

DISPUTE RESOLUTION



Our Dispute Resolution lawyers have a reputation for succeeding in the most sensitive and complex of cases. Our approach is to provide pragmatic, commercially-focused legal solutions for our clients' most complex problems.



**OUR DISPUTE
RESOLUTION PRACTICE
IS ONE OF THE
STRONGEST IN AFRICA.**

PRACTICE OVERVIEW

Our Dispute Resolution practice is one of the strongest in South Africa and Kenya. We have 50 qualified Dispute Resolution lawyers (including 27 partners) in Johannesburg, Cape Town and Nairobi who are experienced specialists in litigation, arbitration, mediation and other dispute resolution methods.

Our primary aim is to help you avoid formal litigation or arbitration wherever possible. When a formal process is unavoidable, we take into account your commercial objectives and prospects of success while assessing the legal, commercial and reputational risk.

Disputes can be costly and divert valuable resources from a company's core business. Although legal costs can be high, the costs of focusing senior management on the dispute rather than the core business objectives of your company can be astronomical. Our lawyers are skilled in identifying the correct approach to disputes to influence outcomes more positively and to

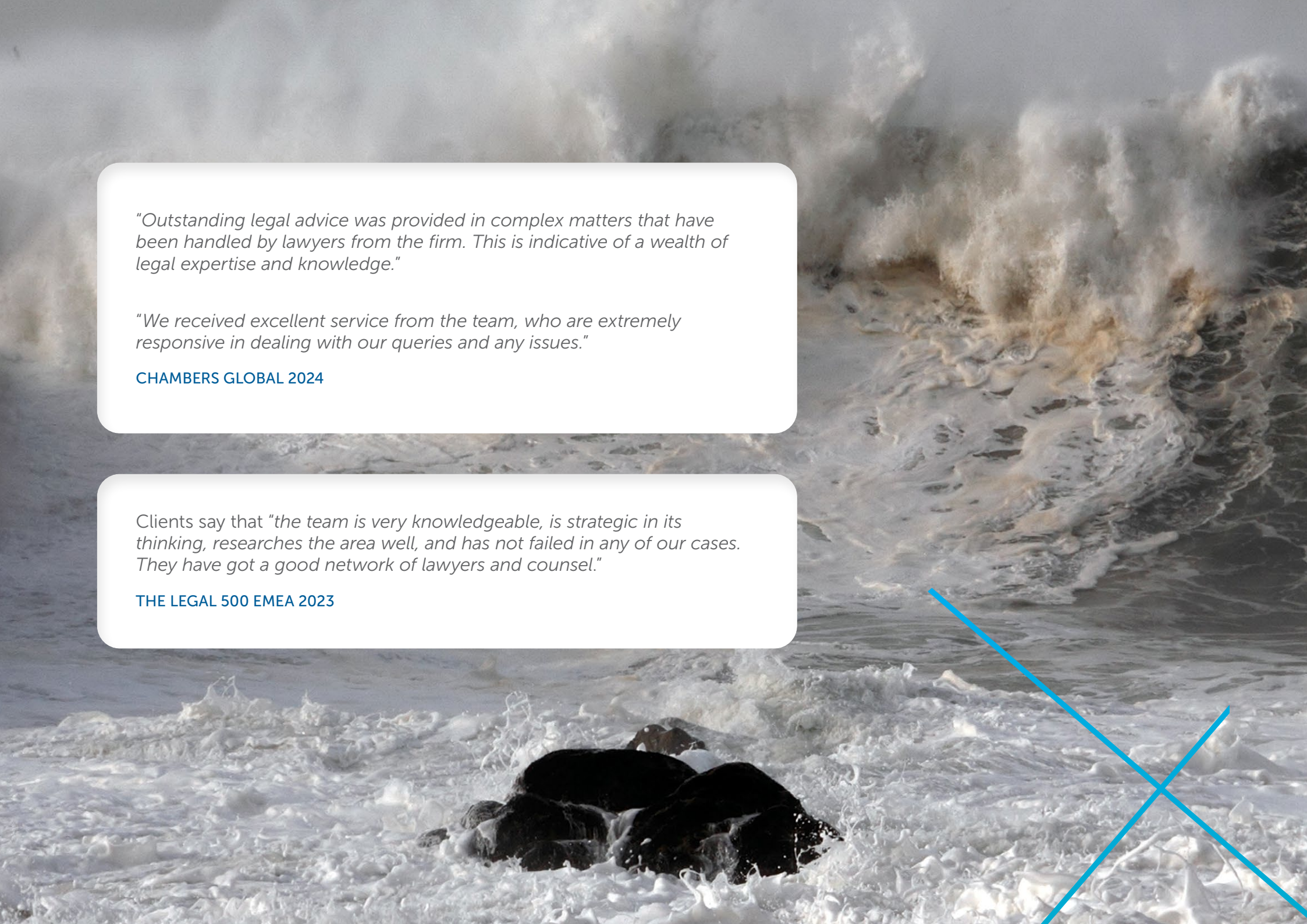
manage risk most effectively. They will devise the optimum procedural tactics or creative settlement approach.

We offer a complete service in methods of dispute resolution.

Our lawyers will work as business partners with you to identify and execute the most advantageous solutions, either by pursuing or defending arbitration or litigation proceedings, or through alternative methods, such as mediation.

We concentrate on providing the highest level of client service and reducing levels of uncertainty relative to outcome and cost. Our aim is to ensure that your matter is handled properly and efficiently by appropriately experienced lawyers, to ensure both the best outcome and the most cost-effective result.

We use leading edge technology to manage disputes both efficiently and effectively. Our sophisticated knowledge management systems and processes provide immediate access to global best practice and legal precedents, and we have access to a worldwide database of important dispute resolution cases.



"Outstanding legal advice was provided in complex matters that have been handled by lawyers from the firm. This is indicative of a wealth of legal expertise and knowledge."

"We received excellent service from the team, who are extremely responsive in dealing with our queries and any issues."

CHAMBERS GLOBAL 2024

Clients say that "the team is very knowledgeable, is strategic in its thinking, researches the area well, and has not failed in any of our cases. They have got a good network of lawyers and counsel."

THE LEGAL 500 EMEA 2023





ABOUT CLIFFE DEKKER HOFMEYR

We are a leading business law firm in South Africa, Kenya and Namibia with a strong national presence in Johannesburg, Cape Town, Nairobi and Windhoek.

Our Africa Practice

Our Africa service offering brings together the resources and expertise of leading law firms across the continent. This experience and geographic spread produce an extensive African capability. We offer our clients a genuine knowledge-based service at locally competitive rates.

Full Service Business Solutions

Our legal advice covers the complete spectrum of business legal needs, which we provide through our core practice areas and dedicated teams of specialist lawyers with a wealth of experience in a wide range of industries.

Our Value-creating Approach

Our partner-led approach ensures clients receive the right level of experience and efficiency and we deliver pragmatic and commercially-focused solutions. Our team structure provides both depth and the ability to have the work done at the appropriate level to ensure the most cost effective solution. We have an innovative approach to fee structures and are prepared to propose or consider a range of alternatives to best suit the particular client and the particular matter.

We Prioritise Efficiency

We manage, apply and share our considerable knowledge assets for the benefit of our clients through continuous skills training. We keep clients informed on regulation developments through seminars and regular alerts.



OUR CLIENTS

Our clients range from blue chip national and multinational companies to state-owned enterprises.



We act for clients in a broad range of industries, particularly in key business sectors such as liquidations and business rescue, banking, broadcasting and publishing, construction, defence, education, energy, engineering, financial institutions, hotels and leisure, insurance, mining and minerals, petroleum and oil, private equity, real estate, tobacco, and telecommunications.



Our clients range from blue chip national and multinational companies to state-owned enterprises. We have a large public sector client base and have professional relationships with a number of government and regulatory bodies.

Clients praise the team as *"highly professional, obviously very legally savvy, and are highly empathetic, which has been a pleasure to behold."*

THE LEGAL 500 EMEA 2023

"The team's commitment to their clients is evident from the advice they provide to suit the unique requirements of each matter. They are always willing to enter healthy debate about the matters and we have found they provide unconditional support and are always open to take into account our needs."

THE LEGAL 500 EMEA 2022

OUR SERVICES

Our expertise includes dispute resolution and opinion work in a range of specialisations, including in the following areas:



Banking Litigation

We advise many financial sector groups, from regional and local financial institutions to multinational organisations and global banking giants. Our banking litigation team has considerable experience in contentious banking and finance matters. Successfully managing disputes in the financial services sector requires a broad range of skills and experience.



Class and Group Actions

Class actions have recently come to the fore with the Constitutional Court endorsing the availability of classifications for private parties where previously class actions were limited to constitutional issues. We acted in that matter and we are also active in other class actions. We are strongly positioned to advise on class or group actions in the South African context.



Commercial Litigation

We act for corporates in commercial-related disputes such as disputes between shareholders, disputes concerning the interpretation of agreements, and breach of contract and damages claims resulting from the breach of terms of agreements. Contractual disputes arise on a daily basis and assisting our clients in successfully resolving these disputes is one of our key skills.



Construction & Engineering

Our clients include a number of the big names in construction and engineering in South Africa, Kenya and Namibia. We are well established as a provider of legal services to the industry and have long-standing relationships with experts in these fields. Our advice covers a wide range of issues from contracts to employee issues, liability and risk issues and restructuring and insolvency.

Wherever disputes arise, whatever issues your organisation faces, we are ideally placed to assist you.



Education

From listed entities to small independent schools, we have extensive experience in assisting education clients to navigate the full range of issues that educational institutions face when dealing with regulators, students and other stakeholders.



Forensics

Our specialised forensics and investigations team handles complex and high profile matters including white collar crime, anti money laundering and anti bribery whether the requirement is for an investigation or for a compliance audit. We have access to the latest e-discovery technology for the cost-effective processing of large amounts of data and we are able to provide a costs effective and efficient service no matter the scope of the issue.

"The team is technically very strong and commercially astute. This is a value for service offering whereby the firm seeks to charge its clients realistically for the services offered, which means that the client receives a high value for money service offering that exceeds expectations in all cases in my experience."

THE LEGAL 500 EMEA 2024

OUR SERVICES...continued



Business Rescue, Restructuring and Insolvency

Insolvency and liquidations are an inevitable part of commercial practice. We have developed considerable experience over many years of representing clients in this sphere, particularly as creditors, where our role is to ensure that our clients achieve the best result despite the debtor going into business rescue or liquidation. We are well placed to advise clients in matters relevant to the early stages of financial distress, whether they are the party in distress or the party seeking to secure its position as a creditor or recover a debt. We have experience in guiding clients through the alternatives available when seeking to avoid insolvency. Our focus is on equipping clients with the tools to make the correct decisions at the appropriate time.



Insurance

We deal with short-term insurance, life insurance and pension fund disputes and act for a number of insurance companies and large brokerages. We manage insurance disputes across the spectrum, from aviation disputes to professional indemnity claims. In this regard we

act for plaintiffs, defendants and professional indemnity insurers. These disputes are invariably technical in nature and our lawyers are skilled in finding the most appropriate dispute resolution procedures to manage the process to a successful conclusion.



International Arbitration and Litigation

We have experience in litigating in cross-border jurisdictions, particularly in the US, the UK, Europe and Africa. We are also skilled in providing arbitration services locally and internationally. Commercial arbitration has become a common form of dispute resolution in South Africa. Cross-border, different cultures, legal frameworks and business practices makes resolving disputes time consuming and costly. International arbitration procedures are designed to overcome these difficulties.



Media

We have a strong media dispute resolution practice developed over many years of successfully representing national and international media organisations in actions involving defamation claims, libel, invasion of privacy, breach of contract and media regulation.



Mining

We regularly represent mining conglomerates and their customers in disputes and regulatory issues around every aspect of mining including disputes over licencing, exploration, prospecting, mining activities, off-take agreements and the full range of commercial disputes that can arise in a mining environment. We provide legal representation at mine health and safety investigations, inquiries, compliance audits and legal proceedings.



Product Liability

Product liability claims are a thorn in the side of the manufacturing industry. We have years of experience in handling product liability claims on behalf of international manufacturing clients. We have developed considerable knowledge of the Consumer Protection Act, which came into force in South Africa in April 2011 and is aimed at protecting the consumer. In particular, it introduces the principle of strict liability for manufacturers and distributors.

OUR SERVICES...continued



Administrative & Constitutional Law

Judicial review is part of the process for the enforcement of the constitutional right to fair administrative action. That right comes to the fore when private companies or private individuals interact with the state and we have extensive experience in this sphere acting on both sides of those disputes. The sector is highly regulated and our sector specialists have the required knowledge and experience to guide you in these situations. Whether you are an arm of government, a state-owned enterprise, municipality, private entity or individual dealing with any of those public entities, we can provide you with the knowledge and experienced guidance that you need. We also have substantial experience in the constitutional realm and we have been successful in a number of ground-breaking constitutional cases.

Clients appreciate the *"experienced counsel on commercial litigation, arbitration and mediation proceedings..."*

CHAMBERS GLOBAL 2023



Gaming

Our clients include some of the largest casino operators and we have extensive experience both in advising on regulatory issues in this sector and in contesting complex disputes of significant importance to our clients.



Telecommunications

This sector is highly regulated and we have a proud history of acting for industry players including one of the largest mobile networks, providing them with advice on deeply technical regulatory issues, litigating on those issues and many other aspects. We are well placed to assist any players in the telecommunications sector with any of the broad range of issues that they face on a daily basis.

MARKET RECOGNITION

Our Dispute Resolution team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2022–2024 ranked us in Band 2 for dispute resolution.

Chambers Global 2018–2024 ranked us in Band 2 for restructuring/insolvency.

Chambers Global 2022–2024 ranked us in Band 3 for insurance.

Chambers Global 2020 ranked us in Band 2 for public procurement.

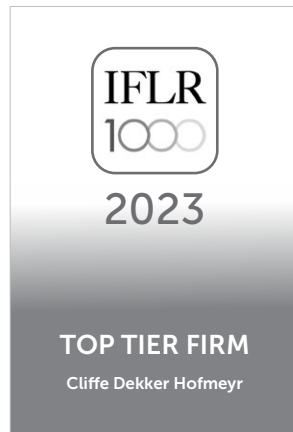
Chambers Global 2020–2022 ranked us in Band 3 for media & broadcasting.

Chambers Global 2020–2024 ranked us in Band 3 for corporate investigations.

The Legal 500 EMEA 2017–2024 recommended us in Tier 1 for dispute resolution.



MARKET RECOGNITION



The way we support and interact with our clients attracts significant external recognition.

Rishaban Moodley is the Practice Head of our Dispute Resolution team and Head of our Gambling & Regulatory Compliance sector. *The Legal 500 EMEA 2016–2024* recommended Rishaban for dispute resolution.

Tim Fletcher is the Chairperson and a director in our Dispute Resolution practice. *Chambers Global 2022–2024* ranked Tim in Band 2 for dispute resolution. *Chambers Global 2019–2021* ranked him in Band 3 for dispute resolution. *The Legal 500 EMEA 2024* recommended Tim in the 'Hall of Fame' for dispute resolution. *The Legal 500 EMEA 2016–2023* recommended him as a 'Leading Individual' for dispute resolution.

The Legal 500 EMEA 2018, 2020–2024 recommended **Timothy Baker** for construction.

The Legal 500 EMEA 2015–2021 recommended **Eugene Bester** for dispute resolution.

Jackwell Feris is Head of our Industrials, Trade & Manufacturing sector, and a director in our Dispute Resolution practice. *Chambers Global 2023–2024* ranked him as an 'Up & Coming' dispute resolution lawyer. *The Legal 500 EMEA 2022–2024* recommended him for dispute resolution. The *Association of Young Arbitrators* recognised Jackwell as an expert arbitration practitioner.

Chambers Global 2024 ranked **Anja Hofmeyr** as an 'Up & Coming' dispute resolution lawyer. *The Legal 500 EMEA 2023–2024* recommended Anja for dispute resolution.

The Legal 500 EMEA 2024 recommended **Corné Lewis** as a 'Leading Individual' for dispute resolution. *The Legal 500 EMEA 2022–2023* recommended him for dispute resolution.

The Legal 500 EMEA 2023–2024 recommended **Burton Meyer** for mining.

The Legal 500 EMEA 2022–2024 recommended **Desmond Odhiambo** for dispute resolution.

Chambers Global 2023–2024 ranked **Lucinde Rhoodie** in band 4 for dispute resolution. *The Legal 500 EMEA 2021–2024* recommended her for dispute resolution.

Clive Rumsey is the Head of our Construction & Engineering sector, and a director in our Dispute Resolution practice. *Chambers Global 2019–2024* ranked him in Band 1 for construction. *Chambers Global 2021–2024* ranked Clive in Band 4 for dispute resolution. *The Legal 500 EMEA 2020–2024* recognised Clive as a 'Leading Individual' for construction. *The Legal 500 EMEA 2022–2024* recommended Clive for dispute resolution.

Tim Smit is the Joint Head of our Consumer Goods, Services & Retail sector, and a director in our Dispute Resolution practice. *The Legal 500 EMEA 2020–2023* recommended him as a 'Next Generation' lawyer for dispute resolution.

Chambers Global 2020–2024 ranked **Joe Whittle** in Band 3 for construction. *The Legal 500 EMEA 2017–2024* recommended him for construction.

OUR TEAM

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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