

WA **VAN NIEKERK ATTORNEYS**

ATTORNEYS, NOTARIES and CONVEYANCERS



COMPANY PROFILE



VAN NIEKERK ATTORNEYS

ATTORNEYS, NOTARIES and CONVEYANCERS

THE LAW FIRM

INTRODUCTION

Van Niekerk Attorneys (Van Niekerk Attorneys and our predecessor in title, being Venter and Partners), has been in operation as a Law Firm in Francistown for more than thirty eight (38) years.

CONTACT PERSONS:

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Plot 4660, Ditau Street, Area G, Francistown

PARTNERS:

Amelia Van Niekerk – Motswana
Nkululeko Maduma Fuzwayo – Zimbabwean

PROFESSIONAL ASSISTANT:

Gorata Kuda Major – Motswana



THE LAW FIRM

OVERVIEW

We are in very good standing with the Law Society of Botswana, and regularly assist them on various issues including but not limited to: setting and marking Bar Exams (for Botswana Law students who studied law outside Botswana) and getting appointed as curators bonis (Court appointed administrators) on various legal matters.

Van Niekerk Attorneys has Professional Indemnity Cover to the value of P5,000,000.00 (Five Million Pula). There are no conditions.

Van Niekerk Attorneys are tax compliant at all times.

Our staff: We have two Senior Attorneys, each with over Twenty nine (29) years of legal experience and one Junior Attorney.

- **Amelia Van Niekerk** – BA (Law) (University of Stellenbosch)
(Managing partner) – B. Proc. (University of S.A)
– Certificate of Sectional Title Management
(University of Cape Town)
- **Nkululeko Maduma Fuzwayo** – LLB (Hons) U.Z. (University of Zimbabwe)
(Partner) – Certificate of Sectional Title Management
(University of Cape Town)
- **Gorata Kuda Major** – LLB (UB) University of Botswana
(Professional Assistant)

(We regularly employ interns from the University of Botswana as well as employ pupil attorneys and train them accordingly; not just on the Law and the profession as a whole but especially the ethics of our profession).

Accountant: Diploma in accounting (ATT) with 7 years experience
Legal Secretary: Certificate in Secretarial Studies with 6 years experience
Legal Secretary: Diploma in business management with 21 years experience

We further have all the usual support staff of a law firm: receptionist, messenger, cleaner, gardener etc.

Van Niekerk Attorneys is situated at Plot 4660, Ditau Street, Area G, Francistown, but practices throughout Botswana, regularly appearing in Lobatse and Gaborone as well.

Van Niekerk Attorneys has locked premises with concrete wall, electric fence and alarms with response by Security Services.

OUR SERVICES

WHAT WE OFFER

We offer a wide range of legal services to various individuals, corporations and private enterprises.

As stated above, Van Niekerk Attorneys' partners both have Twenty nine (29) years experience and are, inter alia technically competent in the following:–

- Commercial and financial services including
- Company structuring and formation
- Company Law/Commercial Law
- Conveyancing and real estate, including
 - Land Control Act
 - Tribal Land Act
 - Contractual Law
- **Litigation.** Van Niekerk Attorneys is the premier litigation firm in the North of Botswana and is respected throughout the country.
- **Deceased estates.**
- **Labour and employment**
- **Debt collection.** Van Niekerk Attorneys has a very high success rate due to our systematic and thorough procedures.
- **Legislative drafting**
- **Construction Law.** We are especially capable of providing this service as we have a specialised consultant with a Civil Engineering degree and a LLB (Law) degree who provides us with services and advice when necessary.

IN DETAIL OUR AREAS OF PRACTICE INCLUDE:

COMMERCIAL AND FINANCIAL SERVICES

- Company structuring and formation
- Vetting and drafting of commercial agreements
- Company liquidations etc.
- Registration of security documents, debt recoveries and foreclosures
- All aspects of Commercial/Contract Law and Company Law.
- All related opinion work.
- Conveyancing and Real Estate
- Registration of all types of documents at the Deeds Registry
- All Conveyancing work on behalf of corporate clients, lenders, lessors, lessees, developers, investors, sellers and purchasers
- Advice on land use.
- Advice on acquiring of various types of land/property in Botswana, (and all related legal aspects).
- Advice on land use – planning, industrial, commercial, residential estate, focusing on acquisition and development.
- All related agreements.



LITIGATION

- This is an integral part of the commercial service our firm offers to our clients. Our broad experience in the area of litigation allows us to effectively handle disputes from before commencement of proceedings until finalisation of an appeal.
- The firm's litigation practice cuts across a full range of legal problems common to financial entities, including company and commercial disputes, insurance and personal injury claims, employment, civil and criminal disagreements.
- To a limited extent, the firm participates in criminal litigation in defence of accused persons as an overflow from its corporate clients.

DECEASED ESTATES

- We provide all issues related to estate planning, as well as taking on, completing and finalising all aspects whatsoever of deceased estates.

LABOUR AND EMPLOYMENT

- This practice encompasses a full range of services involved in the myriad of legal requirements within the employment field including, but not limited to:
- general labour consultancy
- drafting employment contracts
- drafting codes of conduct
- representations at all levels of hearings
- advice on retrenchments
- counselling clients on fair labour standards, mine safety and environmental issues, employee rights and related business.

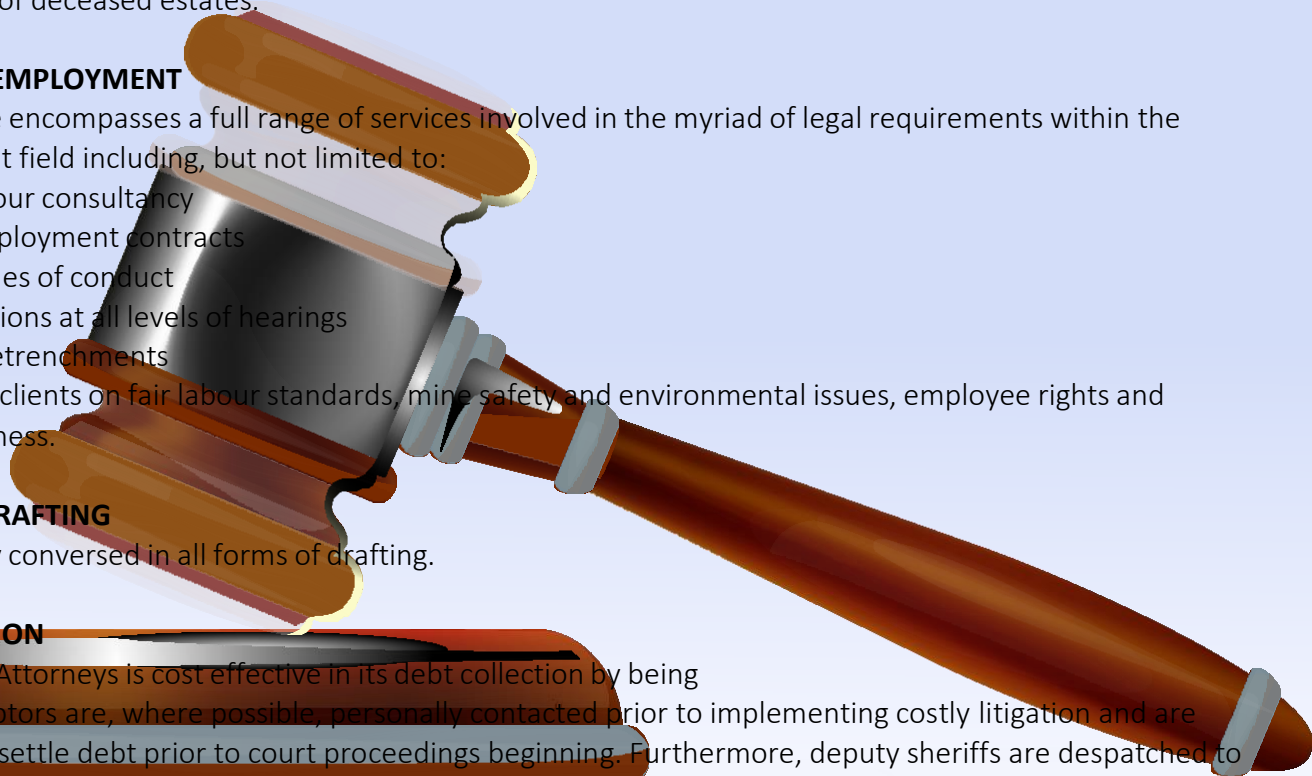
LEGISLATIVE DRAFTING

- We are fully conversed in all forms of drafting.

DEBT COLLECTION

- Van Niekerk Attorneys is cost effective in its debt collection by being systematic. Debtors are, where possible, personally contacted prior to implementing costly litigation and are encouraged to settle debt prior to court proceedings beginning. Furthermore, deputy sheriffs are despatched to areas where there are multiple debtors to reduce costs. Dates are followed rigorously and systems implemented to ensure no debtors fall through the cracks.

- Van Niekerk Attorneys reports monthly to clients on all outstanding matters and at what stage they are. This includes a summary of monies collected, held in trust and disbursed to clients. Van Niekerk Attorneys monitors debtors' performance thoroughly and in detail obtaining reasons for non-performance, alternative payment options and likelihood of success – where there is no chance of successful collection, litigation will be halted.





WHY US

PROFESSIONALISM AND INTEGRITY

- Mr Fuzwayo is a highly experienced trial lawyer, with many years of litigation experience, so Van Niekerk Attorneys largely carries out such work themselves. Advocate Johannes Moorcroft is an advocate that has been appointed on occasions.
- The firm selects, court advocates based on their expertise, experience in the field of relevance, availability, and cost-benefit rated in the best interests of their clients.
- Van Niekerk Attorneys offers monthly reports of status on cases. We also have access to online precedents, a full law library, all legislation, Government Gazettes and templates. We have recently upgraded our accounts package to provide more detailed reporting.
- The Managing Partner receives and distributes all work to the relevant party working on the matter, and both senior attorneys supervise all other staff.
- Van Niekerk Attorneys has a fully integrated network with only desk top computers. No personal emails are allowed on the system. Emails are centralized and distributed through a single address on Microsoft Office. All documents received electronically are physically printed and filed case-by-case. All legal documents are vetted by a partner prior to release. Attorneys, Legal Secretaries and the Accounts department have access to documents and debt collection.
- Van Niekerk Attorneys utilizes Microsoft Office 365 (Word, Excel, Outlook, Powerpoint) on Windows 10, Lexpro and LMS.
- Van Niekerk Attorneys employs Bit-Byte Solutions to handle internet provision security and network management.
- Van Niekerk Attorneys carries out daily manual backups to each PC, separate monthly backups, as well as backups from their ISP.
- All staff have signed non-disclosure agreements, punishable by dismissal. All sensitive information with third parties is kept confidential using prior Non Disclosure Agreement.
- The Partners have a comprehensive partnership agreement detailing continuity of ownership, service provision and duties. In the event of either partners death or incapacity, the other partner shall continue with the practice.
- There are no lawsuits pending/active against Van Niekerk Attorneys, nor has there ever been any.
- There are none and never has been any convictions against any of the partners of the law firm.
- New staff are only appointed through personal familiarity with other staff members and personal reference.

WE BELIEVE THAT OUR SUCCESS LIES IN

- Our deep understanding of our clients' needs;
 - Our efficiency in resolving clients' problems;
 - Our pro-active work ethic – we go the extra mile;
 - Our professionalism and irreproachable ethics.
- We have an immediate grasp of the issues facing our clients and a firm understanding of their relationship with the Botswana business climate.
- As stated above, our firm has highly experienced personnel. Our partners are both considered senior counsel and are highly respected throughout Botswana.