



**Simon Kenyon**

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Simon Kenyon has extensive experience of complex technology and outsourcing disputes, advising both users and suppliers of IT, commercial and outsourcing services.

Simon heads up DLA Piper's UK Technology Disputes practice which consists of a team of six Partners and over 20 other lawyers across the national practice dealing with the full spectrum of technology, telecoms and outsourcing disputes. He is also a co-lead of DLA Piper's International Technology Disputes practice.

Simon regularly works closely with the firm's leading non-contentious technology and outsourcing team and his work ordinarily involves him acting on business critical and flagship digital transformation projects where the emphasis is as often on risk management and dispute avoidance as it is on more formal dispute resolution.

Simon has vast experience in technology and outsourcing disputes for 20 years and has advised private sector and Government clients on claims for hundreds of millions of pounds in relation to some of the world's largest IT contracts which have been resolved through mediation, litigation or arbitration.

His clients include Government departments, major retail banks, airlines, outsource and IT service providers, and various brand name and multinational companies.

- Litigation, Arbitration and Investigations
- Intellectual Property and Technology
  
- Technology
- Consumer Goods, Food and Retail
- Financial Services

- Advising the NHS National IT Programme (one of the world's largest ever IT procurements) in respect of contract issues, dispute prevention and dispute resolution over a number of years including the resolution of a very large and high value dispute with one major supplier by way of arbitration proceedings.
- Advising a number of UK Government Departments in relation to risks and disputes in relation to major IT and critical national infrastructure projects as part of multi-disciplinary teams and achieving successful outcomes.
- Advising an Indian based global IT and outsourcing supplier in relation to the satisfactory conclusion of a major IT and outsourcing project dispute with a UK household name corporate.
- Advising a major UK retail bank in relation to a number of multi-million pound risks and disputes and so helping to keep its flagship

digital transformation project on track and helping to achieve a reset of the contract on favourable terms.

- Advising a number of UK financial and asset based lending institutions threatened with the cessation of service regarding business critical IT platforms in the context of software licensing disputes and so protecting their right to continued and uninterrupted service including the preparation of injunctive proceedings to protect their business interests.
- Advising a major Indian IT and Outsourcing provider in successfully defending and resolving initial damages claims of approximately USD20 million intimated by an international mobile telecommunications operator which related to a series of alleged data breaches.
- Advising a leading UK Household goods manufacturer in relation to potential contractual and tortious claims against the IT/ Outsourcing company to which it had outsourced the whole of its IT function with regard to a high profile malware attack.
- Acting for a major international retailer in a dispute with a United States licensor of software which was critical to the operation of the client's retail business in several hundred retail outlets in the UK, through to a settlement on favourable terms and so protecting its right to continued and uninterrupted service.
- Advising a US communications company in relation to the resolution through mediation of a dispute with a UK based manufacturer and licensor regarding royalty payments.
- Advising a global food and beverage company in the successful resolution of High Court proceedings relating to a claim under the Commercial Agents regulations.

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Senior Courts of England and Wales

### Prior Experience

- 2007 to date, Partner, DLA Piper
- 2002 to 2006, Associate, DLA Piper
- 1998 to 2002, Assistant Solicitor, DLA Piper
- 1997 to 1998, Assistant Solicitor, Yorkshire based law firm
- 1995 to 1997, Trainee Solicitor, Yorkshire based law firm

### Recognitions

- "Simon Kenyon is key name for technology disputes. Simon Kenyon is always very responsive, answering questions quickly and navigating difficult situations." *Legal 500* 2019.
- "Simon Kenyon is known for his work in the area of IT litigation." One source notes: "He was a delight to work with, very able, and I would certainly recommend him to anyone looking for an IT litigation solicitor." *Chambers* 2017.
- Simon is listed in *Chambers UK* 2014 as a Key Individual who "is complimented for his responsiveness and offering of commercial solutions to disputes".
- Simon's team is described by *Legal 500* (2014) as providing a 'satisfying' and 'commercially astute' service.
- Simon is listed in *Chambers UK* 2013 as a Key Individual who "serves a strong base of governmental and blue-chip IT and telecoms clients in complex and large-scale disputes. He maintains a considerable reputation with regard to this".

### Education

- Brasenose College, Oxford, BA (Hons) Oxon Jurisprudence, 1994
- Legal Practice Course Distinction from the College of Law (Chester), 1995

### Memberships

- Member of the Society for Computers and Law

### Publications

#### **WIN Wise: Top Tips for contract governance and change control**

5 August 2020

This note gives practical tips to assist parties to understand and be familiar with their digital transformation and outsourcing contracts, to help ensure that the parties follow the terms of the contract and that any changes are carefully considered and documented.

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#### **WIN Wise: Top tips for making the most of your IT contracts**

20 July 2020

There can sometimes be a disconnect between lawyers who draft contracts, and those with primary responsibility for implementing them. Through smart collaboration, effective communication and shared vision, in-house lawyers and their commercial counterparts can work together to maximize value and generate extra revenue.

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#### **WIN Wise: Liquidated damages for delay in tech disputes**

30 June 2020

The current COVID-19 pandemic is wreaking havoc on businesses and their operations across sectors and geographies. The unprecedented spread of the virus has had, and will continue to have, a profound impact upon both suppliers and customers in delivering technology projects on time and to budget.

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#### **WIN WISE: IT Projects and dispute avoidance**

14 May 2020

Underestimated costs, unexpected delays and poor governance are just a few of the reasons why some IT projects fail. COVID-19 has now potentially created the perfect storm. This dispute-avoidance checklist highlights what parties can do during the lifetime of an IT project to minimise the risk of disputes.

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#### **Navigating your business through technology disputes risks**

9 April 2020

Novel coronavirus disease (COVID-19) has completely rocked the business world and changed the operations and responses of companies around the globe. Technology is business critical to every company and sector. Whether you are a supplier or a customer with ongoing tech contracts - our clients are already encountering numerous key issues.

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## Issue 2: The governance of IT systems - a board level issue

6 April 2020

Lessons learned from *Bates v Post Office* in an increasingly software dependent world: “Bugs, errors and defects”

In the latest judgment in the legal dispute *Bates v Post Office*, the judge was tasked with determining both the extent to which the ‘operation’ of the system employed by the Post Office across its post-master network was robust, and the effective cause of the electronic accounting shortfalls that had affected a number of Post Office branches.

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## Issue 1: The need for “robustness” and what this means

30 March 2020

Lessons learned from *Bates v Post Office* in an increasingly software dependent world: “Bugs, errors and defects”

As businesses process and store increasingly vast volumes of data, so the reliability and robustness of their IT infrastructure becomes increasingly critical. The recent decision in *Bates and others v Post Office Ltd* is a salutary reminder that IT the systems in place can be far from infallible.

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Simon is the co-author of a 'Practice Note' on how to deal with and manage IT-related disputes which is soon to be published by *PLC*.

## Events

## Previous

### Outsourcing: A Practical Guide, Second Edition

24 March 2021

Webinar

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Simon regularly gives training and presentations to clients in the IT and telecommunications sectors on issues which are of central importance to their businesses.