

## **THEO BUCHLER COMPETENCIES**

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### **QUALIFICATIONS, APPOINTMENTS AND ADMISSIONS**

Bachelor of Arts (Industrial Sociology, African Political Studies, Law) Wits University 1986-1988

Bachelor of Laws Wits University 1989-1991

Admitted as Attorney of the High Court of South Africa 1999 and Right of Appearance in the High Court 2007

Certificate in Insolvency Litigation & Practice University of Pretoria 2007

Appointed as Commissioner, Small Claims Court, Alexandra 2010 to 2022

Accreditation as RICS Civil Commercial Mediator 2013

Certification: Integral Coach University of Cape Town 2022

### **EMPLOYMENT HISTORY**

April 2024 – Current **Buchler Stein Consultants** Water, Socio and Economic Law (Director)

March 2022 – Current **Theo Buchler Incorporated** (Litigation Trust Account Practice)

April 2008 – February 2022 **Edward Nathan Sonnenbergs Incorporated** (Director, Dispute Resolution)

July 2003 – March 2008 **MJ King Incorporated** (Professional Assistant then Director)

July 2001 – July 2003 **Ivor Trakman & Partners** (Professional Assistant then Partner)

November 2000 – June 2001 **Winston Miller Attorneys** (Professional Assistant)

March 1995 – November 2000 **Arthur Kruger Attorney** (Candidate Attorney then Professional Assistant)

### **GENERAL EXPERIENCE**

#### **COMMERCIAL ADVISORY**

*General experience* in advising on, negotiating and/or drafting of:

credit agreements and interest provisions as well as underlying National Credit Act compliance, to The National Credit Regulator, commercial banks, finance houses, micro lenders, retailers and other credit providers;

general and specialised construction, commercial lease and other property transactions;

general environmental (including specifically water law) litigation and advice

advising on various commercial aspects of renewable energy projects;

dispute resolution and settlement agreements, prior and post litigious proceedings;

dispute resolution provisions in all types of commercial arrangements, particularly with reference to reasonableness and attainability of objectives of informal commercial resolution, expert determination, mediation and arbitration;

loan and finance agreements in the affordable housing sector, including paymaster agreements, related security documentation such as suretyships, cessions, pledges, mortgages and general notarial bonds and construction milestone agreements;

comprehensive analysis, advisory and drafting on potential dispute and breach issues in complex commercial structures, including inter-related agreements with numerous potential events of default; either as team member, or lead attorney (team or solo).

## **DISPUTE RESOLUTION AND ADVISORY**

*Extensive general experience* (29 years, 25 post-admission) in commercial dispute resolution, particularly very large and complex matters in the High Court of South Africa, National Consumer Tribunal and various appeal courts, as well as mediation and arbitration, in the following areas:

Litigation and advisory on administrative law disputes under the Promotion of Administrative Justice Act, National Environmental Management Act, Water Act and related (such encompassing high profile environmental litigious matters for an international client), Public Finance Management Act, Promotion of Access to Information Act;

National Credit Act and related banking, interest and finance litigation, including Prescription Act and insolvency litigation and practice;

Company, director and shareholder disputes and advisory, including directors personal liability;

general commercial contractual disputes;

commercial lease and finance (and securities thereunder) recoveries;

construction and infrastructure, including numerous matters on behalf of an international consortium constructing a high speed rail project;

generally as sole senior practitioner/team leader, or senior team member.

## **SELECT AND NOTABLE REPORTED JUDGMENTS**

Cathkin Park Hotel (Pty) Ltd & Another v S.M. Goldstein & Company (Pty) Ltd, 2000 (4) SA 1019 (SCA) (team member for unsuccessful party SM Goldstein)

Altech Autopage Cellular (Pty) Ltd v Chairperson of the Council of the Independent Communications Authority of South Africa and Others (20002/08) [2008] ZAGPHC 268 (29 August 2008) (senior team member for successful party Altech)

Land and Agricultural Development Bank v Ryton Estates (Pty) Ltd and Others 2013 (6) SA 319 (SCA) (lead attorney and coordinator of five firms of attorneys (in excess of 100 matters) for successful party Land Bank)

Barko Financial Services (Pty) Ltd v National Credit Regulator and Another [2014] 4 ALL SA 411 (SCA) (lead attorney for successful party National Credit Regulator)

Absa Bank Ltd v Mkhize, and two similar cases, 2014 (5) SA 16 (SCA) (lead attorney for successful party ABSA)

Micro Finance South Africa v Minister of Trade & Industry and another [2017] JOL 38116 (GP) (lead attorney for successful party National Credit Regulator)

Edcon Holdings Limited v National Consumer Tribunal and another [2019] JOL 42390 (GP) (lead attorney for successful party EDCON, applications for leave to appeal by NCR to SCA and CC dismissed)

Janse van Vuuren v Roets ( Banking Association of South Africa and others as amici curiae) [2019] JOL 45632 (GJ) (lead attorney for Banking Association of South Africa)

University of Stellenbosch Law Clinic and others v National Credit Regulator and others [2020] JOL 46447 (WCC) (lead attorney for Banking Association of South Africa) (Reported on appeal as Bayport Securitisation Limited and another v University of Stellenbosch Law Clinic and others [2021] JOL 51420 (SCA))