

# CORPORATE RESTRUCTURING LAW EXPERT OF THE YEAR IN SOUTH AFRICA



## Bekker Attorneys

Hanno Bekker  
Director

Tel: +27 51 447 2407; +27 83 945 8961  
info@bb-law.co.za; hanno@bb-law.co.za  
www.bb-law.co.za



**Bekker Attorneys is a South African law firm specialising in corporate restructuring to help clients get their businesses duly protected. The firm was founded on the notion that many business owners form a business in the belief that all they require is to register their company, and that will be sufficient to protect them; however, the unfortunate reality is that all it does is provide a corporate identity – with very little protection in business dealings.**

According to Bekker Attorneys' Director, Hanno Bekker, very few attorneys are trained to understand the complexities of business, as their degrees only focus on the law and the implementation of it. As such, business owners are then caught off-guard when they find themselves facing an unforeseen legal matter, which can lead to them losing everything they have built up over time.

Bekker Attorneys was founded in 2010, and since then, the firm has dealt with numerous high-profile cases for political parties in court. The firm has also assisted several businesses involved in litigation matters, and as such, has seen firsthand what happens when a business is not properly set up and protected. In order to remain fully apprised of recent regulatory developments on both a domestic and global level, the firm is registered with the UIA for international legal services, as well as the Legal Practice Council of South Africa.

Mr Bekker noted: "Most law firms don't have anything to separate them from their competitors, as the services and the pricing is almost the same, and because lawyers are not trained as business people. This means they don't understand the importance of being unique and on the cutting edge of developments. We have, however, expended a great

deal of effort to educate ourselves in corporate structures by learning from businesspersons who have walked the path before us to bring that knowledge back – and to implement that knowledge in a manner that is beneficial to ourselves and the client."

It was through following this philosophy that Mr Bekker received several video endorsements from prominent businesspersons, such as JT Foxx, as well as celebrities, such as Michael Douglas.

Regarding notable casework completed by the firm, Mr Bekker explained: "We had one client who had three large farms, of which one was in his personal name, and the others were part of a corporate entity. He came to our offices after having been sued for debt, and during the consultation we advised him to restructure his corporate entity and divest himself of the shares in the corporate entity. However, he decided not to follow our advice, in the belief that his farms that were part of the corporate entity would be safe, and he was willing to take the chance. Unfortunately, as predicted, he lost the case and all three of his farms due to not implementing our counsel. If he had followed our advice, even if he had lost the case, he would have – at most – lost only one farm, and not all three."

In the past 12 months, Bekker Attorneys witnessed several professional challenges, most notably that many businesses had to scale back to survive the pandemic-induced lockdowns. In turn, this also caused them to scale back on the legal services they thought they required. "The challenge with this, however, is that their corporate structure fell by the wayside," said Mr Bekker. "This opened them up to other challenges, such as debt repayments that fell behind; and now, after the fact, they have asked us to help them recover."

Mr Bekker stated that his role has been to proceed and assist these businesses as requested, but it is a cautionary tale because, in some instances, it is too late to turn the situation around.

Today, Bekker Attorneys maintains several international business partners that can assist any client in the relevant jurisdiction, and, with so few lawyers being into business, the firm is in a prime position to serve as the gateway to help clients locate the correct professional in their area. However, even though every country's laws differ – and you cannot implement what works in one country directly to another – Mr Bekker believes that the basics always stay the same, regardless of where in the world you might find yourself.

The firm typically works with business owners who have been in business for at least three to five years, as this means they are already on their way to being well established, and have reached a point where they require Bekker Attorneys' services. But this does not mean that the firm will not accept clients that are outside this narrow window, as Mr Bekker can assist any business owner as long as his team has assessed their business and can see areas where they can input their advice.

Looking to the coming months, Mr Bekker concluded: "We are in the process of opening up several virtual offices internationally, in order to assist our clients as and when required. This move is motivated by the time difference that can occur in communication between clients and the firm, and we wish to eliminate that delay, as we understand that clients usually require immediate attention to their matter – for the sake of their business."

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