concerning the termination of the contractor’s employment under a JCT contract for the extension and refurbishment of a local authority leisure centre, and the consequences thereof.
- Successful defence of several quantum and time claims brought against a contractor by, typically an M&E sub-contractor or a fit out sub-contractor in adjudications both on an interim application for payment and the final account.

Adjudication (as party advisor/representative)

- A panel member of 2 Adjudication Nomination Bodies leading to a number of appointments as Adjudicator.

Expert Appointments

- Acting as expert in determining a dispute between a contractor and employer as to the value of a final account for a project. This was achieved by the parties’ jointly appointing and their agreement to be finally bound by the expert determination.
- Preparation of a time and quantum claim against a structural engineer where errors in the design of a lecture hall building at a university led to delays to the construction programme. Liability had been admitted by the structural engineer but the effects of the errors remained in dispute. Adjudication proceedings commenced but part way through the process a settlement was achieved following a without prejudice meeting.
- Appointed as Quantum Expert in final determination disputes at both litigation and arbitration.

Delay

- Management of forensic programming analysis to establish the cause of delay to the construction of a shopping centre and the subsequent claim preparation against the architect and the steelwork contractor.

- Leading the forensic delay analysis in establishing entitlement to extension of time on a complex underground heating mains installation in central London.

Training

- Presentations and workshops for contractors on commercial matters such as rights and obligations under HGCRA 1996, as amended by LDEDCA 2009.
- Participation in “Mock Adjudication” presentations to various bodies including R.I.C.S. and C.I.O.B.
- Provision of training courses on administering JCT contracts in the context of ‘traditional’ v ‘design and build’.
- Provision of training courses on maximising margins.

Contact Details

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