



OVERVIEW

Member of the Johannesburg Society of Advocates and the Protea Group of Advocates in Sandton. **Chartered Arbitrator** (C.Arb) and **CDER** (UK) accredited mediator.

Admitted Attorney and Notary Public in 1999. Experienced legal expert in the Information Technology and Banking sectors.

Twenty-four years of legal and commercial experience, specialising in construction, engineering, infrastructure and project adjudication and arbitrations, and litigation in the financial services industry (banking, investments and insurance), financial calculations and valuations.

Chairman of the CI Arb's South African Branch and approved CI Arb faculty member for Arbitration and Mediation.

Acting Judge for the High Court of South Africa, South Gauteng High Court, Johannesburg (2021 & 2023).

QUALIFICATIONS

Harvard Law School, Harvard Negotiating Institute (Massachusetts, USA)

- Advanced Mediation Workshop: Mediating Complex Disputes (2016)

Chartered Institute of Arbitrators (London, UK)

- Diploma in International Commercial Arbitration (2013)

BCom (Law) University of Pretoria (1996)

- Baccalaureus Legum (LLB) (1998)
- Certificate in Merger and Acquisition Law and Regulation (2001)

Chartered Financial Analyst (CFA) Program

- Level II, CFA Institute, Charlottesville, Virginia, USA (2002)

Mediation

- CD/ACDS Accredited Mediator, University of Stellenbosch Business School (2014)
- CEDR Mediation Accreditation, Centre for Effective Resolution, UK (2015)
- Advanced Mediation Workshop: Mediating Complex Disputes, Harvard Law School (2016)

Other Qualifications

- Primavera 'Project Planning and Control' Software Training, Enterprise Project Solutions (2013)

MEMBERSHIP & ACCREDITATION

- Chartered Institute of Arbitrators (London, UK) – **Fellow** (2014)
- Centre for Effective Dispute Resolution (London, UK) – **Accredited Mediator** (2015)
- Africa Centre for Dispute Management – **Accredited Mediator** (2014)
- Arbitration Foundation of Southern Africa Member of General Commercial Panel (2011)
- Association of Arbitrators (Southern Africa) – **Fellow** (2021)
- Chartered Institute of Arbitrators (London, UK) – **Chartered Arbitrator** (2023)
- South African Institution of Civil Engineering (SAICE) – President's List – **Arbitrator** (2023)

AREAS OF EXPERTISE

Adjudication
Arbitrations
Administrative
Banking & Finance
Building, Construction & Infrastructure
Civil Litigation
Company & Commercial
Competition Law
Corporate Governance
Constitutional
Contract
Labour
Mining
Insolvency
Insurance
Medical Schemes
Pension Funds
Petroleum Act
Procurement & Public Law



EXPERIENCE

AS COUNSEL

- Clients include Discovery Health, Momentum Group Ltd., Nedbank Ltd., Standard Bank Ltd., and Diners Club Ltd.
- Counsel for the main contractor in arbitrations and mediation disputes between the Trans Caledon Tunnel Authority and its subcontractor, Sulzer, concerning the Vaal River Eastern Augmentation Project. The disputes involved the construction of civil structures, mechanical, electrical, and instrumentation piping works, delay, disruption and variation claims, including the calling of performance demand guarantees under FIDIC.
- Counsel in the mediation between COVEC and Trans Caledon Tunnel Authority in the Vaal River Eastern Sub-System Augmentation Project.
- Counsel in an arbitration dispute concerning the failure of a drum-type holding melting furnace at Highveld Steel under GCC.
- Counsel for Benhaus, the mining operator, on an opencast chrome mine near Thabazimbi, concerning the mining agreement, mining resource, mining geology, strip ratios, optimum mining operation damages, and payment for services arbitration.
- Counsel for the Consulting Engineer in an arbitration dispute with the Implementing Agent regarding three rural development projects for the development of 3100 houses in KwaZulu-Natal concerning construction defects.
- Counsel for the main contractor in an arbitration dealing with delay penalties and delay and disruption claims regarding the construction of two auditoriums for the employer, a university, under the JBCC Principal Building Agreement.
- Counsel advising on various disputes at the Medupi Power Station, including delay, disruption, and variation.
- Counsel for Aquatan in the arbitration disputes regarding the Sasol Effluent Dam Lining Project at Sasol, Secunda.
- Counsel for consulting engineer, AECOM, in various adjudications and arbitration with the main contractor, an Italian company, CMC Di Ravenna, and disputes with two subcontractors concerning the Thukela Goedertrou Transfer Scheme. The disputes dealt with mechanical and electrical installations, delay and disruption claims, insolvency and business rescues under the SAICE General Conditions for Construction Works Contract (GCC).
- Counsel for consulting engineers regarding fee calculation disputes under the Scope of Engineering Services and Tariff of Fees, including normal and additional monitoring services, contract administration and supervision. Additionally, disputes regarding the reasonable professional skill, care, and diligence required by engineers in their design and construction monitoring and supervision requirements, as well as liability for defective work or design.

NOTEWORTHY JUDGMENTS

AS COUNSEL

Indwe Risk Services (Pty) Ltd. v Van Zyl (J 2647/07) [2010] ZALC 21; (2010) 31 ILJ 956 (LC); (18 February 2010)

Panagiotopoulos v Liberty Group Ltd. (3955/2011) [2014] ZAGPPHC 229 (25 April 2014)

Beiersdorf AG v Koni Multinational Brands (Pty) Ltd. (85102/2017) [2019] ZAGPJHC 10; 2019 (4) SA 553 (GJ) (12 February 2019)

Vodacom Group Ltd. v Congolese Wireless Network SARL (30053/2020) [2021] ZAGPJHC 793 (7 December 2021)

Shivambu v FR Pandelani Inc. (30053/2020) [2021] ZAGPJHC 745 (19 November 2021)

AS ACTING JUDGE

Theodosiou v Schindlers Attorneys (14038/2021) [2022] ZAGPJHC 252 (21 April 2022) reported at 2022 (4) SA 617 (GJ)

Vodacom Group Ltd. v Congolese Wireless Network SARL (30053/2020) [2021] ZAGPJHC 793 (7 December 2021)

Shivambu v FR Pandelani Inc. (30053/2020) [2021] ZAGPJHC 745 (19 November 2021)

IN ARBITRATION & ADJUDICATION

Acted as junior and leading counsel in commercial, infrastructure, and construction litigation, arbitrations, and adjudications. Represented South African and international construction, mining, and engineering companies, including:

- A Re Shomeng Mining companies, which provide professional civil engineering, construction, property development, mining and petroleum services.
- AECOM South Africa, a provider of integrated engineering and architectural design and consultancy services across South Africa.
- Ajax Tocco Magnethermic Corporation, a leading induction equipment manufacturer.
- Aquatan, a specialist geosynthetics material supply and installation contractor.
- BCO Construction
- Benhouse Mining Services, which operates in the hard rock Opencast Mining Industry in South Africa.
- Bigen Africa, an infrastructure development company that focuses on creating sustainable engineering solutions, including those for rural development.
- CAPIC, a specialist consultancy offering strategic planning, development, finance, management, claims, and dispute resolution in the infrastructure development, construction, and engineering industries.
- China Overseas Engineering Group Co. Ltd., known as COVEC, a Chinese construction and engineering company subsidiary of China Railway Group Ltd.
- Hitachi Power Africa Ltd., which established a presence in South Africa through the Medupi and Kusile Power Station construction projects.
- Robenco Construction
- Rocla, a manufacturer of concrete and precast concrete pipes in South Africa.
- SMEC Holdings Limited, an Australian-based firm that provides consulting services on major infrastructure projects worldwide, including feasibility studies, design, tender and contract management, construction supervision, and project management.
- Zutari South Africa, an engineering and advisory firm in water, energy, resources, and building environment infrastructure.

AS ARBITRATOR

Acted as an arbitrator in commercial disputes and as chairman in disciplinary disputes, including:

- A construction dispute regarding specialist joinery installation under the JBCC Selected Agreement.
- A commercial dispute concerning bridging finance in the form of a joint venture agreement, the sale interim finance of immovable property.
- A commercial dispute concerning an NEC3 Engineering and Construction Subcontract for Medium and High Voltage Switchgear.
- A statement and debatement of account concerning a universal partnership.

IN MEDIATION

Completed the Advanced Mediation Workshop: Mediating Complex Disputes at Harvard Law School (2016), represented clients in mediation, and assisted disputants in settling complex disputes through mediation. Facilitated amicable settlements, drafted a Notarial Deed and restored working relationships involving infrastructure, financial, partnership, family, property, commercial and petroleum disputes. CI Arb faculty member and, in 2022, co-presented CI Arb's mediation course in collaboration with CI Arb's Zambian Branch.

Practical corporate and commercial mediation experience includes the following:

- 2 to 3 April 2018: A multi-day mediation between a bulk supplier of petroleum products and a franchise including disputes regarding a notarial deed. I assisted with settling the Notarial deed. One of the parties commented:

"We thank you for all your wise and dedicated efforts to resolve all the issues and help conclude a final agreement between ourselves and the petroleum company. We wish you continued blessings and success!"

- 8 to 15 July 2020: A family dispute involving joint ownership of property was settled over three days of mediation. One of the parties commented:

"Riaan's intervention restored our family."

- 1 July 2021: A one-day mediation re partnership and divorce proceedings.
- 17 March 2021: A one-day mediation involving a financial institution and surety.
- 5 May 2021: A one-day mediation involving a financial institution and debtor.
- March 2022 to January 2023: Acted as independent chairman of two boards of directors and mediated disputes between 5 siblings sitting on the boards.
- 24 to 29 October 2022: A multi-party complex dispute, engaging 20 participants concerned regarding the corporate governance of a Non-Profit Organisation.
- 2023: Commercial Landlord and Tenant.
- 2023: Commercial Transport and Procurement.

EMPLOYMENT HISTORY

Johannesburg Bar (January 2006 - Present)

- Practising Advocate
- Member of the Johannesburg Bar
- Member of The Protea Group of Advocates

Johannesburg Society of Advocates (January - December 2005)

- Pupil Member of the Johannesburg Bar

Nedbank Ltd. (January 2003 - September 2004)

- Senior Manager: Legal and Compliance

BOE Bank Ltd. (August 2001 - December 2002)

- Credit Risk Analyst

Weavind & Weavind Inc. (April 1999 - August 2001)

- Attorney & Notary Public