



Phillip Kelly

Partner

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Phillip Kelly has significant experience of domestic and international litigation, arbitration and alternative dispute resolution. Phillip's practice has a particular focus on complex, high value and strategic disputes across a number of sectors, including technology, outsourcing and government contracting.

Phillip regularly acts on cross-border disputes, and has recently advised clients on matters involving the United States, the Netherlands, Hungary, Germany, Spain, India, Dubai, the UAE, Saudi Arabia, Ivory Coast, Singapore and China

- Advising a FTSE 100 plc on a series of related disputes in connection with a £75 million contract with the public sector for outsourced IT services
- Advising a leading global technology company in the successful defence of a \$74 million claim arising out of its withdrawal of a joint venture for consumer photography services in Shanghai
- Acting for a global manufacturer on its successful claim in ICC arbitration proceedings against a Middle East based customer with regard to a \$30 million purchase agreement for the supply of oil refinery equipment to India
- Acting for a leading outsourcing provider on a £25 million arbitration in relation to the sharing of refinancing gains under a PFI contract
- Advising a FTSE 100 plc on procurement and judicial review issues relating to the cancellation of a tender process by the Ministry of Defence
- Acting and advising on high profile public inquiries, including acting as a legal advisor to an inquiry team and acting for a private sector participating party

- Litigation, Arbitration and Investigations
- Cross-Border Litigation
- Construction and Engineering
- Construction, Engineering and Infrastructure Disputes
- Corporate and Securities Litigation
- International Arbitration
- IT and Telecoms Disputes
- Investigations
- Regulatory and Government Affairs

- Technology

Professional Qualifications

- Solicitor of the Senior Courts of England and Wales

Recognitions

- “Has an extremely keen mind and keeps an eye on the big picture, while being all over the detail” *Chambers and Partners* 2020
- “Phillip Kelly has the ability to make complicated matters sounds relatively straightforward and is very confidence-inspiring” *Legal 500* 2020
- “frighteningly intelligent” and “one of the cleverest litigators I’ve come across” *Chambers and Partners* 2019
- “Formidably bright” *Legal 500* 2018
- “Extremely knowledgeable and thorough ... he doesn't miss a thing and is very good at having a strategic overview of litigation” *Chambers and Partners* 2018
- “He’s excellent - very clever, committed and professional in everything he does” *Chambers and Partners* 2017

Education

- LLB Law, University of Leicester

Memberships

- Society for Computers and Law

INSIGHTS

Publications

Episode 2: Smart legal contracts

5 October 2022

Tech Disputes - Looking to the Future Podcast

In the second episode of the series, Phillip Kelly (a Partner in our Technology Disputes team) is joined by Dan Jewell (a Legal Director in our Technology Disputes team) to discuss smart legal contracts and the issues businesses need to be aware of when embedding smart contract technology into their legal agreements.

Episode 1: Key legal risks of NFTs

21 September 2022

Tech Disputes - Looking to the Future Podcast

In the first episode, Dan Jewell (a legal director in our Technology Disputes team) joins Phillip to discuss non-fungible tokens, or “NFTs.”

Episode 3: Key takeaways when contracting for AI

8 July 2022

Artificial Intelligence projects: Dispute prevention and resolution

Things will go wrong with AI contracts no matter how hard you plan so it is best to prepare from the outset. In this clip, DLA Piper’s Gareth Stokes and Phillip Kelly, plus Matthew Lavy, Iain Munro and Rebecca Keating of 4 Pump Court, consider key takeaways when

contracting for AI, such as the importance of pre-contract due diligence, things to include in AI contracts and what to do if things go wrong.

Episode 2: The explainability challenge

30 June 2022

Artificial Intelligence projects: Dispute prevention and resolution

What happens if an AI system produces an unexpected or incorrect result? Can you open up the 'black box' to identify what went wrong? In this clip, DLA Piper's Gareth Stokes and 4 Pump Court's Matthew Lavy discuss the "explainability challenge" and the legal implications for testing and performance.

Episode 1: Concepts when contracting for AI

22 June 2022

Artificial Intelligence projects: Dispute prevention and resolution

What are the key concepts you need to know about when negotiating software and services contracts involving AI? In this clip, Gareth Stokes, Partner in our global AI Practice Group, talks about the four key components which are specific to AI and need to be considered: the AI Model, the Software, the Trained Model and the Data.

Compensation for failed IT projects: CIS v IBM in the Court of Appeal

29 April 2022

IT projects can deliver transformative benefits for businesses. Although they can involve significant commitments – both in expenditure and resource – they can also deliver fundamental changes which improve a business' processes and functions. But what happens when they go wrong?

Artificial Intelligence and the Law

18 October 2021

Our Technology Disputes group have taken a closer look at the contractual implications of AI, and how it can give rise to legal liability by exposing businesses to financial and reputational risk. Read all three articles in the series below.

Artificial Intelligence and the Law - practical measures to mitigate legal risk

18 October 2021

In this final article in the series, we outline some of the important practical measures businesses can adopt to help safeguard their position when entering into AI-related supply contracts and the three phases of commercial contracting.

Man vs Machine: Legal liability in Artificial Intelligence contracts and the challenges that can arise

7 October 2021

In the second article of this series, we look at the key legal and contractual risk points that businesses using, or supplying, artificial intelligence need to consider .

Artificial Intelligence and how the courts approach the legal implications

16 September 2021

Through an analysis of significant cases, this article takes a close look at the contractual implications of artificial intelligence and how it can give rise to legal liability by exposing businesses to financial and representational risk.

A mirror reveals all - Imaging orders in litigation

9 March 2021

Imaging orders are one of the most draconian tools in the English court's armoury. This article explains how the use of imaging orders has arisen, and the reasons why there is an urgent need for a standard approach to be adopted.

Disputes & Distributed Ledger Technology: A contract, no matter how smart, still needs to be legal and enforceable in the real world

21 December 2020

In September 2020, the Law Society of England & Wales published "Blockchain: Legal & Regulatory Guidance", providing technical guidance and suggestions on practice for legal practitioners dealing with blockchain and distributed ledger technology.

Events

Phillip is heavily involved in the firm's award winning WIN programme for in-house lawyers, and is a regular speaker on topics such as contractual interpretation, managing contractual change and risk, IT outsourcing models and managing delay in major projects.

NEWS

The Magnox Inquiry publishes its final report

9 April 2021

On 4 March 2021, the Final Report of the Magnox Inquiry was published, bringing to an end the public inquiry started by the Secretary of State for Business, Energy and Industrial Strategy on 27 March 2017. DLA Piper UK LLP acted as external legal advisers to the Inquiry.
