



# DISPUTE RESOLUTION





**Our Dispute Resolution Practice is one of the strongest in Africa.**

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.

## Practice overview

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

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 your 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 a dispute rather than the core business objectives of your company can be astronomical.

Our team of approachable lawyers is skilled at identifying the correct approach to disputes, providing the highest level of client service and reducing uncertainty relative to outcome and cost. Our aim is to devise the optimum procedural strategies to ensure the best outcome while managing risk successfully using the most cost-effective approach.

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 use advanced technology to manage disputes both economically and effectively. Our sophisticated document management systems and processes ensure immediate access to global best practice in terms of functionality, convenience and ease of use.

*"Their commercial acumen and deep understanding of our sector have proven invaluable, particularly in providing urgent support whenever required."*

**THE LEGAL 500 EMEA 2025**

*"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**

*"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**

## About Cliffe Dekker Hofmeyr

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

### 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 regulatory developments through seminars and regular alerts.

## Our clients

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.

## 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.



### 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.



### Education

From listed entities to small independent schools to public and private universities, we have extensive experience in assisting education clients to navigate the full range of issues that educational institutions face whether it be managing reputational risks or issues with regulators, students and other stakeholders.



### Class and Group Actions

Class actions have recently come to the fore with the Constitutional Court endorsing the availability of class certifications for private parties, where class actions were previously 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.



### Construction & Engineering

Our clients include a number of major construction and engineering firms in South Africa and Kenya. 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.



### Forensics

Our Corporate and White Collar Investigations practice brings internationally aligned corporate investigation advisory services to Africa, helping to shape this area of the law. We have deep cross-border experience in this field and a strong working knowledge of corporate investigations legislation and regulations in jurisdictions across the continent and globe. We have experience in conducting high profile and complex investigations and testifying in varying forums. Our team of specialists has experience in digital forensics and eDiscovery, and we use the latest software tools to give our clients automated solutions that incorporate artificial intelligence.

## Our services

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



### Corporate Debt, Turnaround & Restructuring

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 all aspects of the insurance landscape from short-term insurance, to life insurance and pension fund disputes. We act for a number of insurance companies and large brokerages but have become the firm of choice for insureds in relation to contested an/or rejected policy response matters. 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 cross-border matters, particularly in the US, the UK, Europe and Africa. We are also skilled at providing local and international arbitration services. Commercial arbitration has become a common form of dispute resolution in South Africa. Different cultures, legal frameworks and business practices can make resolving such disputes time consuming and costly, but 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.

## Our services

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

### Product Liability

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.

### Administrative & Constitutional Law

Judicial review proceedings are 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 individuals interact with the state. We have extensive experience in this area of law and have acted on both sides of such 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 extensive experience in constitutional law and have been successful in a number of ground-breaking constitutional cases.

### 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.

*"The strength of its dispute resolution team is the excellent client support that it provides"*

CHAMBERS GLOBAL 2025

### Gaming

Our clients include large 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.



## MARKET RECOGNITION

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

*Chambers Africa Awards 2025* ranked us 'South African Full-Service Law Firm of the Year' for Dispute Resolution.

*Chambers Global 2022–2025* ranked us in Band 2 for dispute resolution.

*Chambers Global 2018–2025* ranked us in Band 2 for restructuring/insolvency.

*Chambers Global 2022–2025* 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 2020–2025* ranked us in Band 3 for corporate investigations.

*The Legal 500 EMEA 2017–2025* 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 2016–2025* recommended Rishaban for dispute resolution.

**Tim Fletcher** is the Chairperson and a director in our Dispute Resolution practice. He was ranked by *Chambers Global 2025* as an 'Eminent Practitioner'; a category in which lawyers are ranked as highly influential lawyers and exceptional individuals. *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 2024–2025* 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, 2020–2025* recommended **Timothy Baker** for construction.

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

*The Legal 500 EMEA 2025* recommended **Claudette Dutilleux** as a 'Next Generation' lawyer for dispute resolution.

**Jackwell Feris** is Head of our Industrials, Trade & Manufacturing sector, and a director in our Dispute Resolution practice. *Chambers Global 2023–2025* ranked him as an 'Up & Coming' dispute resolution lawyer. *The Legal 500 EMEA 2022–2025* recommended Jackwell for dispute resolution. *The Legal 500 EMEA 2025* recommended him for projects & infrastructure. The *Association of Young Arbitrators* recognised Jackwell as an expert arbitration practitioner.

**Nastascha Harduth** is the Head of our Corporate Debt, Turnaround & Restructuring sector and a Director in our Dispute Resolution practice. *Chambers Global 2023–2025* ranked her in Band 4 for restructuring/insolvency. *Chambers Global 2020–2022* ranked Nastascha as 'Up & Coming' for restructuring/insolvency.

*Chambers Global 2025* ranked **Anja Hofmeyer** in Band 5 for dispute resolution and in 2024 ranked her as an 'Up & Coming' dispute resolution lawyer. *The Legal 500 EMEA 2023–2025* recommended Anja for dispute resolution.

*The Legal 500 EMEA 2024–2025* 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 2025* recommended **Sentebale Makara** for dispute resolution and construction.

*The Legal 500 EMEA 2025* recommended **Khaya Mantengu** for construction.

*The Legal 500 EMEA 2025* recommended **Burton Meyer** for dispute resolution.

*The Legal 500 EMEA 2025* recommended **Desmond Odhiambo** for employment. *The Legal 500 EMEA 2022–2024* recommended him for dispute resolution.

*Chambers Global 2023–2025* ranked **Lucinde Rhoodie** in band 4 for dispute resolution. *The Legal 500 EMEA 2021–2025* 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 2019–2025* ranked him in Band 1 for construction. *Chambers Global 2025* ranked Clive in Band 5 for dispute resolution and in Band 4 from 2021–2024. *The Legal 500 EMEA 2020–2025* recognised Clive as a 'Leading Individual' for construction. *The Legal 500 EMEA 2022–2024* recommended Clive for dispute resolution.

**Tim Smit** is the Head of our Consumer Goods, Services & Retail sector, and a director in our Dispute Resolution practice. *Chambers Global 2025* ranked Tim in Band 3 for Corporate Investigations. *The Legal 500 EMEA 2025* recommended him for dispute resolution and from 2020–2023 recommended him as a 'Next Generation' lawyer.

*Chambers Global 2021–2022* ranked **Marelise van der Westhuizen** as an 'Eminent Practitioner' for dispute resolution. *Chambers Global 2018–2020* ranked her in band 3 for dispute resolution.

*Chambers Global 2020–2025* ranked **Joe Whittle** in Band 3 for construction. *The Legal 500 EMEA 2017–2025* 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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