



## Everyone Has Their Price An Update on Damages 2010

a seminar by  
Marion Smith

Thirty Nine Essex Street, 39 Essex Street, London WC2R 3AT

Thursday 15<sup>th</sup> April 6.00 pm

Every claimant wants to know how much it can recover. Every lawyer knows that the answer to this simple question requires an understanding and appreciation of a complex and rapidly developing area of law. This practical workshop aims to help, and will look at the following questions, each considered by the courts in the 12 months:

- Did the House of Lords in “The Achilleas” lay down a completely new test for recoverability of contractual damages?
- When should damages be assessed by reference to the benefit gained by the wrongdoer rather than the loss actually suffered by the innocent party?
- When is it appropriate to use damages to punish rather than to compensate?
- How should damages be apportioned between a fraudulent defendant and a non-fraudulent co-defendant?
- What should be the approach to a liquidated damages clauses negotiated between commercial parties?

The seminar will be followed by refreshments.

To reserve a place please contact:  
Hannah Farmborough  
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Thirty Nine Essex Street is accredited by the Law Society and the Bar Council to provide CPD accredited courses.

## Speaker



**Marion  
Smith**

Marion specialises in dispute resolution in the commercial arena. She is an advocate experienced at handling a broad range of contentious work, both litigation and arbitration, including complex multi-party disputes. The main emphasis of her practice is:

- Commercial litigation involving business contracts of most types;
- Construction disputes arising out of the major standard forms of building and engineering contracts, associated performance bonds and guarantees and bespoke construction contracts.
- Professional negligence and liability, especially disputes involving accountants, lawyers, construction professionals, surveyors and valuers.

*"Her commercial approach "provides a significant tactical advantage for clients" and "she has an immensely close attention to detail that enables one to see a case in quite a different way from first perceptions.""* Chambers & Partners 2010  
Marion's *"advocacy is excellent"* Legal 500 2009