

<b>International conference on consumer redress</b>	
A collaborative initiative between the Faculties of Law at Stellenbosch University and KU Leuven	
Dates: 9 and 10 April 2018	
Venue: Attie van Wyk Auditorium, Faculty of Theology, 171 Dorp Street, Stellenbosch	
Background: The outset of the conference is the emerging consumer market in Africa and the rise of consumer disputes. The conference will be aimed at mapping the various consumer redress techniques that are being used in different jurisdictions (including class actions and alternative dispute resolution methods) in order to consider which techniques, if any, would be the most suitable for African use. Conversely, other jurisdictions might be able to learn something from the African experience too. The conference will delve into this issue, describe what the problems are and offer possible solutions.	
<b>DAY 1</b>	
09:00 – 09:30	Registration
09:30 – 09:45	Welcome Dr Theo Broodryk and Prof Dr Stefaan Voet
09:45 – 10:15	Opening Plenary Judge Siraj Desai, Judge of the Western Cape Division of the High Court of South Africa
10:15 – 10:45	Commissioner Ebrahim Mohamed, Head of the National Consumer Commission ( <i>Taking consumer protection to the next level: The South Africa approach to consumer redress</i> )
10:45 – 11:15	Refreshments and comfort break
11:15 – 11:45	Prof B Dumisa, Tribunal Member of the National Consumer Tribunal ( <i>An Assessment of The Impact Of the National Credit Act On The Reduction of Over-Indebtedness In South Africa: Rehabilitation Or Temporary Shelter</i> )

11:45 – 12:15	General discussion
12:15 – 13:30	Lunch
13:30 – 14:00	Dr Theo Broodryk, Stellenbosch University ( <i>Class Actions and ADR in South Africa: Dynamism a Reason for Optimism?</i> )
14:00 – 14:30	Prof Dr Stefaan Voet, KU Leuven ( <i>Consumer Redress in Europe: A Story about the Three Musketeers</i> )
14:30 – 15:00	Refreshments and comfort break
15:00 – 15:30	Eline Verhage, Leiden University ( <i>Consumer Dispute Resolution in Europe: A Quest for the Holy Grail?</i> )
15:30 – 16:00	Dr Shahla Ali, University of Hong Kong ( <i>Designing Consumer Financial ADR Mechanisms: Lessons from Hong Kong in a Global Perspective</i> )
16:00 – 16:30	General discussion
16:30 – 16:45	Day 1 closing comments Dr Theo Broodryk and Prof Dr Stefaan Voet

<b>DAY 2</b>	
09:00 – 09:15	Welcome Dr Theo Broodryk and Prof Dr Stefaan Voet
09:15 – 09:45	Prof Linda S Mullenix, University of Texas ( <i>Regulatory and Judicial Consumer Protection in the United States</i> )
09:45 – 10:15	Prof Manuel Gómez, Florida International University ( <i>All Bark and No Bite?: Contemporary Consumer Redress in Latin America</i> )
10:15 – 10:45	Prof Dr Alan Uzelac, Zagreb University ( <i>Consumer ADR in South-East Europe: A Victory of Generalists, a Defeat of Effectiveness</i> )
10:45 – 11:15	Refreshments and comfort break
11:15 – 12:30	Panel Discussion Moderator: Prof Dr Stefaan Voet

	<p>Panellists:</p> <ol style="list-style-type: none"><li>1. Commissioner Ebrahim Mohamed, Head of the National Consumer Commission</li><li>2. Dr Theo Broodryk, Stellenbosch University</li><li>3. Prof Linda S Mullenix, University of Texas</li><li>4. Prof Manuel Gómez, Florida International University</li><li>5. Prof Dr Alan Uzelac, Zagreb University</li></ol>
12:30 – 13:00	General discussion and closing reflections (Dr Theo Broodryk and Prof Dr Stefaan Voet)
13:00 – 14:00	Lunch

## Speakers

### Dr Shahla Ali



Shahla Ali's research and practice centers on questions of governance, development and the resolution of cross-border disputes in the Asia Pacific region. She is as an Associate Professor and Associate Dean (International) and Deputy Director of the LLM in Arbitration and Dispute Resolution in the Faculty of Law at the University of Hong Kong. Shahla is the author of *Governing Disasters: Engaging Local Populations in Humanitarian Relief* (CUP, 2016); *Consumer Financial Dispute Resolution in a Comparative Context* (CUP, 2013) and *Resolving Disputes in the Asia Pacific Region* (Routledge, 2010) and writes for law journals in the area of comparative ADR. She has consulted with USAID, IFC/World Bank and the United Nations on issues pertaining to access to justice, peace process negotiation training and land use conflict resolution. She serves as a bilingual arbitrator (English/Chinese) with CIETAC, HKIAC (ADNDRC), SIAC and is a member of the IBA Drafting Committee for Investor-State Mediation Rules, the DOJ Mediation Regulatory Framework Sub-Committee, the UN Mediation Roster and the FDRC Appointments Committee.

### Dr Theo Broodryk



Theo Broodryk is a Senior Lecturer and Head of the Stellenbosch University Law Clinic. He completed his postgraduate LLB-degree at the Faculty in 2008. He commenced his articles of clerkship at Edward Nathan Sonnenbergs Inc, the largest firm in Africa at the time, in 2009 where he also practised as an attorney until September 2012. Theo commenced employment with the Faculty in October 2012. He is responsible for lecturing Civil Procedure and Legal Skills and assists in coordinating the Faculty's writing project. In 2015, Theo received both the Rector's Award for outstanding work performance and the MJ & HB Thom Research Funding Award. In 2016, the University formally recognised him as part of a group of 13 young researchers at the University who made the biggest contribution to the Department of Higher Education and Training accredited scientific publications (2014 output year). In 2016, he attended Stanford Law School at Stanford University in the United States as a Visiting Scholar to conduct research on class action litigation. Theo obtained his Legum Doctor (LLD) degree in the field of class actions, with the title of his dissertation being "Developing a Structure for the Adjudication of Class Actions in South Africa". For publications and further info see: <http://blogs.sun.ac.za/law/staff/regskliniek-law-clinic/>

### **Judge Siraj Desai**



Credit: news24.com

Judge Siraj Desai has been a judge at the Western Cape High Court for more than 20 years and holds a BA and LLB from the University of Durban-Westville, now called the University of KwaZulu-Natal. During his time as a judge, he has presided over numerous noteworthy and widely published cases which include the Najwa Petersen murder trial, the emoluments attachment orders litigation and, more recently, the trial of triple murder accused Henri van Breda. With his history as an activist, Judge Desai has expressed that his most significant outcome up to date has been the emoluments attachment order litigation as it led to a vindication of the rights of the poor.

### **Prof B Dumisa**



Prof Bonke Dumisa is an Advocate of the High Courts of South and Lesotho; and a former Professor of Management at the University of KwaZulu-Natal. He has seven university degrees, obtained from seven universities spread across four countries in three continents:

- Doctor of Business Administration (DBA): University of Durban-Westville (now part of the merged University of KwaZulu-Natal) in 1998.

- Master of Laws (LLM): University of KwaZulu-Natal, in 2013.
- Master of Science (MSc): London School of Economics (LSE), University of London, United Kingdom, in 1993.
- Master of Business Administration (MBA): Bentley University, Waltham, Massachusetts, United States of Africa, in 1988.
- Honours Bachelor of Commerce (BCom(Hons)): University of South Africa, in 1987.
- Bachelor of Laws (LLB): University of Zululand, in 2000.
- Bachelor of Commerce (Accounting): National University of Lesotho, in 1982.

He has extensive experience on Consumer matters which extends across four decades:

- He did many Consumer courses / modules at both undergraduate and post-graduate levels.
- He taught Consumer courses / modules at both undergraduate and post-graduate levels.
- He has continuously served on Consumer structures within the national Department of Trade and Industry (the dti) for the past 18 years since 2000. This includes being the Member and Deputy Chairperson of the Consumer Affairs Committee (CAFCOM) in 2000- 2008; Tribunal Member, Deputy Chairperson, and Acting Executive Chairperson of the National Consumer Tribunal (NCT) from 2006 – 2022. He also served on the Consumer Advisory Panel of the Independent Communications Authority of South Africa (ICASA).
- He adjudicates on various consumer-related matters including at the National Consumer Tribunal (NCT), Community Schemes Ombuds Services (CSOS), Council for Medical Schemes (CMS), Broadcasting Complaints Commission of South Africa (BCCSA), Private Security Industry Regulatory Authority (PSIRA), KZN Planning and Development Appeals Committee (KZNPDA), Board of the KZN Liquor Authority (KZNLQA), KwaZulu-Natal Sharks Board where he was the Chairperson, Professional Board of Radiography and Clinical Technology at the Health Professions Council of South Africa (HPCSA), KwaZulu-Natal

Rental Housing Tribunal, and even at the KwaZulu-Natal Provincial Planning Commission where he is the Chairperson.

- He has attended various national and international conferences and did research visits on Consumers matters in South Africa and abroad including the USA, the United Kingdom, Australia, New Zealand, Hong Kong, and Brazil.

### **Prof Manuel Gómez**



Manuel A. Gómez is an Associate Professor of Law and the Associate Dean of International and Graduate Studies at Florida International University (FIU). He specializes in international arbitration, comparative complex litigation, and international law with focus on Latin America. He also leads the College of Law's Global Legal Studies Initiative, is an academic board member of the Miami International Arbitration Society (MIAS), member of the Academic Council of the Institute for Transnational Arbitration (ITA), co-leader of the Latin America Group of the Silicon Valley Arbitration and Mediation Center (SVAMC), and member of the Faculty Advisory Board of the Kimberly Green Latin American and Caribbean Center at FIU. Professor Gómez is also the Editor-in-Chief of the World Arbitration and Mediation Review (WAMR). He has taught and lectured extensively through the Americas, Asia, and Europe. He has published works on topics related to transnational litigation, comparative class actions, and consumer protection in Latin America; and his scholarship has earned wide recognition and accolades. Professor Gómez has extensive litigation experience in Latin America, frequently serves as expert in international arbitration proceedings, and in court proceedings involving foreign parties in the U.S. Professor Gómez holds masters and doctoral degrees from Stanford



University School of Law, and a law degree (cum laude) and a specialization in procedural law from the Universidad Católica Andrés Bello (Venezuela).

### **Commissioner Ebrahim Mohamed**



Commissioner Ebrahim Mohamed is the head of the National Consumer Commission in South Africa. He was the first Deputy Commissioner of the NCC when it was established in 2011 and prior to that worked as Chief Director responsible for the former Office of Consumer Protection at the Department of Trade and Industry (***the dti***).

He is an admitted attorney for 30 years, with vast experience in Human Rights and Public Interest Law.

Commissioner Mohamed has served as board member and trustee of several boards, including the interim Estate Agency Affairs Board, the interim National Credit Regulator Board, and the Special Pensions Board. He has also held directorships at the dti as well as the former Foodworld Group of Companies.

**Prof Linda S Mullenix**



Linda S. Mullenix holds the Rita and Morris Atlas Chair in Advocacy at the University of Texas School of Law. She earned M.Phil. and Ph.D. degrees in political science from Columbia University and graduated Phi Beta Kappa, magna cum laude from the City College of New York. She received her law degree from Georgetown University Law Center and practiced appellate litigation in Washington, D.C. She has been a college and law professor since 1974.

Professor Mullenix has served as a U.S. Supreme Court Fellow; a scholar-in-residence at the Rockefeller Foundation Bellagio Study and Conference Center in Italy; and held the Fulbright Senior Distinguished Chair in Law, in Trento, Italy. She is an elected Life Member of the American Law Institute and an elected Life Fellow of the Texas Bar Foundation. She also is an elected Fellow of the American Bar Foundation, and the International Association of Procedural Law.

Professor Mullenix teaches federal civil procedure, mass tort litigation, and class action litigation. She also has taught complex litigation, federal courts, conflict of laws, professional responsibility, and civil justice reform. She has been a visiting professor at Oxford University, the University of Trento (Italy), Harvard, Michigan, and Southern Methodist law schools; held the Reuschlein Distinguished Visiting Chair (Villanova); and served as the Katherine Ryan Distinguished Professor at the Institute on World Legal Problems in Innsbruck, Austria.

Professor Mullenix is the author or co-author of twenty-two books including MASS TORT LITIGATION (3d ed. 2017); LEADING CASES IN CIVIL PROCEDURE (3d ed. 2017); UNDERSTANDING FEDERAL COURTS (2d ed. 2015); CIVIL PROCEDURE BLACKLETTER SERIES (2d ed. 2014); FEDERAL COURTS IN THE TWENTY-FIRST CENTURY (3d ed. 2007); STATE CLASS ACTION PRACTICE AND PROCEDURE

(2000); RESTATEMENT THIRD, THE LAW GOVERNING LAWYERS (2000); and MOORE'S FEDERAL PRACTICE.

For more than thirty years she has been a contributor to Preview of Supreme Court Cases and a regular columnist for the National Law Journal. She served as Associate Reporter for the ALI Restatement of the Law Governing Lawyers, a consultative member of the ALI Transnational Rules of Civil Procedure and the ALI Complex Litigation Project. Professor Mullenix has written dozens of articles published in The Chicago Legal Forum, Cornell Law Review, Georgetown University Law Journal, Harvard Law Review, Michigan Law Review, Minnesota Law Review, Stanford Law Review, The Stanford Journal of Complex Litigation, University of Pennsylvania Law Review, Northwestern Law Review, Texas Law Review, and Vanderbilt Law Review, and numerous other journals.

Professor Mullenix has served the profession as Reporter for an ABA Task Force on Class Actions; Reporter for the Southern District of Texas, Civil Justice Reform Act; Reporter for the National Conference of Federal-State Judicial Relationships; Advisor, Texas Class Action Rules Subcommittee; and Advisor, National Center for State Courts, Study on Civil Discovery. She has delivered lectures relating to complex litigation in Austria, Brazil, Canada, Colombia, Germany, Israel, Italy, Switzerland, and the U.K.

Courts throughout the United States have cited Professor Mullenix's articles on procedure and complex litigation. She has appeared as a radio commentator on National Public Radio and been quoted in The New York Times, the Wall Street Journal, the Los Angeles Times, the National Law Journal, CNNOpinion.com, and the Guardian (U.K.), among other media publications.

### Prof Dr Alan Uzelac



Alan Uzelac is Professor of Law and Head of Department for Civil Procedure at the Zagreb University, where he teaches Civil Procedure, Arbitration, ADR, Organization of Judiciary, and Protection of Human Rights in Europe. He holds degrees in law (LL.B., LL.M., LL.D.) and social sciences (M.A. (phil.), M.A. (literature)) from Zagreb University. He was visiting researcher and scholar at a number of universities, including Harvard Law School (Fulbright grant), and universities of Vienna (Austria), Maastricht (the Netherlands), Oslo and Bergen (Norway), Kazan and Yekaterinburg (Russia), Uppsala (Sweden) and Milano and Pavia (Italy). As an active member of the International Association of Procedural Law and the German Association for International Procedural Law, he serves on the chief advisory bodies of both organizations (Council, *Rat*). Since mid-90s, Dr. Uzelac was engaged as national delegate of Croatia in the work of UNCITRAL Working Group for Arbitration and Conciliation where he participated in drafting of the several international instruments in the field of alternative dispute resolution. He was involved in various activities of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe, where he held different functions (*inter alia*: Bureau member from 2003-2006, President of the Task Force on Timeframes of Proceedings – TF-DEL 2005-2006). His professional experience includes work in various Croatian courts, Croatian State Bar Exam, and internship at the Secretariat of the ICC International Court of Arbitration in Paris. Over a period of ten years, Professor Uzelac was Secretary General of the Permanent Arbitration Court at the Croatian Chamber of Commerce, where he was engaged in administering more than 350 international and domestic arbitration cases. During that time, Dr. Uzelac was a co-founder of the Croatian Arbitration Days and the founding co-editor of the Croatian Arbitration Yearbook. He is a member of panels of

a number of arbitration institutions, and occasionally acts as arbitrator in international arbitration cases, both administered and ad hoc. Throughout his career, he was often engaged as expert in various legislative projects, which include significant contribution to the drafting of the Croatian Law on Arbitration, Mediation Act, Law on Courts, Law on State Judicial Council, Legal Aid Act, Rules for Arbitral Dispute Resolution Regarding Internet Domain Names in .hr domain, and various other laws and regulations. In 2011-2015 period, Professor Uzelac was member of the highest body for judicial appointments and discipline, the State Judicial Council. As an international expert he worked in the region and Europe, assisting legal reforms and legal collaboration in Bulgaria, Serbia, Bosnia and Herzegovina, Montenegro, Russia and Kosovo.

For publications and further info see <http://alanuzelac.from.hr>.

### **Eline Verhage**



Eline Verhage is PhD Fellow and Junior Lecturer in Civil Procedural Law at Leiden University and visiting scholar at the Centre for Socio-Legal Studies, University of Oxford. Her PhD research focuses on the institutional and procedural implications of Directive 2013/11/EU on Consumer ADR and the Regulation no. 524/2013 on Consumer ODR for the Dutch Consumer Dispute Resolution (CDR) landscape.

<https://www.universiteitleiden.nl/en/staffmembers/eline-verhage/publications#tab-1>

## Prof Dr Stefaan Voet



Stefaan Voet is a professor of law at the University of Leuven and a host professor at the University of Hasselt in Belgium. Before that he was an assistant professor at Ghent University. Stefaan teaches national, European and international civil procedure. His main research interests are civil procedure, complex litigation, ADR, ODR, dispute resolution design and litigation costs. Stefaan is also a Programme Affiliate of the Swiss Re/CMS Research Programme on Civil Justice Systems at the Centre for Socio-Legal Studies at the University of Oxford and a prominent member of the Class Actions Exchange Network spearheaded by leading scholars from Stanford, Oxford and Tilburg. Stefaan wrote his PhD thesis about complex litigation in Belgium, for which he received in 2014 the Triannual Price of Civil Procedure awarded by the vzw Algemene Modellenverzameling voor de Rechtspraak. He was a member of different governmental working groups on class actions and mass disasters. Stefaan regularly speaks at national, European and international conferences. He was a visiting scholar at the Law Center University of Houston (2009) and Stanford Law School (2014). He was a visiting lecturer/professor at the Law Center University of Houston, SMU Dedman School of Law, College of Law University of Tennessee, Syracuse University College of Law, Peking Law School, the University of Pretoria, the University of Pavia and the EU-China School of Law in Beijing. He was the 2016-2017 TPR (Tijdschrift voor Privaatrecht) Chair Holder at the University of Utrecht in the Netherlands. Since 2017, he is the chairman of the supervisory board of the

Belgian Ombudsman for Retail. Stefaan is also a substitute justice of the peace in Bruges and a freelance opera critic.

For publications and further info see  
<https://www.law.kuleuven.be/pub/en/staff/00103885>

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