WERKSMANS
ATTORNEYS



David Hertz

CHAIRMAN

Phone: +27 11 535 8283 **Email:** dhertz@werksmans.com **Location:** Johannesburg

David Hertz is the Chairman of Werksmans Attorneys, with deep experience in the Dispute Resolution; Financial Services Regulation; and Infrastructure, Energy & Projects practice areas. He specialises in several disciplines, including arbitration; mediation; alternative dispute resolution (ADR); competition law (in particular unlawful competition); corporate law; and corporate fraud. David is consistently recognised in international rankings. He has been named as a leading lawyer in Dispute Resolution by Chambers Global for the past eleven years, and as a highly recommended lawyer in Dispute Resolution by the Legal 500.

Years of Experience: 33 years

PRACTICE AREAS

Litigation & Dispute Resolution

- Dispute Resolution
- General Litigation
- Mining & Resources
- Infrastructure, Energy & Projects

EXPERIENCE

Advised / Represented / Acted on behalf of:

- Represented Tongaat Hulett Limited (“THL”) in a commercial dispute arising out of an agreement it entered into with KLL Group (Proprietary) Limited, a wholly-owned subsidiary of Barloworld Limited (“Barloworld”), for the purchase of THL’s starch business as a going concern. The disposal agreement was subject to a material adverse change (“MAC”) clause. Barloworld gave notice of a MAC event occurring as a result of, inter alia, the COVID-19 pandemic which, in its view, was reasonably likely to cause the March 2021 EBITDA of the starch business to be 82.5% less than the March 2020 EBITDA. THL disputed that the above MAC event had occurred. The dispute was heard before an independent third expert, who ruled wholly in favour of THL.
- Lead attorney representing the Steinhoff Group in the largest corporate collapse in South African history. The representation is multi-faceted including:
  - Retaining experts to conduct an investigation into accounting irregularities;
  - Advising on regulatory and enforcement matters both in South Africa and internationally; and
  - Representing the Steinhoff Group in resisting claims which have been instituted against it and in pursuing claims against various third parties.

CAREER

- Admitted as an Attorney, 1991

- LLB, University of the Witwatersrand, 1989
- BA, University of the Witwatersrand, 1987
- Director, Werksmans, 1993
- Chairman, Werksmans, 2015

HIGHLIGHTS

- Ranked by *Chambers Global* | Band 1 | Dispute Resolution | 2008, 2019 – 2024
- Ranked by *Chambers Global* | Eminent Practitioners | Dispute Resolution | 2025 – 2026
- Ranked by *Legal 500* | Hall of Fame | Dispute Resolution | 2022, 2024, 2026
- Ranked as a leading practitioner by *Legal 500* | Dispute Resolution | 2010 – 2021
- Ranked as an expert consultant by *IFLR 1000* | Mining | 2022, 2024 – 2025
- Ranked as a highly regarded practitioner by *IFLR 1000* | Energy and Infrastructure; Project Development; Competition/Antitrust | 2015 – 2020
- Named as a recommended lawyer in *Who's Who Legal* | Litigation | 2019 – 2021
- Lifetime achievement award for commercial law by SAPSA in 2019
- Nominated as one of the most outstanding litigation lawyers by Acrita's in 2019

Keep us close