

Christopher Gibson

LLB, LLM (Commercial Law), Member of the Johannesburg Bar
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Professional Profile

I have been a practising Advocate since November 2015. Prior to joining the Bar, I practised as an attorney for 5 years from August 2009 to January 2015.

My practice is primarily a commercial practice involving Banking, Insolvency and Business Rescue matters. I am briefed by large firms and act on behalf of the major Banks including FirstRand and Investec as well business rescue practitioners. My practice is growing to include work in Namibia where I act on behalf of Bank Windhoek in its commercial and insolvency related matters as well as other corporate clients.

I am a proficient litigator with the ability to quickly identify and address issues while communicating effectively with colleagues and clients alike. This has resulted in securing instructions on larger and more complicated matters as my career has developed.

More recently, I have completed the INSOL course *South African Business Rescue 2023* between March and November this year. I expect to receive the results of the course later this year.

On a personal level, I am collegial and easy to get along with, often bringing a cheerful and good-humoured presence. I always assist colleagues when I can, and I adopt an open-door policy.

I also assist SABWIL (South African Black Women In Law) in their training for young and aspiring lawyers. In 2024 I aim to assist SABWIL by procuring the involvement of Juta with SABWIL's training and initiatives in order to assist their young members in obtaining the necessary books which will assist them in growing their careers and entering the profession.

I am a valuable member to any group, assisting currently in the Group Affairs and IT Committee of Group 21 and I have also put my name forward to assist the High Court committee in 2024. I am confident that my experience and practice will also make me a valuable member of The Masiels Group, whether with my own chambers or as a sharing member.

I intend to grow my commercial practice, more particularly my insolvency and business rescue practice in the coming years.

For a reference as to my abilities in drafting and my practice generally, please feel free to contact Advocate Panayiotis Stais SC (082 550 6398) or Advocate Louwrens Malan SC (082 670 4935).

Career History

Nov 2015-present **Johannesburg Bar**
Advocate

Self-employed advocate practicing at Johannesburg Bar since November 2015 with a focus on commercial litigation, including insolvency and business rescue matters. Regularly represent major South African Banks and international corporations. Recent highlights include:

- Acting on behalf of Firstrand Bank and Investec in sequestration and liquidation proceedings, all of which have resulted in successful judgments, alternatively settlement on favourable terms to my client, the Bank.
- Acting on behalf of the defendant against Massbuild (Pty) Ltd, in a matter relating to the validity of an electronic signature in the conclusion of a suretyship. The Court found that the electronic signature

was invalid in terms of the Electronic Communications and Transactions Act, 2002 as read with the General Law Amendment Act, 1956.

- Acting for TE Connectivity Solutions GmbH (“TE Connectivity”), incorporated in Switzerland, in insolvency proceedings against the South Africa Company TIS Investment (Pty) Ltd (“TIS Invest”). TE Connectivity is a global manufacturer of electronic components in, inter alia, the marine, aerospace, defence and power industries. The provisional liquidation of TIS Invest was successfully granted and in respect to TE Connectivity’s claim of €1,127,174.59.
- Recently acted for the South African insurance broker, Essential Employee Benefits (Pty) Ltd (“EEB”) in its unlawful competition claim against a Lion Africa Life Assurance Company Ltd (“Lion”). The claim involved firstly an urgent interdict to prevent Lion from breaching its confidentiality undertakings and from soliciting EEB’s clients. The urgent interdict was successfully granted, and following arbitration proceedings having commenced, the matter settled on favourable terms for EEB.
- Acted in a claim against the Gauteng Department of Health for payment of over R51million. The application was launched in the urgent court and resulted in successful judgment for the full sum. The matter has recently been reported in the Mail & Guardian as well as other newspapers.
- Briefed by Bank Windhoek in its commercial litigation and insolvency matters. These matters include acting on behalf of Bank Windhoek in its claims relating to Cape Orchard Company Namibia (Pty) Ltd, a large (if not the largest) grape farming business in Namibia.
- Briefed by Simon Steyn (BDO Namibia) in his capacity as liquidator, in a claim relating to the sale of a large farming business in Namibia and funds remaining due to the seller (in liquidation).
- Acting on behalf of Serve Investments 84 (Pty) Ltd in its claim against the Namibian Minister of Agriculture relating to the sale of a large farming business in Namibia. The matter was successful in the Namibian High Court as well as the Supreme Court of Appeal and both judgments have been reported (in Namibia).
- Acted for Fujitsu Computers in its claim against Schenker South Africa (Pty) Ltd (“Schenker”) a global logistics company. The matter was taken to the Constitutional Court where although unsuccessful, the matter provided me with valuable experience.
- My labour practice includes successfully enforcing restraint of trade agreements, the most recent of which has recently been reported in the Labour Appeal Court (Sadan v Workforce Staffing (Pty) Ltd).

June 2014-March 2015

Nortons Incorporated, Sandton, Johannesburg, S.A.
Attorney, Senior Associate

Senior Associate at Nortons Inc. (before being called to the Bar), a boutique services firm specialising in all aspects of litigation and competition. Developed varied experience in commercial litigation and competition law. Litigation matters included:

- Assisted in representing Keaton Energy Ltd in arbitration proceedings related to Keaton’s claim against DRA Mineral Projects in respect of a coal processing plant.
- Represented Neotel (Pty) Ltd in the arbitration proceedings between it and Broadband Infracore SOC Ltd (“BBI”) relating to the use by Neotel of the BBI national long-distance infrastructure.

June 2012-Dec 2013

Tabacks Corporate Law Advisors, Johannesburg, S.A.
Attorney, Senior Associate

Senior Associate at Tabacks, a boutique full-service law firm. Developed excellent experience in both corporate commercial matters as well as litigation. Worked in the Commercial, Mining and Environmental departments, whilst assisting the Litigation department on a regular basis. Experience includes:

- Providing advice in relation to the eviction of unlawful occupants of a ferrochrome stockpile and settlement negotiations with the Department of Environmental Affairs.
- Notably, involved in the precedent setting case of Interwaste (Pty) Limited v Coetzee and others, a controversial judgment relating to rectification applications brought in terms of section 24G of the

National Environmental Management Act, 107 of 1998. The case is reported and set precedent in South Africa.

- Engaged on high profile appeal to the Water Tribunal on behalf of Total Coal South Africa which at the time owned a major coal mine in Mpumalanga. Drafted the appeal papers and attended mediations between the company and the Department of Water Affairs (“DWA”). Total subsequently sold its rights and operations to Glencore.
- Acted in a number of due diligence investigations.
- Various duties in respect of commercial and mining matters including the drafting of surface lease agreements for the landowner of the largest platinum deposits in South Africa, the Royal Bafokeng Nation (“RBN”).

Aug 2009-June 2012

Jurgens Bekker Attorneys, Johannesburg, S.A.

Article Clerk / Attorney

Admitted as an attorney on 25 August 2009 following articles with Jurgens Bekker Attorneys, joining the employment and litigation practice. Developed extensive and valuable experience in litigation, gaining exposure to both the High Court and Magistrate Court, as well as arbitrations. This included four urgent court applications, including an Anton Pillar application and the subsequent successful search of four premises.

Education

2023

INSOL International Association of Restructuring, Insolvency & Bankruptcy Professionals

Programme in South African Business Rescue.

2009-2012

University of the Witwatersrand (Wits)

Master of Laws (Commercial Law) (part time)

Courses Completed: Company Law I /Company law II (Core) / Intellectual Property / Competition law (Core).

Thesis: ‘Corporate Governance of State-Owned Enterprise, specifically Eskom’

Jan-June 2008

L.E.A.D. Practical legal Training (PLT)

2004-2007

University of the Witwatersrand (Wits)

Bachelor of Laws (4-year LLB)

Year 1 - accepted to the ‘Golden Key International Honours Society’ an award for the top 15% of Wits Students.

Other

Computer Skills

- Microsoft Office, Microsoft Excel, Microsoft Power Point.

Publications

- Published and presented a paper for the Competition Tribunal, *“Regulatory standards as a means of creating barriers to entry: The case of the Competition Tribunal and Netstar Vehicle Tracking.”*
- *“Corporate Governance of State-Owned Enterprise”,* Master’s Thesis.
- South African publication in *“The Mining Law Review”* chapter 28, November 2012, Law Business Research Limited.

Personal Interests

- Outdoor pursuits, hiking, golf and regular gym.