



ADV CHRISTOPHER “CHRIS” CARELSE

B.Proc (UPE), LL.B (UPE), Adv Dipl in Labour Law Practice (PU of CHE)
Advocate of the High Court of the Republic of South Africa

Monday, 11 September 2023

Professional profile

Chris, who holds B.Proc and LLB degrees, is a 51-year-old, “*coloured*”, male, practising advocate. He had more than 15 years of experience as an attorney at the time he was called to the Bar in 2013. He successfully completed his pupillage with the Johannesburg Society of Advocates and took up chambers at the Maisels Group of Advocates, in January 2014. He has thus more than 20 years of post-admission experience in the practice of law.

He is a competent legal strategist, with well-developed drafting and advocacy skills, who can develop innovative litigation plans and strategies designed to facilitate a competitive edge. Chris possesses excellent litigation, interpersonal, communication and negotiation skills with the ability to influence decisions and develop positive relationships.

As a junior at the Bar, Chris strives towards developing a sustainable practice in all forms of commercial litigation, with a focus on construction and engineering law, company law, insolvencies, and liquidations and to deliver quality, timeous and affordable litigation services. Chris's practice recently developed into the medical negligence space defending claims on behalf of the MEC of Health.

Contact details

- **Office address** : Maisels Group of Advocates, 2nd Floor, Maisels Chambers, 4 Protea Place, Sandton, Johannesburg
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Formal qualifications

- **UNIVERSITY OF PORT ELIZABETH (Nelson Mandela Metropolitan University)**
 - i. B.Proc : (1993)
 - ii. LL.B : (1995)
- **UNIVERSITY OF POTCHEFSTROOM (North-West University)**
 - i. Post Graduate Diploma in Labour Law Practice (2004)
- **UNIVERSITY OF WITWATERRAND**
 - i. Certificate in Leadership Development (2010)

Professional admissions

ADMITTED AS AN ATTORNEY	:	29 January 1998
ADMITTED AS AN ADVOCATE	:	9 May 2013
MEMBER OF THE LEGAL PRACTICE COUNCIL	:	Yes
LPC MEMBERSHIP NUMBER	:	34948
MEMBER OF THE JOHANNESBURG SOCIETY OF ADVOCATES	:	4 December 2013
MEMBER OF THE MAISELS GROUP OF ADVOCATES	:	1 January 2014

Professional training & short courses

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| ▪ Trial Advocacy, as a trainer and training the trainers (City University, London) | ▪ Promotion of Administrative Justice Act |
| ▪ Advanced Negotiating & Mediation Skills | ▪ Promotion of Access to Information Act |
| ▪ High Court Litigation Practice | ▪ Navigating Complexity: Thinking Skills |
| ▪ Executive Coaching and Mentoring | ▪ RAF Claims |
| ▪ Divorce Practice | ▪ Forensic Medicine |

Other details

Languages	:	Fluent in English and Afrikaans
Race	:	South African "Coloured"
IT proficiency	:	MS Word, Excel, Outlook, and PowerPoint
Driving licence	:	Code 8 (EB). No endorsements
Date of Birth	:	12 August 1971
Marital Status	:	Married
Sex	:	Male
Criminal Offences	:	None
Health	:	Excellent



Career summary

2013 – to date MAISELS GROUP OF ADVOCATES

09/05/2013 - to date Advocate (Private Practice)

- General civil and criminal litigation practice with expertise and interest in the following fields of law:
 - Delicts (personal injury, medical negligence, unlawful arrest etc.).
 - Contracts with interest in building, construction, engineering and lease contracts.
 - Administrative law with a background in government procurement practices, PAIA and PAJA.
 - Company and Corporate law with a special interest in liquidations and business rescue.
 - Litigation relating to the Administration of Deceased Estates and Customary marriages.

Key Achievements

- Received the Lexis-Nexis/GCB Enterprise Development Sponsorship for being one of the top performing pupils during 2013.
- Selected to and served on the Management Committee of the Maisels Group of Advocates from 2016 to date.
- Received a "Red Bag" from Adv PMM Lane SC (one of SA's leading construction law advocates) during 2016, after practicing as an advocate for less than 2 years. One of the traditions of the Bar is the gift of a red bag. When a junior advocate is briefed on a matter together with a senior advocate and the senior advocate is satisfied that the junior advocate has commended himself in the profession

to warrant recognition for excellence or for going above and beyond the call of duty, he is commonly rewarded with a traditional gift of a red velvet bag, which no advocate may buy for himself.

- Represented the Maisels Group at a month-long shadowing initiative at 39 Essex Chambers (a group of barristers), in London during 2018.
- Selected to the Professional Committee of the Johannesburg Bar in 2019.
- Involved in the following reported or noteworthy cases either on his own or led by another:

- *The Social Housing Regulatory Authority v Camel Rock Social Housing Institution NPC* (5531/2016) [2017] ZAGPJHC 443 (16 October 2017)

Case summary: Dismissal of summons and particulars of claim – abuse of court processes – failing to fulfil suspensive conditions – res judicata

- *Makola v Allardyce & Others* (6029/2016) ZAGPPHC (29 March 2018)

Case summary: Dismissal of action – abuse of court processes – failure to comply for condonation in terms of the Institution of Legal Proceedings against Certain Organs of State Act 40 of 2002.

- *Stobbs & Others v NDPP & Others* (58668/11) ZAGPPHC (so-called Dagga Couple case)

Case summary: Constitutional challenge to the laws prohibiting the possession and use of cannabis (dagga) by adults. The case in the Gauteng Provincial Division, Pretoria, where Chris acted as junior to Adv D Mahon, was stayed when the plaintiffs intervened in the Constitutional Court case of *Minister of Justice and Constitutional Development and Others v Prince and Others* 2018 (6) SA 393 (CC). Chris assisted in drawing the intervention application in the Constitutional Court matter.

- *National Director of Public Prosecutions and Others v Fields of Green for ALL NPC and Others, Doctors For Life International Incorporated v Fields of Green For All NPC and Others* [2019] 3 All SA 866 (GP); 2019 (2) SACR 564 (GP) (11 July 2019)

Case summary: Constitutional law - application by entity closely related to plaintiffs, which is not a media house or part of conventional media, to broadcast civil proceedings - principles relating to the right to freedom of expression, open justice and the right to a fair trial, as enunciated in *Van Breda v Media 24 Limited and Others*; *National Director of Public Prosecutions v Media 24 Limited and Others*, [2017] 3 All SA 622 (SCA); 2017 (2) SACR 491 (SCA), apply equally - court must exercise a proper discretion under s 173 of the Constitution in each case by balancing the degree of risk involved in allowing the cameras into the court room against the degree of risk that a fair trial might not ensue - courts ought not to restrict the nature and scope of the broadcast unless prejudice is demonstrable and there is a real risk that such prejudice will occur - mere conjecture or speculation that prejudice might occur ought not to be enough.

Procedure - Gauteng Division's Practice Manual, following the Practice Note of the SCA, 2009 (3)SA 1 (SCA), endorsed - prescribes a cost effective and efficient mechanism for the Court to hear a request to broadcast Court proceedings - it is undesirable for any Court to lay down any rigid rules as to how such requests to broadcast should be considered - a formal substantive application not required

- *Hlumisa Investment Holdings (RF) Limited and Another v Kirkins and Others* 2019 (4) SA 569 (GP)

Case summary: Company law – section 218(2) of Companies Act 71 of 2008 – liability of directors and auditors

- *Sigaban v City of Johannesburg* (10804/2019) [2019] ZAGPJHC 119 (16 April 2019)

Case summary: Attorneys – estoppel - ostensible authority to enter into a settlement agreement

- *Frazer Alexander (Pty) Ltd v Lombard Insurance Company Limited & Another* (41353/2019) ZAGPJHC (20 December 2019)

Case summary: Urgent application – enforcement of construction guarantee.

- *Mucavele v Health MEC Mpumalanga* 2023 (3) SA 173 (MM) (17 March 2022)

Case summary: Contingency Fee Agreements – impact on settlement agreements and powers of court in relation thereto – legal representatives misconduct.

- *Dire v Dire and Others* (43142/2018) [2022] ZAGPJHC 561 (17 August 2022)

Case summary: Last Will and Testament – Expert evidence – Evaluation of – Where handwriting expert testifying testator's signature on will forgery – Such finding necessarily impugning evidence of witness who had testified that will signed in his presence – In order to rely on evidence of expert witness, court must be able to reject such witnesses' evidence as so improbable that its reliability and credibility were impugned.

- *Francis Transport and Plant Hire CC v Smart Civil Construction (Pty) Ltd and Another* (17090/2018) [2022] ZAGPJHC 1022 (28 December 2022)

Case summary: Construction and engineering dispute – payment of final account - cession and assignment – contractual dispute.

- *Nchabeleng v Passenger Rail Agency of South Africa* (12273/2017) [2023] ZAGPJHC 698 (14 June 2023) {*surname incorrectly spelled as "Karelse"}

Case summary: Delict – negligence – duties of PRASA.

- Experience gained in the typical issues involved in construction disputes (mostly adjudications and arbitrations):
 - defects, design, delay, extensions of time and damages, disruption and prolongation (in the arbitration of *CMI Joint Venture v ESKOM Holdings SOC Limited*),
 - certification, payment, performance bonds, guarantees etc.(various High Court matters acting on behalf of *Lombard Insurance Company Limited*; also see *Frazer Alexander (Pty) Ltd v Lombard Insurance Company Limited & Another* (41353/2019) ZAGPJHC (20 December 2019), and the adjudication of *Odoko Construction (Pty) Ltd v Clear Choice Builders (Pty) Ltd*),
 - interpretation of a concession agreement re Gautrain project (in the arbitration of *Bombela Concession Company v Gauteng Provincial Government*).
- Experience gained in various matters acting on behalf of the City of Johannesburg in enforcing municipal by-laws.
- Representing PRASA in various personal injury matters on brief from Cliffe Dekker Hofmeyr Attorneys.
- Worked with the following senior counsel (alphabetical order): Adv B Bokaba SC (Thulamela Chambers), Adv JJ Brett SC (Maisels Chambers), Adv M Dewrance SC (Group One), Adv J Gautschi SC (Maisels Chambers), Adv P Lane SC (Maisels Chambers), Adv TJ Machaba SC (Pitje Chambers), Adv V Notshe SC (Maisels 3), Adv R Robinson SC (Island Group), Adv P Stais SC (Maisels Chambers), Adv H van Eeden SC (Maisels Chambers), and Adv J Wasserman SC (Maisels Chambers).

2004 – 2013 LEGAL AID SOUTH AFRICA

01/01/2009 – 18/01/2013 Legal Quality Assurance Manager

- Assumed responsibility for developing, designing, and implementing the Legal Quality Assurance Unit's (the "Unit") assessment tools, methodology, systems, and procedures used to assess the quality of legal services.
- Preparing the budget for the unit and the management thereof.
- Responsible for the day-to-day management and administration of the Unit and its staff.
- Interpreted, analysed, and executed the organisation's strategy as it relates to the Unit to give the Board independent assurance relating to the quality of legal services being rendered.
- Assumed responsibility for the unit's operations' planning, implementation, and logistics.
- Appointed, mentored, supervised, guided, and trained the unit's staff.
- Managed the mutual responsibilities and expectations of the unit, the Board of Directors and executive management.
- Dealt with Human Resources issues, including discipline and conflict resolution in the unit and with other stakeholders.
- Interrogated data collected on the quality of legal services, developed, and presented reports for the Board of Directors on the unit's findings and recommendations to improve the quality of legal services.
- Generally assisted the Internal Audit Executive with risk and fraud management, including assurances on the compliance with government procurement processes.

Key Achievements

- Successfully established the unit from its inception, developed its assessment methodology and tools and positively contributed to the improvement of the quality of legal services rendered by the organisation.

01/04/2007 – 31/12/2008 Justice Centre Executive (Head of Office)



- Responsible for managing the day-to-day operations of the Justice Centre ("JC").
- Appointed, mentored, supervised, guided, and trained JC staff.
- Responsible for managing and assessing the quality of legal services.
- Monitor case flow management by staff and judicare practitioners.
- Developed and managed the annual budget for the JC.
- Ensured the sound management of the JC's finances and assets.
- Human Resources issues, including discipline and conflict resolution.
- Developed and maintained relationships with culturally diverse, staff, clients, and stakeholders.
- Managed the mutual responsibilities and expectations of the organization, clients, stakeholders, and staff.
- Civil and criminal litigation.

Key Achievements

- Received a runner-up award from for Best Performing Justice Centre Executive of the year, in 2008.

01/06/2005 – 31/03/2007 Supervisory Professional Assistant

- Criminal and Civil litigation on behalf of indigent litigants in various courts and tribunals.
- Train, supervise and guide Candidate Attorneys (CA's).
- Provide individual mentoring, coaching, and training to CA's and PA's.
- Assist JCE with quality assessments.
- Collecting data on performance of the JC and reporting thereon timeously.
- Managed the work allocation to PA's and CA's and monitored their case management.

Key Achievements

- Nominated and received trial advocacy training presented by the City University, London.
- Nominated and received training in presenting Trial Advocacy Training by the City University, London.
- Provided training in Trial Advocacy to legal practitioners in the Eastern Cape and Free State.

15/03/2004 – 31/05/2005 Professional Assistant (Attorney)

- Criminal and Civil litigation on behalf of indigent litigants in various courts and tribunals.
- Trained and supervised Candidate Attorneys.

1996 – 2004 CJ BOUWER ATTORNEYS

30/01/1998 – 29/02/2004 Professional Assistant (Attorney)

01/01/1996 - 29/01/1998 Candidate Attorney

Criminal Litigation (in District -, Regional and High Courts), Civil Litigation (mostly based on breach of contract and delict (personal injury, medical negligence, unlawful arrest, and detention etc.), Labour Matters, Matrimonial Matters including divorces, custody battles and family violence.

References

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