

## Curriculum Vitae

Trudie H Nichols

---

### DEMOGRAPHIC AND CONTACT INFORMATION

Nationality: South African

Date of Birth: [REDACTED]

Location: [REDACTED]

Email: [REDACTED]

Mobile: [REDACTED]

### AREAS OF EXPERTISE

- Commercial & Corporate Litigation
- Professional Negligence Insurance
- Due Diligence Investigations
- Relationship Management
- Criminal and forensic law
- Corporate Governance
- Thought Leadership
- Constitutional Law
- Public Interest Litigation
- Commercial Agreements
- Mergers & Acquisitions
- Ports, Transport & Logistics
- Petrochemical and Oil & Gas

### EDUCATIONAL QUALIFICATIONS

<b>Academic qualifications</b>	<b>Admitted as an Attorney</b> (July 1999) <b>LLB</b> (1996) University of Natal, Durban <b>Bachelor of Arts</b> (1994) University of Natal, Durban
<b>Other courses</b>	<b>International Program for Law and Development</b> (June – July 2023) UNIDROIT, International Institute for the Unification of Private Law. <b>Introductory Course on Non-Tariff Measures and COVID-19</b> (June-July 2020) UNCTAD (United Nations Conference on Trade and Development). <b>Introduction to International Transport and Logistics</b> (November 2021) International Trade Centre, SME Trade Academy <b>Negotiation and Leadership</b> (December 2019) Program on Negotiation at Harvard Law School. <b>The Art of Saying No</b> (December 2019); Program on Negotiation at Harvard Law School. <b>Intermediate Certificate in Business Studies</b> (2003) The Insurance Institute of South Africa <b>Certificate of Proficiency</b> (2001) The Insurance Institute of South Africa



## **LEGAL EXPERIENCE**

Practicing attorney since 1999 with a mixed litigation and non-contentious practice. Advanced skills in dispute resolution; litigation; public interest constitutional litigation; corporate governance and regulatory compliance; commercial and corporate law; petrochemicals; construction and the ports, transport and logistics corridor sector.

Successfully founded, managed and ran a law firm with junior lawyers, paralegals and support staff for approximately ten (10) years. Thereafter an equity partner of leading South African and African law firm, Bowman Gillfillan Inc for 5.5 years, leading a team of lawyers, paralegals and support staff.

As the specialist legal consultant to Shell and BP South African Petroleum Refineries (Pty) Ltd (SAPREF), providing regulatory advice, litigation advice and drafting commercial agreements relevant to the refinery operations.

Extensive commercial litigation and dispute resolution knowledge and experience, including commercial, contractual, financial recoveries and business rescue. Extensive insurance experience including litigation relating to professional indemnity, personal injury, product liability, personal lines, construction and engineering, medical negligence, public liability, intermediary services, insurance legislation and regulation, subrogated recoveries and defences. Acting for and advising a range of clients in this sector such as insurance companies, brokers, professionals, insured's directly or through subrogation and self-insured companies. Experience also includes advising on and regulatory advice.

Advanced expertise in the negotiation and drafting of agreements associated with mergers and acquisitions and the associated due diligence investigation. Negotiation, drafting and vetting of commercial agreements and contracts. Legal advice and opinion including legal analysis of documents and legislation.

Extensive experience with acting on behalf of various NGOs and voluntary associations in relation to public law, strategic impact and class action constitutional litigation. Largely focused on matters relating to socio-economic rights such as housing, the environment, health, education and women's rights. Expertise and experience includes urgent applications, interdicts, civil delictual claims, criminal proceedings and constitutional challenges to legislation impacting socio-economic rights including the rights to protection from unlawful evictions, arbitrary destruction of personal property, personal injury, to a healthy environment, the right to protest; to education and to dignity and respect.

As a founding member and non-executive director of All Rise, Attorneys for Climate and Environmental Justice, an NPO and law clinic, which specialises, in the promotion of human rights and participatory democracy through the prism of environmental rights and climate justice, provided constitutional law advice and assistance in relation to litigation services provided by the law clinic.

Judicial experience as an Acting Judge of the Gauteng High Court Division in Johannesburg and Pretoria. Quasi-judicial experience as a member of a special appeal review tribunal for the KZN Gaming and Betting Board; having conducted sensitive independent legal investigations; chaired

disciplinary and appeal against disciplinary finding enquiries; chaired board of inquiries for both the public and private entities regarding occupational health and safety investigations and concomitant statutory reporting; and mediation and arbitration experience.

Experience in conducting forensic investigations, corruption due diligence, fraud risk analysis and with identifying corruption and corporate criminal liability and compliance issues. Conducted and managed various investigations, for both public and private entities, into fraud, corruption and the contravention of legislation. Assisted with the institution of fraud and related charges on behalf of corporate entities. Experience as a criminal defence attorney for natural and juristic persons and as a High Court criminal assessor in the KwaZulu Natal High Court Division. Assisted and represented corporate entities on Competition Commission dawn raids.

Extensive transaction advisory, legal and consulting experience within the ports, transport & logistics corridors sector. Conducting due diligence investigations, risk assessments, reports and providing advice on the legal and regulatory frameworks governing ports, terminal users and logistics corridors in South Africa and various countries on the continent. She has drafted and reviewed concession, offtake, lease and service agreements and has advised both terminal users and operators on contractual and legal risks.

## **WORK EXPERIENCE**

### **CURRENT**

<b>March 2020 to present</b>	<b>Independent Legal Consultant</b>
<b>ALL RISE Attorneys for Climate &amp; Environmental Justice NPO – Law Clinic</b> 2019 to present	<b>Founding Member; Non-Executive Director</b>
<b>SAPREF REFINERY</b>	<b>Legal Consultant – March 2023 to date</b>
<b>Integrated Transport Sector B-BBEE Charter Council</b>	<b>Appointed as council member May 2023. Chairperson : Legal Task Team</b>
<b>The Inaugural Friends of CAOSA</b> (Community Advice Offices South Africa) <b>Advisory Council</b> February 2022 to present	<b>Advisory Board Member.</b>
<b>Directors Association</b>	<b>Advisory Board Member</b>
<b>Advancing Women in the Workforce Project (AWW); Initiated by the Cyrus R Vance Centre for International Justice for Women Lawyers in South Africa</b>	- 2022 Mentor - South Africa, KwaZulu-Natal Women In the Profession sub-chapter member
<b>Transport Evolution, Mozambique</b> 2022	<b>Advisory Board Member</b>
<b>Women In Transport Awards (Transport Evolution Africa) 2019 to 2023</b>	<b>Member of Judging Panel</b>

## PREVIOUS

<b>The Gauteng High Court Division, South Africa, Johannesburg and Pretoria</b> 2021 and 2022	<b>Acting High Court Judge</b>
<b>The South African Legal Practice Council</b> October 2018- October 2021	<b>National Council Member ; Exco Member; Disciplinary Oversight Committee and Rules Ethics and Policy Committee Member</b>
<b>Bowman Gilfillan Inc</b> August 2014 to February 2020 March 2020 to December 2022	<b>Director and Equity Partner Legal Consultant</b>
<b>Velden Pike Nichols Inc</b> March 2014-July 2014	<b>Director and Equity Partner</b>
<b>Nichols Attorneys</b> Dec 2005-Feb 2014	<b>Sole Proprietor</b>
<b>Pillay Nichols Hlahane Attorneys</b> Jan 2004-Nov 2005	<b>Partner</b>
<b>Shepstone &amp; Wylie Attorneys</b> Sept 1999- Dec 2003	<b>Associate and Associate Partner</b>
<b>Laing Frank &amp; MacDonald Attorneys</b> July 1997- August 1999	<b>Candidate Attorney</b>
<b>Centre for Socio-Legal Studies</b> June 1996-June 1997	<b>Assistant Street Law Co-ordinator</b>

## STATUTORY AND PROFESSIONAL MEMBERSHIPS

- South African Legal Practice Council (LPC)
- UNIDROIT Alumni
- International Law Association, South African Chapter
- Association of Women In Insurance KZN (AWII)
- Association of Certified Fraud Examiners South Africa Chapter (ACFE SA)

## OTHER EXPERIENCE

- **SAJEI Judicial Skills Training Course for Acting Judges (2021)**
- **LSSA LEAD Judicial Training Course (2017)**
- **Port & Terminal Concessioning Course (2017)**
- **LLM –Business Law (Incomplete: Successfully completed 3 of the 4 required modules before being time barred. Modules completed: *Advanced Contract Law; Advanced Corporate Law; International Trade Law***
- **Independent Institute of Education (IIE), Programme Advisory Committee (2016) and (2017)**
- **Association of Women In insurance (AWII) KZN: Chairperson (2005) and (2006)**
- **Durban Candidate Attorneys Association: Chairperson (1998 – 1999)**

## Relevant experience

- Conducted a viability study and provided PPP transaction advisory services (legal and risk assessment) to **Transnet SOC Ltd** in relation to the new Durban dig-out port (2012 – 2014).
- Advising **SAPREF Refinery** in respect of regulatory, contractual, litigious and non-litigious matters related to the SAPREF Refinery, which is a National Key Point in the Port of Durban. This includes advising SAPREF on issues relating to its Single Buoy Mooring (SBM), National Key Point legislation, occupational health and safety issues, and the products used and manufactured by the Refinery.
- On instruction from Alston & Bird LLP, USA, advised the Purchaser on all aspects relating to the **SmartPorts Project** for the Port of Durban.
- Advising **MSC Cruises SA** in relation to the proposed Durban Cruise Terminal, including negotiation and revision of the port concession agreement, as well as advice on the provisions of the National Ports Act, governance matters, all environmental issues competition issues, financing of the project and all legal aspects pertaining to the RFP and coordinating the submission of a complaint bid (2016 – ongoing).
- Advising a confidential client in relation to a **LPG Terminal Port Facility** in South Africa, including negotiation and drafting of a tank development and usage agreement and conducting relevant due diligences.
- Advising a confidential international client in relation to the construction of a Desalination Plant in KwaZulu Natal.
- Advising and representing the **LBH Consortium**, a consortium consisting of three Mozambique companies with their formal written Objections to the Award of the tender for the rehabilitation and development of the Port of Mocimboa da Praia. The tender was awarded to another consortium of companies in a manner which was considered to be unfair and lacking in transparency, legality, public accountability and without any technical or commercial justification. This matter is significant since the port in question provides support services for operations related to LNG exploration in the Rovuma Basin and is particularly strategic for the off-shore exploration which is currently being undertaken.
- Advising a **Container Terminal Operator** in one of South Africa's Ports in relation to the criminal law and Compensation for occupational injuries and Diseases Act (COIDA) implications following on from a Board of Inquiry into a fatality at the Container Terminal.
- Chairing a Board of Inquiry for another **Container Terminal Operator** in one of South Africa's Ports into a fatality at the Container Terminal.
- Headed up the legal team which formed part of the Lenders Technical Advisor (LTA) for two confidential development banks which were co-funding Phase II of the Lesotho Highlands

Water Project. The LTA prepared a technical due diligence report for use as a high level review and identification of material risks that could be used by the Lenders in their approval activities.

- Part of the international legal team which conducted the legal due diligence of a target company operating in South Africa and Mozambique on instructions of an international logistics company pursuant to its proposed acquisition of the target company.
- Headed up the legal team which conducted the legal due diligence and prepared the implementing transaction documents for an international **Terminal Operator** pursuant to its acquisition of a South African logistics and warehousing company.
- Headed up the legal team which prepared a detailed legal due diligence for an international engineering company pursuant to its acquisition of a South African target company; this included preparation of the relevant transaction documentation to implement the acquisition.

## **RELEVANT RESEARCH, PRESENTATIONS AND CONFERENCE ATTENDANCE**

### **2023**

#### **Panel Discussion and Presentation**

- *'The role of gender diversity in driving growth in the transport and logistics sector'*. Webinar hosted by Transport Evolution Africa Forum & Expo on 16 March 2023.

### **2022**

#### **Panel Discussions and Presentations**

- *'The AfCFTA- will it deliver on its promise as Africa's socio-economic game changer.'* Panellist discussion with Prof. G Erasmus, Trade Law Centre NPC (tralac). At the African Law Firm Conference held at Bowmans Inc, Sandton; 8-9 September 2022.
- *'Using soft skills to address the challenges faced by women in the transport sector,'* South African Road Federation (SARF) KZN, Women Empowerment High Tea; August 2022.
- Chairperson of Panel Discussion: *'How effectively are SADC countries implementing AfCFTA and how does transport infrastructure need to evolve to support inter-African trade,'* Panellist discussion with Willie Shumba, Senior Customs Expert, AfCFTA Secretariat, Ghana. At the Transport Evolution Mozambique Forum, 11 May 2022, Maputo, Mozambique
- Chairperson of Panel Discussion: *'Solutions for achieving regional integration through effective trade corridors,'* Panellists - Mohammed Ajmal Askerzoy, Senior Transport Specialist, World Bank, Mozambique; Desidério Fernandes, President, Federation of Clearing and Forwarding Associations of Southern Africa (FCFASA), Mozambique; Barbara Mommen, Trade & Transport Corridor Consultant, Coalescence, South Africa; Devlyn Naidoo, Executive: SARS & OGA, South African Association of Freight Forwarders (SAAFF), South Africa; Alex van Niekerk, CEO, TRAC, South Africa. At the Transport Evolution Mozambique Forum, 11 May 2022, Maputo, Mozambique

#### **Attendance**

- Transport Evolution Africa Forum & Expo, 20-22 September 2022, Durban ICC, South Africa.
- African Law Firm Conference, 8-9 September 2022, Bowmans Inc, Sandton, South Africa.
- Transport Evolution Mozambique Forum & Showcase, 11-13 May 2022, Maputo, Mozambique.

## **2020:**

### **Newsletter:**

- Insight and comments on the Agreement establishing the African Continental Free Trade Area (AfCFTA) and its impact on the President's 2020 SONA, 21 February 2020, Bowmans.

### **Interviews, Panel Discussions and Presentations**

- *'The Integral Role that the Transport and Logistics sector will play in the recovery of the economy,'* Women In Transport Awards Virtual Conference; October 2020.
- *"Impact of COVID-19 on Professional Negligence Claims"* An online presentation to the Legal Practitioners Indemnity Insurance Fund NPC, 29 May 2020
- *"Pre-Trial Procedures and the strategic advantages"* An online presentation to the Legal Practitioners Indemnity Insurance Fund NPC, 29 April 2020.
- Panelist on a Webinar hosted by WESGRO Titled *"Update on Cargo Movements during Covid-19 Lockdown"* during which I presented on *"The Implementation of Essential Services; hinterland transportation including cross-border export and import and the current challenges,"* 22 April 2020.
- Panelist on a Bowmans Webinar Titled *"Moving Cargo in times of COVID-19: Practicalities and Risk"* during which I presented on the topic *"The challenges of hinterland and cross-border road and rail transportation"*, 3 April 2020.
- *'Discussing the LPC statement following the Master's Office raid'* an interview and discussion with Leanne Manas on SABC Morning Live, 10 February 2020.
- *'Discussing the LPC statement following the Master's Office raid'* a live interview with Aubrey Mashaba on 702, Night Talk with Aubrey, 11 February 2020.

## **2019:**

- Member of the **"African Transport and Infrastructure Team of the Year"** (African Legal Awards, 2019) in relation to our work on the Durban Cruise Terminal.

### **Presentation:**

- *'Autonomous vehicles and the liability of the Road Accident Fund'* to the Legal Practitioners Indemnity Insurance Fund NPC, 20 September 2019, Johannesburg
- *'Maternity Benefits : onshore, offshore and working for a foreign company in a foreign country'* at the Empowering Women in Maritime Port Operations Summit 2019, 2-3 October 2019, Cape Town.

### **Panel Discussion**

- *'Update on the Community Based Paralegal Bill'* a panel discussion with other panellists Dr Zaid Kimmie (Foundation for Human Rights), Kalay Pillay (DoJ & CD) and Seth Mnguni (CAOSA) hosted by the Dullar Omar School for Paralegalism, 11 September 2019, Cape Town.
- Chairperson of Session: *'Boosting regional trade, integration and connectivity'*, Panellists – Clive Smith (Acting CEO, Walvis Bay Corridor Group, Namibia), Tejas Nataraj (CEO, DP World – Maputo, Mpzambique), Mario Moura (Port Director, Port of Nacala, CDN & CEAR, Mozambique & Malawi) at the Mozambique Ports & Rail Evolution Forum, 13 May 2019, Maputo, Mozambique.
- *'Lawyers defrauding the state in the context of medical negligence claims'* an interview and discussion with the Minister of Health recorded and broadcast live on eNCAs Jane Dutton show, 12 March 2019.

### **Attendance**

- NEPAD Business Foundation : Africa's transport and logistics workshop, 26 March 2019, Johannesburg.
- Mozambique Ports & Rail Evolution Forum, 13-14 May 2019, Maputo, Mozambique.
- SADC Lawyers Association annual Conference, August 2019, Victoria Falls, Zimbabwe.

## **2018:**

### **Presentation**

- *'Port Investment: Public procurement and PPPs'*, Port and Terminals Concession Course organised by Port Finance International (PFI) and Maritime and Transport Business Solutions (MTBS), July 2018, Johannesburg.
- *'Growing economies of towns through industrial development zones'*, Oceans Economies Southern African Conference, August 2018, Durban.
- *'A question of interest'* to the Legal Practitioners Indemnity Insurance Fund NPC, September 2018, Johannesburg
- *'Legal compliance challenges of cross-border operations'*, Regional Connectivity Forum : Making inter-state transport work, October 2018, Johannesburg.

**Attendance:**

- Oceans Economies Southern African Conference, August 2018, Durban.
- Regional Connectivity Forum : Making inter-state transport work, October 2018, Johannesburg.

**2017:**

**Presentation:**

- *"Capacity development of landlinked countries"* PMAESA Investor Forum and Annual Conference, November 2017, Livingston, Zambia.
- *'Hinterland connectivity: A successful logistics corridor contributes to infrastructure development, economic growth and cross-border connectivity. A discussion on the requirements for a successful logistics corridor'*, TOC Africa 2017, Container Supply Chain Conference, December 2017, Durban.

**Attendance:**

- PMAESA Investor Forum and Annual Conference, November 2017, Livingston, Zambia
- TOC Africa 2017, Container Supply Chain Conference, December 2017, Durban.

**2016:**

**Presentation:**

- *"How to develop your own personal brand"*, Law Society of South Africa (LSSA) / Legal Education and Development (LEAD), Significant leadership Programme, September 2016, Durban.

**2015:**

**Presentation:**

- *"The Blue Economy as a catalyst for investment and job creation"*, East3Route 2015 Investment Seminar, July 2015, Mahe Island, Seychelles.
- *"The Blue Economy as it relates to trade: a KZN perspective"*, Trade & Investment KZN – Export week 2015, Export Summit, October 2015, Durban.

**Attendance:**

- East3Route Investment Seminar, July 2015, Mahe Island, Seychelles.
- Women in Oil and Gas Conference, September 2015, Johannesburg.

**PUBLICATIONS & INSIGHTS**

- <https://www.youtube.com/watch?v=eWuWzr7XD7Q>
- <https://www.bowmanslaw.com/insights/legal-update-top-things-to-know-from-the-south-african-presidents-2020-sona/>
- [As you head to the coast remember the plans for South Africa's blue economy](#)
- <http://mype.co.za/new/friends-of-tsitsikamma-interdict-sanparks-and-others/59533/2016/01>
- <http://orcafoundation.com/tsitsikamma-marine-protected-area/>
- [http://www.healthgap.org/8\\_moments\\_that\\_fired\\_us\\_up\\_aids\\_2016](http://www.healthgap.org/8_moments_that_fired_us_up_aids_2016)
- [Durban under threat from rival African ports but competition will benefit shippers](#)
- <http://www.polity.org.za/article/south-africas-blue-economy-2015-12-07>

- [Bowman Gilfillan Africa Group assists to set aside a pilot project allowing fishing within the Tsitsikamma Marine Protected Area](#)
- [South Africa's blue economy](#)
- <http://www.shipyearonline.co.za/articles/1st-annual-ocean-economies-southern-africa-conference-report-28310.html>
- [SA ATTORNEYS MUST BE ALERT TO THE RISK OF PROFESSIONAL NEGLIGENCE CLAIMS](#) 2018-11-20 MoneyMarketing
- [GOVERNMENT TAKE PAST LESSONS TO HEART IN SEZ IMPLEMENTATION](#) 2018-10-11 Polity.co.za
- [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=2ahUKEwiagtH-iefkAhUCxIUkHarHCloQFjAFegQIBxAB&url=https%3A%2F%2Fwww.pressreader.com%2Fsouth-africa%2Fsunday-tribune-south-africa%2F20161030%2F282926679944733&usg=AOvVaw2r-nzFB2b5v-SjAR5\\_maxu](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&cad=rja&uact=8&ved=2ahUKEwiagtH-iefkAhUCxIUkHarHCloQFjAFegQIBxAB&url=https%3A%2F%2Fwww.pressreader.com%2Fsouth-africa%2Fsunday-tribune-south-africa%2F20161030%2F282926679944733&usg=AOvVaw2r-nzFB2b5v-SjAR5_maxu)

### **JUDGMENTS AS ACTING JUDGE**

- Accessible by reference to [REDACTED]