

John Kelly

Partner

'John Kelly has a no nonsense approach to finding pragmatic solutions. Reassuringly this pragmatism is built on a foundation of deep technical knowledge combined with many years of experience. John has been an indispensable resource when dealing with complicated contractual situations, as well as a pleasure to deal with.'

(The Legal 500, 2024)



[📞 0345 050 3687](tel:0345 050 3687) [✉ john.kelly@freeths.co.uk](mailto:john.kelly@freeths.co.uk)

An experienced dispute lawyer, John specialises in complex construction defects cases, including dealing with matters of professional negligence. He also has significant experience in bringing and defending construction adjudications on matters of termination, payment, extension of time and defects.

John has growing experience with international construction disputes. He has been involved within the construction industry since leaving school in 1982, until beginning re-training as a solicitor in 2000 focusing solely on construction law.

John's in-depth sector knowledge is a significant advantage in assessing a client's position. It allows John to work efficiently with his clients and enables him to obtain a quick grasp on the issues to be resolved. John is frequently brought in to assist on problem projects to help guide the project team, protecting a client's position against a back drop of a live contract.

John is a Chartered Quantity Surveyor, with a BSc (Hons) Quantity Surveying, Dip Law and Dip Adjudication.

John is listed as a Recommended Lawyer and a Next Generation Partner in The Legal 500 (2024 edition).

Legal Services

Construction & Engineering Disputes

Construction Defects

John has developed a track record for dealing with complex construction defects cases. An in-depth industry knowledge allows John to effectively review issues against project norms and contract data to provide early case assessment. This helps clients to make informed decisions from an early stage.

John has dealt with a wide variety of defects cases, from concrete slabs, through to complex pre-cast engineering structures, solar cell, gas supply mains, glazing and pavings. These defects cases have been resolved via negotiation, mediation, litigation and adjudication.

John brings a focus of early assessment and settlement of these complex cases, alongside his experience of dealing with claims of negligence involving professional indemnity insurers and their lawyers.

Adjudications

John has led and worked on a number of significant payment adjudications under various forms of contract. John's former position as a chartered quantity surveyor is particularly helpful in dealing with and managing payment type disputes. His in-depth industry knowledge allows him to deal with payment disputes in an insightful, effective and efficient manner for clients.

International Construction Contracts

John has a developing expertise in advising on the operation and management of EPC type contracts being carried out under English Law. John has been involved in managing emerging disputes on EPC contracts in India, Ghana and Kurdistan. This claims management/avoidance role blends John's practical construction experience, alongside his dispute management skills and expertise.

Selected Cases

- Representing a claimant in a £6 million basement defects dispute. This included multi-party action, including claims of negligence against two of the professional team and claims in respect of workmanship and materials against the contractor. The claim was settled in mediation on acceptable terms to client.
- Advising Greek International construction client in respect of a \$260 million power production plant in Ghana. The contract is subject to English Law and the brief is to assist the client in the administration of the contract. This is done by providing the likely/probable implications of making certain decisions or elections under the contract, and the proper administration of the contract as would likely be interpreted under English Law.
- Advising a client in the renewable energy sector on the interpretation, application and implementation of

EPC contracts, in respect of a series of contracts to construct large scale solar plants. This was a risk reduction exercise across a series of commercial contracts.

- Providing strategic advice to an airport's professional team in respect of delivering a multi-million-pound airport terminal extension under an NEC form of contract in challenging circumstances.
- Successfully defending a developer in adjudication against a £400K claim from a contractor of repudiatory breach and damages.
- Advising a Local Authority in respect of a claim for defective design and workmanship involving external paving in a car park.
- Represented a specialist pre-cast concrete sub-contractor in the management of a defence of a claim for uninsured elements of a negligent design claim under a NEC contract for an infrastructure project. He assisted the client in obtaining input from the client's professional indemnity insurers. John also helped the sub-contractor in engaging correctly with their policy to protect and best advance their interests, whilst managing uninsured issues.
- Representing a developer in successfully defending an adjudication. This was brought by a contractor for damages following an alleged repudiatory breach, resulting in a claim for profit and the payment of outstanding applications. John was able to successfully defend a significant claim for loss of profit by analysing the contractor's tender and persuading the adjudicator that the contractor had mispriced the contract, and had no profit available if the contract had continued.
- John has previously advised on a significant defects dispute (circa \$10 million) on behalf of a European contractor, who had contracted to supply and project manage the installation of a large solar facility in Gujarat in India. The matter was settled in negotiation after assisting the client in the management of the developing situation over a period of 2 years.

Sectors