

**Mr. Katlego Mmuoe**

LLB (UJ), LLM (QMUL)(*cum laude*)

**Arbitration, Litigation, Adjudication**

**16 years post qualification experience**

Katlego's expertise in litigation, arbitration, mediation, investigations, policy development, and strategic advisory have seen him act in complex disputes for a range of diverse clients, including regulatory bodies, state organs and multinationals. His domestic and cross-border disputes expertise have given him the privilege to gain experience in many sectors including energy, construction, and property. He undertakes contentious and non-contentious work across areas of commercial, administrative, property, employment, and corporate law. He is an experienced lawyer who read and practised law two jurisdictions where he is admitted,

Katlego is a Commercial Arbitrator with the Arbitration Foundation of South Africa (AFSA) and is appointed as a Panel Adjudicator for telecommunications disputes with the Centre for Effective Dispute Resolution (CEDR) in London. He has recently been appointed as a panel member of the Mauritius International Arbitration Centre (MIAC), serves as a panel member of the Professional Conduct Committee of the Health Professions Council of South Africa (regulatory body for all medical professionals in South Africa). Katlego has also recently been appointed by the Legal Practice Council of South Africa (the regulatory body for all lawyers in South Africa) to serve as a Committee Member in the investigating, disciplinary and mediation committees. He has the Right of Appearance in the High Courts of South Africa and regularly appears before courts and tribunals acting for clients in complex disputes. Having litigated and arbitrated in the disputes field for over 16 years, he developed a reputation as an international lawyer with a global perspective. For many years, he was also a contributor to the World Bank's Doing Business Publication

Katlego is the founder of Johannesburg-based KMM Attorneys, a law firm established in 2008. He continues to play a leadership role and works with some of South Africa's most respected senior counsel in complex matters. Under the guidance of some of the most respected names in the field, Katlego completed a Masters(LLM) in International and Comparative Dispute Resolution at the

internationally renowned Queen Mary University of London with distinction, majoring in International Arbitration.

Katlego has been appointed as a foreign law (South Africa) expert in legal proceedings before England's Crown Court. Outside of dispute resolution, he continues to serve as Legal Counsel for a regulated UK Charity advising on many cross border matters involving the United Arab Emirates and Singapore. He regularly consults for businesses on regulatory, compliance as well as commercial matters related to doing business in South Africa. Representing organs of state and regulatory bodies in a complex regulatory environment such as South Africa has allowed him to have the necessary insight into issues that affect companies in the jurisdiction. From acting in commercial arbitration cases, to litigating complex tender disputes for and against the organs of state (worth billions of Rands), representing multinationals in high-stakes wage negotiations, labour law cases, his vast knowledge in law has been something that many clients continue to benefit from. Given the dynamic nature of his work, he often works alongside and advises heads of institutions, Chief Executives, executive boards, and other individuals in top management to develop key strategic and clear legal objectives.

Since his admission as a lawyer, he has acted *pro bono* for clients who cannot afford legal fees, particularly in South Africa. Katlego has also acted as a trustee in a Broad-Based Black Economic Empowerment (BBBEE) employee Trust that was created for the benefit of previously disadvantaged employees of a reputable lifting machinery company that is doing business in the mining industry in South Africa. He was involved in *pro bono* projects with London's qLegal, a legal clinic that aims to provide start-ups with legal resources to help their businesses succeed. During his involvement with qLegal, Katlego worked closely with lawyers at Ropes & Gray and Baker McKenzie on commercial law projects aimed at assisting start-ups.

## Expertise

**Katlego has been instructed in many matters over the past decade and a half. He has represented corporate clients, multinationals, and organs of state as an attorney of record. Some of the notable highlights of matters include:**

- Acted in over 100+ litigation matters in the High court of South Africa, several Supreme Court of Appeal and cases before the Constitutional Court;
- Representing a client in a private arbitration claim and counterclaim involving a disputed ZAR183million contract relating to the compilation of a property valuation roll;
- Representing one of Nigeria's largest oil companies in relation to its South African investment dispute with a shareholder;
- Represented client in mediation proceedings at the National Energy Regulator of South Africa against two glass manufacturing factories in an electricity dispute which dealt with aspects of the National Energy Act of 2004 and the Electricity Regulation Act of 2006 and technical specifications relating to electricity metering;
- Acting for the South African office of a large European medical diagnostics manufacturer in an employment Tribunal dispute against a former senior manager;
- Defending a pension fund dispute relating to client's obligations to effect in excess of a ZAR100 million to be paid emanating from pension fund rules;
- Acting in a dispute against a large retail centre in a ZAR264 million claim for consequential damages;
- Appointed investigator in serious financial misconduct and fraud case relating to the procurement process that led to a large scale construction project;

- Representing one of Nigeria's largest oil companies in a financing dispute with one of South Africa's largest banks.
- Appointed as evidence leader in a disciplinary hearing against the Chief Operating Officer of an organ of state relating to charges of fraud and dishonest financial misconduct from projects relating to the 2010 FIFA World Cup hosted in South Africa.
- Acted in a medical ethics tribunal case about the conduct of an internationally renowned A-1 rated scientist regarding ethical standards relating to the use of social media and infant nutrition. This Tribunal case, which involved thousands of pages of complex scientific material, received wide international media attention and saw renowned experts from New Zealand, the United Kingdom, and the United States of America testify in the proceedings;
- Acted for various employer clients in dozens of unfair dismissals, discrimination, and strikes disputes in the employment tribunal (Commission for Conciliation Mediation and Arbitration) in South Africa;
- Advising an organ of state (in a dispute between 2 organs of state and a state-owned entity) on reviewing and setting aside a complex environmental authorization (record of decision) issued by the Department of Environmental Affairs and involving Eskom SOC. Further advising the client on issues relating to irregularities in the public participation process and whether Eskom SOE has any right to expropriate land parcels to erect pylons;
- Advising a large metropolitan municipality on various issues surrounding government policy on expropriation of land without compensation as far back as 2017;
- Representing a client in negotiations and subsequent mediation Tribunal proceedings before the Engineering Council of South Africa (ECSA) in a dispute relating to a consortium that was the preferred professional service provider in the construction of a ZAR2billion Integrated Rapid Public Transport Network (IRPTN) at a large metropolitan municipality;

- Defending a client in a contractual dispute regarding the construction of a waste cell site and storm-water management systems ZAR49million;
- Acting for an emergency lights manufacturer in interdicting The National Treasury of the South African government from implementing a contract that was to be rolled out nationally on all police vehicles based on a flawed procurement process;
- Represented clients in proceeding on recommendations of various investigative reports and recovering damages by making use of the provisions of the Pension Funds Act;
- Acting for a high-profile individual in a defamation claim. This was one of the highest defamation awards in South African history with a ZAR3million judgment;
- Advised clients on freedom of information requests made in terms of the Promotion of Access to Information Act(PAIA) and advised companies on clear data privacy strategies, including advising on cross border data transfers in respect of the Protection of Personal Information Act(POPIA) and the General Data Protection Regulation(GDPR) and the related adequacy provisions;
- Appointed as chief negotiator for employers to strategically manage complex and volatile wage negotiations with Trade Unions in South Africa;
- Advised clients on corporate structuring, formation, restructuring, and business rescue and litigated several liquidation proceedings for and against creditors.
- Advised on the transfer and outsourcing of an entire marketing division of a medical-aid and the impact in the context of employment law;
- Acting in a large-scale eviction proceeding which ensured the peaceful relocation of individuals in a temporary transit camp pending a successful public participation process and ensuring that the individuals are provided with temporary accommodation.

**Often, Katlego is also called upon to preside over disputes and prepare outcomes in areas of law such as construction, employment, and procurement. The decisions have not been set aside or reviewed. Some recent matters in which he presided over include:**

- Adjudicated a dispute relating to an unsuccessful bidder's objection to the rejection of a ZAR200 million bid over a contract relating to a multi-disciplinary detail design, tender document construction supervision, and monitoring of a construction project valued at ZAR2.9 billion.
- Adjudicator in a renewable energy dispute relating to the electrical contractors' design, manufacture, supply of integrated solar photovoltaic LED street lighting;
- Adjudicated a dispute relating to a 20 year Energy Generation Program through a Power Purchase Agreement in a large metropolitan council.
- The adjudicator in an objection to the award of a contract relating to various renewable energy technologies created for the construction of a 5MW power plant;
- Adjudicator in a dispute relating to a geotechnical consultant in dolomite-related risk management studies in a contract valued at R60million.
- Dozens of appointments as independent chairperson in employment disciplinary proceedings;

Katlego has also facilitated training-workshops and conducted legal training for clients in diverse sectors. For example, he has been able to deliver training and workshops to top management at an advertising agency, while presenting the same topics to a cross-border logistics company or organ of state. Apart from English, he also speaks six other South African languages.

### **Memberships and affiliations**

- The Law Society of South Africa

- The Law Society-England and Wales
- Arbitration Foundation of Southern Africa (AFSA)-Commercial Arbitration Panelist.
- Mauritius International Arbitration Centre (MIAC)
- Centre for Effective Dispute Resolution (CEDR) UK-Adjudicator.
- Member of the British Chamber of Business of Southern Africa.