

# Ledwaba Mazwai Attorneys

**A pioneering black-owned commercial law firm**

**M**etja Ledwaba and Lungile Mazwai, the founders of Ledwaba Mazwai Attorneys, are no strangers to hard work, determination and dedication. As entrepreneurs who are one of South Africa's pioneers in establishing successful black-owned commercial law firms, they understand that to succeed one needs to put in the hours, make sacrifices and take calculated risks.

The duo's dream came to fruition in 1996 when they established what would become a dynamic law firm that showcases the capabilities and excellence of black legal practitioners in the areas of legal practice that black people were traditionally excluded from.

"As a result of South Africa's apartheid era black lawyers were historically confined to the areas of matrimonial law, criminal law and personal injury cases. "Our vision was that of a commercial law firm that could compete against the established "white law firms" at the time. We thus had to break these boundaries to bring our dream to fruition," Ledwaba explains.

Ledwaba and Mazwai met at the University of Natal (now KwaZulu-Natal) in 1990 where they were studying towards their senior law degrees. As two of a handful of black law students in their class at the time they soon formed a friendship and would often speak of their joint aspiration to establish a black-owned and managed commercial law firm.

"We always sat next to each other in class and shared notes for exams. Luckily Metja has a nice hand writing and he can read my 'scribbles'. Without realising it at the time, we had already formed a partnership that would last many years," says Mazwai.

Both men completed their articles and trained at established law firms, which gave them the solid foundation in commercial law, and managing and providing legal services to government, institutions and corporates that they needed to launch their own law firm, with offices in Nieuw Muckleneuk, Pretoria-based Ledwaba Mazwai attorneys has grown to a staff complement of 32 over the past 18 years, 28 of which are lawyers.

"We focus on rendering legal services to commercial and corporate institutions and to the public sector in commercial, administrative, litigation, tax and constitutional areas of law, particularly in relation to projects initiated and procured by government and public sector bodies that



*Metja Ledwaba*

*Lungile Mazwai*

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involve major private sector investment and involvement. We thrive on integrating technical, financial and economic development solutions with innovative legal solutions,” says Mazwai.

**Firm milestones**

The firm has an excellent track record in providing legal services to corporates, institutions, the public sector and government in the areas of law in which it practices, and has become one of the top law firms in major infrastructure projects including those carried out as public-private partnerships (PPPs) and independent power producer (IPP) projects.

Successful PPPs include advising the Gauteng Provincial Government on the design, construction and operation of the Gautrain Rapid Rail Project; the dti on the design, construction, finance, operation and maintenance of the dti Campus in Pretoria by a private sector party; advising the private sector party in the head office accommodation project for the Southern African Development Community (SADC) in Gaborone, Botswana; a project for the City of Tshwane, for the development of office accommodation for its service delivery environment. Other PPPs have included advising the KwaZulu-Natal Legislature on the proposed establishment of a new legislature complex and the provincial government of KwaZulu-Natal on the proposed

Successful IPPs include advising the Department of Energy on the procurement and negotiation to financial close on two of the peak power generation facilities at Avon and Coega; advising the Department of Energy and National Treasury on the current roll out of the renewable energy projects on an IPP basis; and advising on the Department of Energy and National Treasury on the base load new generation capacity programme.

“We also had opportunity from the late 1990s to be involved in the restructuring of state-owned entities in the hospitality, forestry, aviation and asset management sectors,” says Mazwai.

“We believe that we have played a pioneering role in structuring and advising on socio-economic development initiatives for government and public sector institutions. We have been interested in the involvement of historically disadvantaged people in the projects and the advancement of the government’s empowerment initiatives since the firm launched. This is a natural consequence, given who we are and where we come from, and led to us developing the templates for structuring contractual commitments in respect of empowerment initiatives. After the introduction of the dti’s B-BBEE Codes, we developed our templates to encompass the B-BBEE elements (as informed by the B-BBEE

Other areas of expertise include mergers and acquisitions; aviation law; general litigation; regulatory work; property law and conveyancing; constitutional and administrative law; competition law; insurance; finance; mining and mineral law; tax law; infrastructure development.

In terms of aviation law, Ledwaba Mazwai attorneys has provided legal services, jointly with other local and international law firms to South African Airways SOC Limited (SAA) in its acquisition of a new fleet of airbus aircraft. This entailed advising on and negotiating the structuring of the acquisition of aircraft for SAA and related agreements (including the financing aspects). “We gained the relevant exposure, expertise and experience related to aircraft purchase and financing, and the related aviation law issues via this transaction,” says Mazwai.

The firm has also acted as an advisor to the Airports Company South Africa SOC Limited (ACSA), in the development of the Dube Trade Port, which entailed the establishment of a multi-modal Dube Trade Port export platform comprising of an international passenger and freight airport; a trade zone (including a cargo terminal being a commercial development orientated to attract freight users, value added logistics activities, and to grow cargo volumes and related activities) and an agri zone and its platform; and an associated support zone, which is a property development that’s intended to support the broader objectives of the Dube Trade Port.

“Our involvement in this project included reviewing of transaction agreements, assisting with the procurement process and a review of financing arrangements,” says Mazwai.

The firm has also advised ACSA on land and other regulatory matters relating the development of a master plan for the expansion of the OR Tambo International Airport.

Other milestones of the firm include its strong reputation with professional service providers in other professional disciplines, with which it worked on major projects, for its ability to successfully interface finance, technical and legal matters through the project procurement documents and agreements; it has developed and secured the technology, professional and support staff to service its clients; provided empowering and dynamic general legal services to state-owned enterprises; and become a symbol of pride and aspiration for black legal practitioners in its areas of expertise.

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establishment of a government precinct; advising the national Department of Health and Gauteng Department of Health on the revitalisation of the Chris Hani Baragwanath Academic Hospital; and a project for the Ministry of Works and Transport of the Government of the Republic of Botswana, for the development of head office accommodation for the Ministry of Environment, Wildlife and Tourism and the Ministry of Lands.

Codes) together with skills development and local content. This we later coined ‘Economic Development’, a term found in a number of government infrastructure development initiatives today,” Metja adds.

The firm’s commercial and corporate practice department is currently the biggest practice within the firm, providing regular services to commercial, corporate, government and public sector institutions.



“We embrace our clients and have created a happy working environment for our employees”

“There are four things we focussed on to achieve our vision. The first was getting through university and obtaining our qualifications. The second was making sure that we chose the correct courses to put us on the right path for commercial law. The third was serving our articles at established commercial firms where we could learn. The fourth was hard work and determination,” says Mazwai, who grew up in the rural Eastern Cape and got his entrepreneurial spirit from his parents, both medical doctors, and his keen business sense from his mother who made sure that he learnt the difference between revenue and income at an early age.

**Firm growth**

What sets Ledwaba Mazwai attorneys apart is its humanitarian focus. “We embrace our clients and have created a happy working environment for our employees. Our philosophical approach and open door policy ensures that any of our employees can reach out to us when they need to do so,” says Ledwaba, who grew up in Atteridgeville, and is inspired by his parents, both school principals.

Ledwaba showed his entrepreneurial flair from an early age, selling sweets, peanuts and fruit in soccer matches and was part of the formation of an organisation called the Atteridgeville Business Development Organisation, just after 1994, which was established to benefit the local community members from infrastructure and other developments that were taking place in Atteridgeville at the time and would see some of the members today being entrepreneurs of substance. He has also tackled numerous other entrepreneurial ventures along the way.

The launch of Ledwaba Mazwai attorneys wasn’t easy and funding was a major challenge initially – but it eventually secured funding from Investec for office furniture and equipment. “We started the firm with two laptops and a printer and had to kneel on the floor when we wanted to type. We fulfilled every function ourselves – from secretary to delivering documents. We sacrificed our own salaries to ensure our staff were paid,” says Ledwaba.

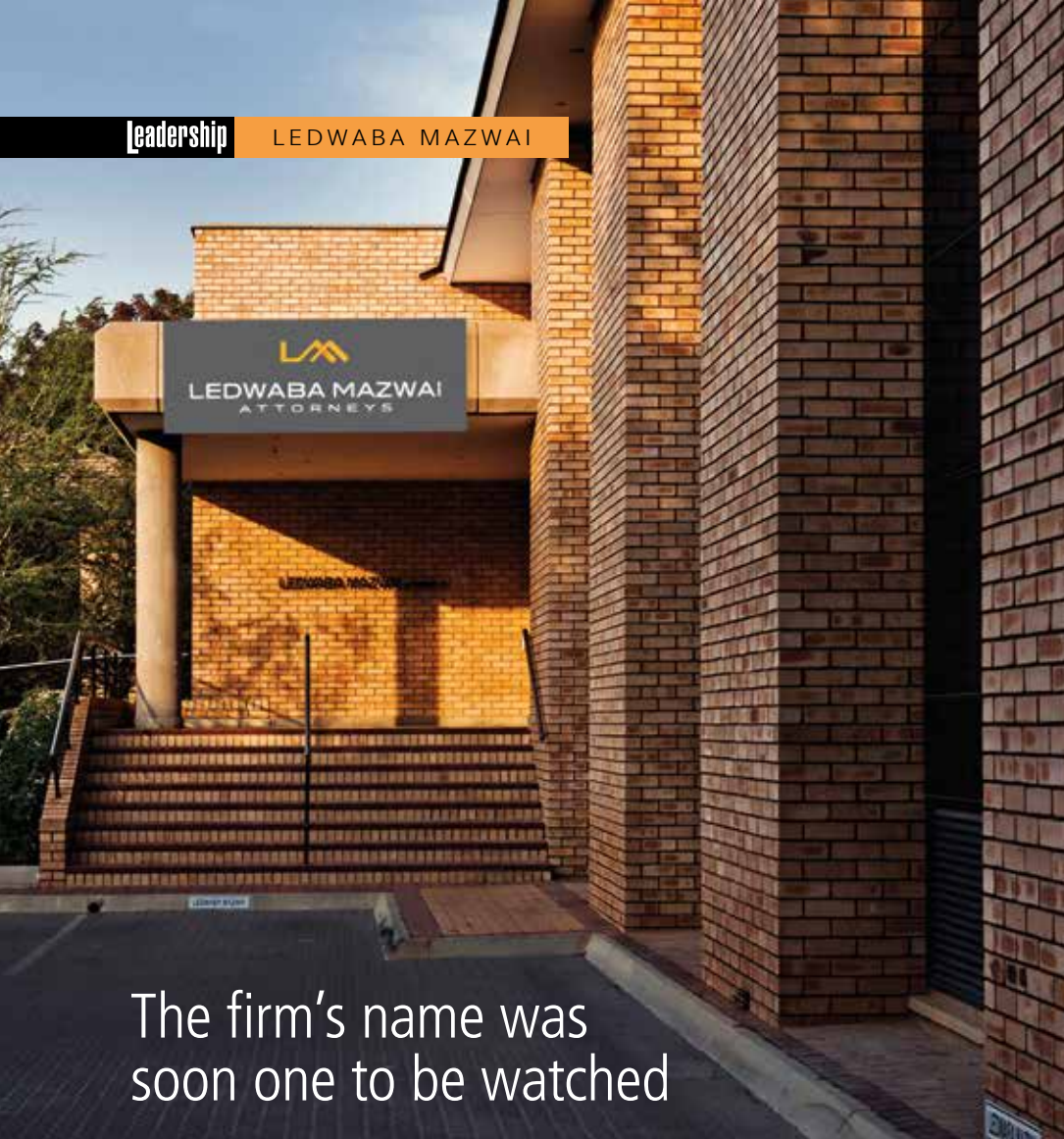
“Also, after launching the firm, we realised how attached people get to their own lawyers which would not see us benefiting from the transformation and BEE initiatives of a number

of corporates. This was a challenge that we hadn’t foreseen. We then focussed on new practice opportunities, like privatisation initiatives, that other firms couldn’t lay exclusive claim to and worked and lobbied hard to get the work that we did,” he adds.

The firm consolidated its focus on project-based work and this made all the difference when in around 2000 Pinsent Masons, a UK-based law firm, joined forces with Ledwaba Mazwai as its South African partner on various PPPs that they would be involved in, including the office accommodation project for the dti and the Gautrain Rapid Rail Link Project for the Gauteng Provincial Government.

“We learnt a lot from Pinsent Masons and very soon we were ready to see through the PPP projects on our own. The implementation phase of the projects that we did with Pinsent Masons, we did on our own,” says Ledwaba.

The involvement in the Gautrain Rapid Rail Project was but the beginning of Ledwaba Mazwai’s involvement in the rail sector. It was followed by other significant involvement in rail projects such as the Spoornet Main Line Locomotive Investment Programme which



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entailed the acquisition of new locomotives for Spoornet as it was then known, the PRASA's New Rolling Stock Acquisition and the Depot Modernisation Programme. Ledwaba Mazwai has its sight firmly set on growing its advisory role on major rail projects.

"Our goal is always first to understand the project and to engage with our clients to find a solution. We are not engineers but we always make it a point to understand how things work from a technical perspective so that we can offer the right solutions," adds Mazwai.

The firm's name was soon one to be watched and it got significant mandates from parastatals such as Transnet, Eskom, SAA, Denel and Safcol. In time Ledwaba Mazwai also worked with private sector clients including South African Breweries and Masilele Holdings. More recently the South African Revenue Service became a client.

Ledwaba Mazwai had a strong involvement with the National Olympic Committee of South Africa (NOCSA) in the company's earlier years. "We supported with legal work, structuring

founding documents of NOCSA, assisted with sponsorship agreements and generally participated in development of sports law matters. We thoroughly enjoyed our association with the Olympic body in South Africa as it not only defined who we are, but also showcased our capabilities," says Ledwaba.

A recent highlight is the appointment of Metja Ledwaba, jointly with Michael Katz of Edward Nathan Sonnenbergs, to assist with the execution of former president Nelson Mandela's estate. "We are honoured by this appointment and by being entrusted to see through his final wishes," says Ledwaba.

### Doing business the right way

"Companies need to see a particular market and need to know what position they want to play in that market. Then they need to actualise and realise their vision. Focus and discipline are all important if they are to succeed, as is responding to an ever-changing environment," says Mazwai. "That's why we look for tenacity

and people who can work hard. It is such people who will add value to our firm and its mission because, like us, they believe that they can achieve anything against all odds. You need to start somewhere if you want to go somewhere," Ledwaba adds.

When it comes to providing legal advice to entrepreneurs, Mazwai says, "If you are going to sign a deal, always get legal advice before doing so and not thereafter. And, if you have partners, always think about what they are likely to do when things go south."

"Your partner's weakness should be your strength, not your reason to criticise. Always conduct proper research before you get into business. You must understand the risks involved, not be deterred by them, but never be blind to reality and what you are trying to achieve," says Ledwaba.

The firm is most proud of its ability to convert government's aspirations and policy into bankable projects.

"We have a higher track record in advising the public sector on major PPP and other private investment initiatives than most other firms do, especially when people are sceptical about a project. The Gautrain is a good example of this. People said it wouldn't happen, but look at it now," says Ledwaba.

"We are also anchored by the belief that you should be able to achieve with less what others want to achieve with more. We have never succumbed to conventional wisdom in our approach to our work – especially when it comes to the public sector," Ledwaba adds.

As for the future, Ledwaba and Mazwai have their sight firmly set on growing the firm. "We are grateful for what we have achieved, but are not yet content. We want to ensure a greater presence in Johannesburg and the banking sector," Ledwaba confirms.

There's no doubt that Ledwaba Mazwai is built on 'a habit of excellence'.

"We not only believe in doing the best we can, but in doing the best we can repeatedly. There's a phrase 'we are what we repeatedly do, excellence then is not an act but a habit' (Aristotle). We connected with this phrase as we are critical of our work. We always look at what others are doing in the industry, and then make a point of doing it better," Ledwaba concludes.▲

Allison Cooper



LEDWABA MAZWAI  
ATTORNEYS

# Building a legacy of perfection on a foundation of excellence

Ledwaba Mazwai Attorneys was established in 1996 with a clear vision to build a successful dynamic black commercial law firm. Today, we focus on rendering legal services to commercial, corporate institutions and public sector in commercial, administrative, litigation, tax and constitutional areas of law.

Based in Nieuw Muckleneuk, Pretoria, we are a motivated and hardworking team of lawyers, with an administrative and support staff that provides services of consistent high professional standards – without compromising on our commitment to excellence.

To get in touch with Ledwaba Mazwai, please contact [mlm@law.co.za](mailto:mlm@law.co.za) or (+27) 12 346 7313

*A Habit of Excellence*