

CURRICULUM VITAE

JUANITTA CALITZ **(Prof.Dr)** ***UNIVERSITY OF JOHANNESBURG***

Personal Profile

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Education

LLB (J.D) University of Pretoria

LLM University of Pretoria

LLD (S.J.D.) University of Pretoria

Work Experience

1993 – 2004: Deputy Master – Master of the High Court (Department of Justice)

2004 - 2012: Senior Lecturer Faculty of Law- (University of Johannesburg)

2012 - Associate Professor - (University of Johannesburg)

Research/ Specialist Experience:

1. The objective of my LLD thesis, “A Reformatory Approach to State Regulation of Insolvency Law in South Africa”, had been to investigate certain aspects of state regulation with the view ultimately to propose a framework within which the legislator could pursue legal reform based on comprehensive policy objectives in this field of law. My fields of interests include bankruptcy and insolvency law. My publications on regulation of Insolvency Practitioners have also achieved a relatively high degree of acceptance and was recently quoted in the High Court case of *South African Restructuring And Insolvency Practitioners Association v Minister of Justice And Constitutional Development and Others; InRe: Concerned Insolvency Practitioners Association NPC and Others v Minister of Justice And Constitutional Development* 2015 (2) SA 430 (WCC (13 January 2015).

2. Attended IALS African Law Deans symposium in Cape Coast Ghana on 10-13 May 2017 in an advisory capacity and representative of UJ Law Faculty on *Decolonising Legal Education in Africa*
3. Member of WORLD BANK task team and peer reviewer: 2018 Insolvency & Creditor/Debtor Regimes (ICR) Task Force Report “Saving Entrepreneurs, Saving Enterprises: Proposals on the Treatment of MSME Insolvency”.
4. My area of expertise include Constitutional Law; Business Rescue; Consumer and Corporate Insolvency and I lecture and manage postgraduate programmes in these areas of law.

Conference Contributions

1. “The Role of the Master of the High Court as regulator in the South African insolvency law” presented at INSOL International Academics Group Meeting Sydney, Australia, 12-13 March 2005.
2. “An overview of regulation of South African insolvency law” presented at Society for Legal Scholars: Annual Conference University of Keele, Stoke-on-Trent England, September 2006.
3. “Annual Banking Law Update” Review of the Insolvency Law and its application in Winding-up, Sandton, May 2006.
4. “Consumer bankruptcy legislation in the United States and the United Kingdom: Is there a lesson to be learned?” presented at 11th International Conference on Consumer Law Centre for business law Cape Town, South Africa, 11-13 April 2007.
5. “Regulation in insolvency law: an international perspective.” presented at Society of Teachers of Law of Southern Africa Conference, University of Pretoria, 21 – 24 January 2008.
6. “Regulatory aspects of insolvency law and policy reform: an emerging market perspective” presented at INSOL International Academics’ Group Meeting: Dublin, Ireland, 11-13 June 2010.
7. “Sovereign insolvency and the sovereign debt crisis” presented at The Society of Law Teachers of Southern Africa conference University of Stellenbosch 17 - 20 January 2011.
8. “Some thoughts on sovereign insolvency law from an emerging market perspective” presented at - INSOL Academics' Group Meeting, Singapore, 13th - 14th March 2011.
9. “Sovereign Debt Crisis: Some Thoughts on an International Insolvency Framework for Countries” Annual Insolvency Conference, Venice, Italy, 21-22 September 2011.
10. “Sovereign insolvency developments: From Adam Smith to the Eurozone crisis and beyond...”? INSOL Colloquium, Miami Florida, 19-20 May 2012.
11. “Teaching Insolvency Law...” INSOL Academics' Group Meeting, The Hague, 16-17 May 2013.
12. “It's not all about the USA” 2014 Annual Asia Pacific Conference in Hong Kong, 23-25 March 2014.
13. “Insolvency Practitioner Regulation” INSOL Africa Round Table 2014 - Kampala, Uganda, 17-18 October 2014.

14. “Update on the developments with regard to remuneration of Insolvency Practitioners” SARIPA, 16 May 2014.
15. “Importance of Insolvency Practitioners, the example of South Africa” World Bank- Workshop, Harare, Zimbabwe, 17 June, 2015.
16. Chaired panel entitled 'the Judiciary' at conference “Has the South African Constitution Performed in the Past 20 years?” hosted by SAIFAC/UJ/ IDEA, University of Johannesburg, Council Chambers on 27 May 2016.
17. Academic’s Colloquium of the International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL) in July 2016, chaired a panel on: “Teaching and research in turnaround and insolvency law”.
18. Chairing and organising the 8th SARIPA Annual National Conference on Restructuring and Insolvency, Stellenbosch 12 & 13 September 2016.
19. Panellist on “Role of the Insolvency Regulator” INSOL International Africa Roundtable hosted by INSOL International and The World Bank Group, 6th-7th October, 2016, Accra, Ghana.
20. Chaired panel at Academic’s Colloquium at INSOL Tenth World Quadrennial Congress 17th 18th March 2017, Sydney.
21. Chaired panel at INSOL International Africa Roundtable hosted by INSOL International and The World Bank Group, 10-12 November, 2017 Mauritius.
22. Chaired panel at Academic’s Colloquium at INSOL 12 & 13th July 2018, London.
23. “Regulatory reform and capacity building in South African insolvency law” paper presented at University of Pretoria International Consumer Law Conference 2018, 26 September, Pretoria.
24. Invited to serve as “expert” on a panel at the Workshop on Possible Improvements to the Business Rescue Provisions Contained in Chapter 6 of the Companies Act 2008, Gibs Campus, Illovo, Johannesburg, 18 October 2018.
25. “Those who forget history are doomed to repeat it”- A historical overview of state regulation in South African insolvency law.’ paper presented at INSOL International Academic Colloquium, 31 March & 1 April 2019, Singapore.
26. Panellist at INSOL African Round Table 14 November 2019, Swakopmund, Namibia

Publications

PEER REVIEWED:

1. 2005: CALITZ J, BORAINÉ A, “The Role of the Master of the High Court as regulator in a changing liquidation environment: A South African perspective” 2005 4 *TSAR* 728-744.
2. 2005: CALITZ J, BURDETTE D, “Liquidator’s fees: The time factor and notion of swings and roundabouts- *Nel v The Master*” 2005 4 *THRHR* 686-691.
3. 2006: CALITZ J, “Section 417 and 418 Of the Companies Act 61 of 73 – relevance prevailing over the right to privacy – *Gumede v Subel* NO 2006 3 SA 498 SCA” 2006 *Obiter* 403- 409.

4. 2006: CALITZ J, BURDETTE D, “The appointment of insolvency practitioners in South Africa: time for change?” 2006 *TSAR* 4 721-751.
5. 2007: CALITZ J, “Developments in the United States’ consumer bankruptcy law: a South African perspective.” 2007 *Obiter* 3 397-417.
6. 2008: CALITZ J, “System of regulation of South African insolvency law: lessons from the United Kingdom.” 2008 *Obiter* 3 358.
7. 2010: CALITZ J, BORAINÉ A, (50/50) “Some consequences of the National Credit Act 34 of 2005 on the proof of claims in insolvency law” 2010 *TSAR* 4 797 – 807.
8. 2010: CALITZ J, “Historical overview of state regulation of South African insolvency law” 2010 *Fundamina: A Journal of Legal History* 1-27.
9. 2011: CALITZ J, “Some thoughts on state regulation of South African insolvency law” 2011 *De Jure* 290-318.
10. 2011: CALITZ J, “Some administrative law aspects of state regulation of insolvency law revisited- *Musenwa v Master of the North Gauteng High Court*” 2011 *Obiter* 747-759.
11. 2012: CALITZ J, “An overview of certain aspects regarding the regulation of sovereign insolvency law” 2012 *De Jure* 329-347.
12. 2012: CALITZ J, “State regulation of South African insolvency law: An administrative law approach” 2012 *Obiter* 457 (3).
13. 2014: JOUBERT Y, CALITZ J, “To be or not to be? The Role of Private Enquiries in the South African Insolvency Law” [2014] *PER* 26.
14. 2015: VAN DER LINDE K, CALITZ J, “Ranking and Priority of Creditors - South Africa Chapter” International and Comparative Insolvency Law (ICIL) Series, 2015 Oxford University Press.
15. 2016: FREEMAN A, CALITZ J, “Is post-commencement finance proving to be the thorn in the side of business rescue proceedings under the 2008 Companies Act?” 2016 (2) *De Jure*.
16. 2017: CALITZ J, LAWRENSON S “The right of a creditor to cancel an executory contract when a debtor company is being restructured: a South African and German perspective” chapter in Hugo et al (ED) *Transnational Impacts on Law: Perspectives from South Africa and Germany* (2017) JUTA
17. 2019: CALITZ J, “The notion of conflict of interest from a South African insolvency law perspective” 2018 *SA Merc LJ* part 3
18. 2020: CALITZ J, VAN DER LINDE, K “Equality, legal certainty and insolvency” Augsburg (forthcoming)

NON-PEER REVIEWED:

1. 2015: BURDETTE D, CALITZ J, “4:3:2:1... Fair Distribution of Appointments or Countdown to Catastrophe? South Africa’s Ministerial Policy for the Appointment of Liquidators under the Spotlight” (2015) 3 Nottingham Insolvency and Business Law eJournal 24.

2. 2019: CALITZ J, “Guest Editorial”, International Insolvency Review 2019

CHAPTERS IN BOOKS:

1. VAN DER LINDE K, CALITZ J, “Ranking and Priority of Creditors - South Africa Chapter” *International and Comparative Insolvency Law (ICIL) Series*, 2015 Oxford University Press.
2. LOUBSER (ED) et al “Insolvency and Deregistration” Company Secretarial Practice, 2017, JUTA.
3. BERTELSMANN et al Mars Insolvency Law in South Africa 2017 10th ed chapter 2; 7 & 8, 2019

Teaching Activities

UNDERGRADUATE COURSES:

2004 -2019

- Commercial Law 1B (KMR1B)
- Law of Succession (ERF0011)
- Insolvency Law (INR0011);

POSTGRADUATE COURSES:

2010-2019

- Corporate Insolvency Law (BEB0708) LLM Module
- Post Graduate output: supervise minor dissertations as well as supervising 2 doctoral students.

ADDITIONAL:

- 2009-2019: External examiner: LLM Insolvency law (UP)
- 2014-2015: External examiner: Insolvency Law (WITS)
- 2014-2015: External examiner: Insolvency Law (Midrand Graduate Institute)
- 2014: Acted as external examiner on LLD thesis: Lienne Steyn (UP)
- 2016: Acted as external examiner on LLD thesis: Eric Levenstein (UP)
- 2017: Acting as external examiner on PhD thesis: WJ Rosslyn-Smith (UP)
- 2019: Acting as external examiner on PhD thesis: C Singh (UKZN)

TEACHING AND LEARNING EXPERIENCE:

Internationalization

1. Attended IALS African Law Deans symposium in Cape Coast Ghana on 10-13 May 2017 in an advisory capacity and representative of UJ Law Faculty on Decolonising Legal Education in Africa.
2. Invited as “expert” by World Bank to do training and presentation to Insolvency Practitioners in Zambia.(OCT 2018)
3. Member of *Global Insolvency Practice Course, Course Committee*. (The Global Insolvency Practice Course is a result of the large interest that the INSOL membership demonstrated for an advanced educational qualification focusing on international insolvency. The qualification received will bestow a Fellowship from INSOL International.)

4. Member of WORLD BANK task team and peer reviewer: 2018 *Insolvency & Creditor/Debtor Regimes (ICR) Task Force Report* “Saving Entrepreneurs, Saving Enterprises: Proposals on the Treatment of MSME Insolvency”.
5. On 1 April 2019 Prof Juanitta Calitz, Associate Professor: Department of Mercantile Law, was elected as chairperson of the *INSOL Academics steering committee*. INSOL International is a worldwide federation of national associations of accountants and lawyers who specialise in turnaround and insolvency. INSOL International is a worldwide federation of national associations of accountants and lawyers who specialise in turnaround and insolvency. There are currently over 44 Member Associations with over 10,500 professionals participating as members of INSOL International. INSOL also has ancillary groups that represent the judiciary, regulators, lenders and academics and annually host the Africa Round Table (ART) on insolvency reform together with the World Bank Group.

Membership - International and National Bodies

1. Member of the Academic Steering Committee of the International Association of Restructuring, Insolvency & Bankruptcy Professionals –INSOL International
2. Board member of Southern African Restructuring and Insolvency Practitioners Association (SARIPA)
3. Member of INSOL Europe/ Member of INSOL International
4. Member of the International Exchange of Experience of Insolvency Law (IEEI)
5. Member of the Global Insolvency Practice Course, Course Committee.
6. Member of INSOL International – Toward 2021: Working Group 16 (exploring the concept of INSOL International online courses)
7. Member of Ian Fletcher International Insolvency Moot Competition Core Committee.
8. Member of INSOL International Legislative & Regulation steering committee.

Management Duties

1. Head of Department: Public law (2012-2017)
2. Head of Department Mercantile Law (2018-)
3. Member of Dean’s Committee (2012-2019)
4. Senate ad-hoc Committee (2016-2017)
5. Senate Academic Freedom Committee (2018-)

Referees

PROF MICHAEL VEDER

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PROF ROSALIND MASON

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