

# Vanessa Jacklin-Levin

## Partner



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## Overview

Vanessa is a partner in Dentons Johannesburg office. She is a member of the Dispute Resolution practice group.

Prior to joining Dentons, Vanessa started her legal career at Bowmans in 2000 where she gained experience in commercial litigation, commercial law and employment law; the majority of her experience being acquired in the litigation department where she was involved in litigation and alternative dispute resolution of matters in the construction industry and mining sector as well as matters for various commercial and retail clients. She made a decision to leave Bowmans in 2005 to start her own business. She purchased Bouwer Kobeli Morabe (BKM) Attorneys as a going concern in March 2005, and ran the firm successfully as a partner for more than 12 years.

Vanessa advises clients extensively on dispute resolution and matters arising out of mining law, environmental law, water law, company law (legislation and common law) and corporate governance. She has also worked as the company secretary, a trustee of a Social Labour Plan (SLP) trust and attorney for a group of companies operating in the mining sector since 2006 to date. These duties have included attendance and support (in the form of legal advice, opinions, proposals and compliance training) at their management meetings, site inspections, board meetings and shareholders' meetings. Her mining law work for various clients has included alternative dispute resolution and litigating over mining rights, license applications, water licence applications and appeals and preparing and advising on various commercial, financing and property access and purchase agreements and general contracting for her mining clients.

## Experience

- **Mining client:** Assisting a coal mining company with the negotiations and then the settlement of a High Court review of a mining right awarded to the coal mining company and challenged by an international mining company.
- **Kgaswane Country Lodge:** Defending an appeal which commenced in the High Court and ended in the Supreme Court of Appeal regarding the authorisation granted by the MEC of Agriculture for the construction of an eco lodge in a protected area, under section 24G of the National Environmental Management Act (*Magaliesberg Protection Association v. MEC: Department of Agriculture, Conservation, Environment and Rural Development, North West Provincial Government and Others* [2013] 3 All SA 416 (SCA)).

- **Vuna Mining Enterprises (Pty) Ltd:** Assisting a mining company in the Water Tribunal, concerning the powers and jurisdiction of the Tribunal to entertain appeals brought by certain classes of people. The matter also concerned the standing of appellants under the Water Act. (*Gideon Anderson t/a Zonneblom Boerdery v. Department of Water & Environmental Affairs* [2010] ZAWT 4).
- **Diamond mining company:** Assisting in the review and the appeal (full bench) of a decision taken by the Department of Mineral Resources to convert an old order prospecting right into a new order right. The case involved the proper interpretation and application of the Transitional Arrangements in the Mineral and Petroleum Resources Development Act.
- **Confidential property development company:** Reviewing a decision of the MEC involving the upholding of an appeal brought under section 43 of NEMA. This matter further involves the interpretation of section 3(3)(a) of the National Forests Act, which will shortly be heard by the Supreme Court of Appeal as well as interpretation of section 17(3) of the National Environmental Management Act of 1998, and at what stage of an environmental dispute an aggrieved citizen can compel the State into engaging a statutory conciliation or mediation process, which will shortly be heard by the full bench in the Grahamstown High Court.
- **Various commercial property groups:** Assisting property groups with advice regarding lease agreements, applicable legislation and successfully resolving many Magistrate and High Court matters.
- **Westcliff Parktown Heritage Trust and SAHRA:** Resolving internal appeals and High Court interdict proceedings in terms of heritage legislation.
- **ZAR X:** Opposing a series of cases heard before the Financial Services Appeal Board which included various interlocutory applications and appeals brought in terms of the Financial Services Board Act by two competing stock exchanges and more recently the opposition of a pending review application in respect of an exchange license granted by the Registrar in terms of section 9 of the Financial Markets Act.
- **Confidential client:** Acting on behalf of a director in taking legal action against the company's board of directors. This matter involves the interpretation of section 75 of the Companies Act of 2008 on personal financial interests; section 76 on fiduciary duties and section 162 on delinquency.
- **Mining company:** Assisting this client with concluding a bid for a prospecting right which was purchased from Exxaro, including the negotiations and the preparation of the finance agreements, sale agreements and regulatory documents to the close of the transaction.
- **Mining companies:** Assisting various mining companies with all aspects of company secretarial work, commercial work, providing legal advice on all aspects of the mining businesses, including assistance with a Social Labour Plan (SLP) and SLP Trust.
- **Global consulting company:** Assisting with various contractual agreements and transactions.

## Recognition

### In the Media

- "Application to have ZAR X licence suspended dismissed by FSB," *BusinessLIVE*, October 4, 2016
- "Icasa reserves judgement on publishers' post office complaints," *Creamer Media's Engineering News*, July 2, 2015

## Activities and Affiliations

### Memberships

- Member, Law Society of the Northern Provinces

- Member, Institute of Directors Southern Africa

## Prior and Present Employment

- Partner, Dentons Johannesburg (February 2018 to date)
- Of Counsel, Dentons Johannesburg (2017 to February 2018)
- Partner, BKM Attorneys (2005 – 2017)
- Senior Associate, Bowman Gilfillan (2000 – 2005)
- Candidate Attorney, Bowman Gilfillan attorneys (2000 – 2001)

## Areas of focus

### Practices

- Litigation and Dispute Resolution
- Mining Litigation and Dispute Resolution
- Business Agreements and Commercial Contracts
- Corporate Governance
- Real Estate Litigation and Dispute Resolution

### Industry sectors

- Mining
- Mining Public Policy, Regulation, Community Relations and Disclosure
- Publishing
- Architecture Firms

## Education

- University of Johannesburg, 1999, Bachelor of Laws
- University of Johannesburg, 1997, Bachelor of Arts

## Admissions and qualifications

- Right of appearance, Attorney, High Court of South Africa, 2005
- Attorney, High Court of South Africa (North Gauteng, Pretoria), 2002

## Languages

- Afrikaans
- English