WERKSMANS
ATTORNEYS



Brendan Olivier

DIRECTOR

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Brendan Olivier is a director and advises in both the Disputes practice area, and in the Insolvency & Business Rescue practice area. He has a broad profile, and advises foreign and domestic corporate clients, listed entities and financial institutions.

In the Disputes practice area, he specialises in High Court litigation, arbitration and alternative dispute resolution, and general commercial litigation and disputes. He provides advice with respect to formal proceedings against third parties and debtors, proceedings to perfect or claim against security, directors' obligations and liability, and corporate fraud. His expertise extends to crucial legislation, including the Companies Act, the Insolvency Act, and the National Credit Act.

In the Insolvency & Business Rescue practice area, Brendan advises on insolvency and restructuring proceedings, distressed assets, structuring of offers of compromise, work-outs and arrangements, winding up / liquidation procedures of entities and groups (whether voluntary or mandatory), debtor and insolvency recovery actions, corporate 'clean-ups', and cross-border aspects. He advises boards of directors, shareholders, creditors, business rescue practitioners, and liquidators with respect to their rights and obligations during or in contemplation of business rescue and insolvency proceedings, the impact of trading in insolvent / financially distressed circumstances, as well as with respect to transactional aspects, dispute resolution, corporate governance, and prevailing statutory frameworks.

Brendan was one of the lead attorneys representing the Steinhoff Group in the restructuring of financial liabilities and in record-breaking and novel statutory compromise processes of complex, multi-jurisdiction legacy litigation liabilities and debt claims (which was then the largest securities-related settlement outside of North America). He represented that group both in resisting multiple claims instituted against it, and in pursuing claims against various third parties.

Brendan holds BA and LLB degrees from the University of Cape Town and has been a Director at Werksmans since 2012.

PRACTICE AREAS

- Disputes
- Insolvency & Business Rescue

EXPERTISE

- Insolvency, business rescue and restructuring
- Dispute resolution, including High Court litigation, arbitration and alternative dispute resolution
- Corporate law
- Corporate fraud
- Contract and corporate dispute resolution

RELEVANT EXPERIENCE

- Represented the Steinhoff Group in the restructuring of financial liabilities and in record-breaking and novel statutory compromise processes of complex, multi-jurisdiction legacy litigation liabilities and debt claims, which became the largest securities-related settlement, outside of North America, of all time
- Represented the Steinhoff Group in corporate disputes and in resisting claims instituted against it my multiple creditor groups, and in pursuing claims against various third parties
- Represents various banks and other listed entities in litigation and dispute resolution, corporate and regulatory issues, and regarding corporate 'clean-ups' and restructurings
- Advisor to various stakeholders in business rescue / distress and insolvency proceedings, including liquidators / business rescue practitioners, security holders, creditors, directors and shareholders
- Advising on the impact of the insolvent trading provisions of the Companies Act on the personal liability of directors
- Represented various shareholders and directors in respect of disputes involving corporate governance and liability issues, and in distressed entities
- Advising foreign and local clients in respect of the effect that relevant legislation will have on securities held by such clients in various companies in business rescue and insolvency proceedings
- Advising directors, shareholders, creditors, business rescue practitioners, and liquidators on their rights and obligation in business rescue and insolvency proceedings, and in respect of transactional and dispute resolution matters

CAREER

- BA LLB (University of Cape Town)
- 2012: Director, Werksmans

HIGHLIGHTS

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