



CEDR Accreditation: 2021

Languages: English

Location: United Kingdom

“She is fleet of foot in terms of taking into account evolving circumstances” “Very Impressive”

Client Feedback

Kelly Stricklin-Coutinho

Overview

Kelly Stricklin-Coutinho is a practicing mediator and a member of CEDR's Faculty of trainers, where she coaches and assesses on the MST. She is also in practice as a barrister, and previously practised as a solicitor.

Her approach to mediation is pragmatic, commercial and she is astute to relationship dynamics. Her background in complex commercial and tax disputes means that she is at ease with the most complex of legal arguments, is unafraid of figures, and is able to cut through to the key issues between the parties.

She speaks at conferences on ADR. Most recently she participated in a working group on behalf of the Chancery Bar Association to respond to the Government's consultation on Mandatory Mediation, and she was one of the judges for the National Mediation Awards 2022.

Professional Background

Kelly trained at the European Commission and was a judicial assistant to the Court of Appeal. She qualified as a solicitor at a US-head quartered firm in London, where she acted in high value disputes for multinationals. Kelly also worked in the legal practice of one of the Big 4 accounting firms.

Kelly has been a tenant at 39 Essex Chambers since 2014. Between her current practice as a barrister and her previous work as a solicitor, Kelly has over 15 years of experience in litigation, in disputes at every level of court and tribunal in the UK. She has acted in proceedings before the CJEU, international arbitration, disputes for and against government bodies, and in matters before the European Commission.

Her main areas of practice as counsel are commercial disputes (including disputes with government), tax, and disputes with an international element, in particular EU law. She also litigates regulatory disputes, such as prosecuting before professional regulatory tribunals. More broadly, her counsel practice includes sensitive matters such as advice relating to lobbying institutions and advocating before them relating to policy matters.

Her clients range from individuals, charities, small businesses, local authorities and regulators to FTSE listed companies, banks, and multinationals (headquartered in Europe, the US and South-East Asia).

She is also called to the Bar in the Republic of Ireland. She is ranked in the legal directories.

Expertise

- Banking & Financial Services
- Chemicals
- Company, shareholder, partnership
- Education
- Energy
- Insurance
- International trade & customs
- Sports & entertainment
- State aid and subsidy
- Tax
- Transport

Dispute Experience

Banking & Financial Services

- Disputes between private individuals and the Financial Services Ombudsman relating to issues arising from banking products and other financial services products
- Advising in relation to s.166 FSMA skilled person reviews of potential mis-selling of interest rate hedging products by a major UK bank
- Acting for the Channel Islands Financial Ombudsman in the first judicial review of his powers
- Advisor to the Foskett Panel, chaired by Sir David Foskett, which is re-assessing direct and consequential losses suffered by victims of the fraud at HBOS Reading, in line with the recommendations in the Cranston Review led by Sir Ross Cranston

Chemicals

- Dispute relating to the application of the REACH Regulations

Company, Shareholder & Partnership

- Mediation of shareholder dispute in the County Court scheme
- Mediation relating to dispute between companies within a corporate group and ongoing service provision

Education

- Acting for numerous local authorities in relation to SEND Tribunals
- Acting for several pupils in disputes relating to exclusions
- Disputes in relation to school disciplinary and grievance procedures
- Acting in relation to disputes between students and universities

Energy

- Acting for a group of alleged aid beneficiaries, led by Fenella Morris KC, in the High Court in *R (Tempus Energy) v BEIS and ors*, concerning a state aid challenge brought to the UK's interim measures for its capacity market auction

- Counsel in major appeals before the CMA by Northern Powergrid and British Gas to the RIIO-ED1 price control set by Ofgem. She acted for Ofgem in this first appeal brought under section 11 of the Electricity Act 1989.
- Acting for BEIS in judicial review proceedings relating to a competition for funding relating to renewable energy
- Disputes relating to ownership and obligations relating to the supplies of gas to residential premises
- Acting in ICSID Arbitration proceedings relating to renewable energy
- Utility Company v Energy Providers – acting in relation to a contract dispute with energy providers relating to commercial premises

Insurance

- Advising insurer in relation to dispute insured by the insurer relating to tax
- Advising litigation insurers on the merits of dispute to be insured

International Trade & Customs

- Advising in relation to rights of air carrier during transitional period for Brexit
- Dispute relating to Customs duty in relation to the imports and exports between the US, the UK and the EU
- Disputes relating to Anti-dumping duty in relation to products such as bicycles and other sporting goods
- Advice relating to labelling requirements for exported products

Sports & Entertainment

- Acting for Wasps plc, led by Fenella Morris KC, in the High Court, Court of Appeal and Supreme Court in R (Sky Blues and ors) v Coventry City Council [2018] EWCA Civ 2252, on a judicial review concerning purported State aid to the Ricoh Arena
- A dispute concerning a major sporting venue in respect of allegations of prohibited state aid and in respect of alleged breaches of procurement law
- High Net Worth Individuals, including sports people, in respect of a range of property, tax and commercial disputes.
- Disputes involving sports clubs in VAT litigation

State aid and Subsidy

- Acted in mediation relating to substantial value of state aid alleged to have been granted by a local authority to a sports team.
- Dispute as to related procurement and state aid matters in relation to a sporting venue.
- Disputes relating to the application of Community Infrastructure Levy and state aid law, relating to high-net worth individuals, a private members club and a university campus
- Several disputes between local authorities and companies relating to procurement, subsidy and local authority powers issues

Tax

- Disputes relating to VAT classification (e.g. construction, educational provision, use of aggregates, use of property)
- High value corporate tax disputes (dividends, losses, transfer pricing, controlled foreign company rules) involving issues of EU and international law
- Tax treatment of settlements
- Employment tax disputes, including the application of IR35 and settlements
- Co-mediation with HMRC, including in relation to tax treatment of financial services products

Transport

- Disputes relating to award of contracts for transport services and for funding for transport infrastructure
- Dispute relating to insolvency issues and Heathrow landing slots for African air carrier

Personal Style

Kelly builds rapport quickly and easily, and is an empathetic listener. She has a warm, robust style. She is highly commercial, creative and quick to grasp complex issues. She is versatile, whether that means tenacity, reality testing and firm conversations, or patience, sensitivity and coaching parties to achieve the best deal for them. She brings both curiosity and drive to her mediations.

She is completely at ease with changing circumstances, difficult emotions and practical problems, and encourages parties to think creatively in finding solutions. She has been described as “a consummate mediator”.

Feedback

"Kelly provides very impressive commercial advice and is an exquisite advocate. While for now she is a fantastic junior to add structure to a team, she will no doubt be knocking on the door of silk soon enough."

Chambers & Partners 2023

"Enthusiastic, hardworking and calm"

Legal 500 2021

"Experienced, knowledgeable and thorough counsel who is cost and time effective"

Chambers & Partners 2020

"Her advice is always very practical in what is a complex area."

Chambers & Partners 2020

"Very hard working"

Chambers & Partners 2020

"A highly practical, down-to-earth barrister...Her written advice is also very readable and client friendly"

Legal 500 2019

"Very impressive"

Legal 500 2018

"She is fleet of foot in terms of taking into account evolving circumstances"

Legal 500 2017

"Very straightforward and concise"

Legal 500 2016

"Good with clients"

Legal 500 2016