

# ASK EXPERIENCED PRACTITIONERS!

Association of Arbitrators  
(Southern Africa) NPC

## WORKSHOP



## When to Draw the Line in Conducting an Adjudication as Opposed to an Arbitration

### BACKGROUND:

Many adjudications deteriorate into arbitrations because the adjudicator does not fully understand the differences between these two Alternative Dispute Resolution (ADR) mechanisms, thereby blurring the line when it comes to the conduct of the adjudicator and the parties in a dispute.

Join us for a session of informal networking, snacks and drinks as our Experienced Practitioners bring definition to this blurred line and answer your adjudication questions.

**Date:** Saturday, 23 June 2018      **Time:** 09:00 to 13:00

**Venue:** Association of Arbitrators (Southern Africa) NPC  
3<sup>rd</sup> Floor, Block B, Sandown House, Norwich Close (off 5<sup>th</sup> Street), Sandown, Johannesburg

**NOTE:** Seats are limited.

**Cost (incl. VAT):** AoA, MBA and WISA Members: **R350.00**      Non-members: **R400.00**  
A cash bar will be available!

**RSVP by:** Thursday, 21 June 2018  
Please send your completed **Registration Form** to **Vivienne Quinn**.  
Email: [accounts@arbitrators.co.za](mailto:accounts@arbitrators.co.za)

### ABOUT OUR EXPERIENCED PRACTITIONERS:

#### **Mr Armando Aguiar**, BA Law LLB FAArb (SA):

Armando is a Director of ENSafrica's dispute resolution department and specialises in general commercial dispute resolution, and construction and engineering law including the drafting of contracts (FIDIC, NEC, JBCC and GCC), claims and dispute resolution. His experience includes advising clients on local and international contract-based commercial litigation, and on varied commercial litigation. He has acted for a number of major construction companies, national governments, parastatal entities and listed multinational companies. He is a Director and Fellow of the Association of Arbitrators (Southern Africa) NPC (the AoA), a fellow of AFSA, and a CEDR-accredited mediator. He adjudicates and arbitrates in construction disputes. He is recognised as a leading/recommended lawyer by various reputable rating agencies and their publications.

#### **Adv Lee Harding**, MBA LLB BSc (Eng) Pr Eng FAArb (SA):

Lee qualified as a professional engineer and went on to become an advocate and member of the Maisels Group in Sandton. He practices in arbitration, adjudication and mediation in construction related disputes. He is a Fellow of the AoA and part of the team of tutors presenting the AoA's Specialisation in Construction Law, Module 5.

#### **Mr Nick Maritz**, BSc (Eng) MDP (UNISA) LLM FAArb (SA):

Nick is a graduate engineer and lawyer holding a Master of Laws in International legal practice. He has extensive engineering expertise in a wide range of engineering disciplines. For the last 10 years he has been a legal adviser for several commercial and construction companies dealing with domestic and international contracts negotiation, drafting of contracts and dealing with disputes. He is a Fellow of the AoA and practices as Arbitrator, Adjudicator and Mediator and acts as counsel representing parties in arbitration cases. Together with Lee he is the tutor of the AoA's Specialisation in Construction Law, Module 5 of the AoA's

flagship training. Nick is accredited as a Mediator by the London School of Mediation and is also an accredited trainer of candidates attending the Mediation course for which he is a tutor.

**Adv Pierre Rossouw SC, FAArb (SA):**

Pierre is a Senior Counsel and a member of 3 Maisels Chambers Group of Advocates in Sandton. He has held various appointments as acting judge of the High Court. He has appeared in various divisions of the High Court, Supreme Court of Appeal and the Constitutional Court of South Africa, and the High- and Supreme Court of Namibia. Judgments in 30 of his litigious matters have been reported in the SA Law Reports, the Butterworths Constitutional Law Reports and the Commercial Law Reports. He was awarded the CI Arb Advanced Certificate in International Arbitration. He practices in arbitration and commercial litigation, specialising in contract law, company law, insolvency law, construction law, banking law, insurance law, administrative law, property law and competition law. He is a director and fellow of the AoA and serves on the General Commercial Panel of AFSA.

**Prof Ronnie Schloss, BSc (Quantity Surveying) MSc H Dip (Housing Finance) FAArb (SA):**

Ronnie is a Fellow of the AoA, and was previously head of the School of Construction Management at Wits and COO of the Premier Soccer League. He practices as a mediator, adjudicator and arbitrator and specializes in the field of construction related disputes and sport disputes. He is a member of the JBCC Technical Committee. He is credited by the London School of Mediation and has mediated in many disputes in Africa.

**Mr Kevin Spence, Pr Eng FAArb (SA):**

Kevin is a registered Professional Engineer, Mediator, Adjudicator and Arbitrator with over 40 years' experience in the construction industry. His experience spans across freeway construction, airport runway rehabilitation, dams and water retaining structures, pipelines, civil and building construction, concrete structures, asphalt and concrete road surfacing and most recently claims preparation and defence. Throughout his professional career he has managed various business units of one of the largest construction companies in South Africa, owned a road surfacing company which was later sold to a listed company before moving into dispute resolution and claims consulting. He completed the Fellowship of Arbitrators qualification and currently specialises in large scale construction claims and dispute resolution. Over the last 10 years he has been involved as Mediator, Adjudicator, Arbitrator and expert witness on approximately 60 dispute matters. He is presently appointed on Dispute Adjudication Boards (DAB) in South Africa and Africa in numerous matters. Kevin is an admitted member of the FIDIC President's List of Adjudicators. He is considered an expert on the FIDIC suite of contract documentation as well as the other 3 forms of contract prescribed by the CIDB. He facilitates regularly on all the 4 types of contract documentation both locally and internationally. He is the only FIDIC Accredited Trainer in South Africa.

**Mr Michael Swanepoel, Higher Nat Dip (Build) FAArb (SA):**

Mike joined the then Roberts Construction in 1974 and was one of the first Technikon Quantity Surveying graduates in 1979 and, as such, has been associated with the construction industry in both the Civil Engineering and Building disciplines for 44 years. He became a Fellow of the AoA in 2002 Specialising in Construction Law and then, recently in 2017, repeated Module 5 as a refresher course. His experience in the construction industry is related to the quantity surveying, cost reporting up to executive level and the tendering function of construction companies and their claim preparations, including that related to programming. He has for the last 12 years worked as a claims consultant for various Main Contractors and Subcontractors representing them in adjudications and the preparation of draft Statements of Claim and claim programmes for attorneys for arbitrations.

**Adv Tjaart van der Walt SC, B Jur LLB FAArb (SA) MAFSA (SA) FCIArb (UK) MSoM (UK):**

Tjaart is a senior member of the Maisels Group of Advocates in Sandton. He was recommended for SC status by the Silk Committee of the Johannesburg Bar, awaiting the imminent signing of his Letters Patent. He is a Fellow of the AoA, a Fellow of the Chartered Institute of Arbitrators (UK) (the CI Arb) and a listed international arbitrator for the AoA, the CI Arb and AFSA. He is an International Mediator accredited by the Civil Mediation Council (UK), the School of Mediation (UK), the CI Arb (UK) and the AoA to mediate construction, commercial and contractual disputes. Over a 10-year period, prior to his admission as Advocate in 1995, he was employed as Legal Advisor, Public Prosecutor and part-time Academic and practiced as an Attorney. His practice includes general commercial arbitration, mediation and litigation with a focus on the law of contract and delict. His industry specific exposure as Advocate, Arbitrator and Mediator over more than 20 years includes petroleum, coal and platinum mining, agriculture, food and beverage, telecommunications, construction, forestry, pension funds and banking.