Q&A

Vivien Chaplin

Director | Corporate & Commercial

CDH
CLIFFE DEKKER HOFMEYR

INCORPORATING
KIETI LAW LLP, KENYA

Q Where did your corporate law journey begin and how did you end up where you are today?

A After graduation, I took a "work-experience gap year" overseas and secured an internship at Clifford Chance in Brussels working in competition/trade law. After this stint, I transferred to the London office, where I was placed in the capital markets team for a year and a half.

I loved it and realised that's what I wanted to do. It was an exciting "boom" time in London, and I got a taste for the adrenaline of "closing the deal" (although my role was largely limited to proof-reading agreements and circulars).

Since then, almost 20 years later, I have been fortunate to have worked in the corporate teams of the top firms in South Africa, including Bowmans, ENS, Hogan Lovells, and now at my 'home' at CDH.

Q What, if any, hurdles did you have to cross in an industry that has traditionally been male dominated?

A Although the industry is still male dominated, I can honestly say that I have never been held back because of my gender per se.

The real challenge comes with trying to manage the time constraints balancing professional and personal roles. Although a generalisation, I think women's lives are often more complicated due to the roles we take as caregivers to parents, spouses, children, etc. Even with flexible working, good support networks and supportive colleagues, clients and families, there are only so many hours in a day! It requires a vast amount of energy and dedication to attend to work commitments all day, while managing a household and family, and then drafting documents and catching up on emails from 8pm to midnight or later. In this industry time is of the essence, if you can't manage the pace, you will be left behind - there is always someone else who will step in to take the mandate if you don't keep your client happy.

The only way to manage the practical time constraints is to be efficient in your working day and there is little time to spend on long lunches/chats with colleagues and clients. Unfortunately, this can also impede networking, which is as vital in the corporate world as getting the job done. Women are already at a disadvantage here as the "old boys' network" remains strong. However, I think there is greater awareness of this issue now and whilst I passionately believe it's vital for women to look out for each other, the corporate world has, in general, also become more cognisant of these challenges.

Q What are some of the most memorable deals you have worked on in your career?

A There have been many deals and I am still learning every day. Smaller value deals can be as complex as large transactions especially when you are trying out new structures/ideas.

Two transactions which stand out are:

> "Project Sky" - the unbundling of SAA from Transnet to DPE. Whilst structured as a simple sale of shares, the regulatory, contractual, and legislative issues surrounding the share disposal were complex. In this transaction I became familiar with both PFMA/administrative law issues as well as the aviation law landscape. This led to me working in this area and forging long-standing relationships with aviation clients such as Safair for whom I have worked for more than 10 years (including the set-up of FlySafair).

> Demerger of South32 from BHP Billiton – I worked on this transaction for over two years with Michael Katz and the team at ENS. This was a complex multi-jurisdictional deal and one of the biggest transactions globally by value in 2015. I learnt so much from both the client and the advisors. Quite apart from the legal/commercial learning, given the multiple works-streams and interdependencies, I got a real lesson in project management and the importance of step plans, timetables, and good organisational skills.

Q What advice would you give to young woman looking to enter to corporate law market?

A My advice for anyone (of any gender) would be "go for it". It's a very exciting world as no day is the same and you are dealing with new industries, companies, and situations all the time.

The important part is to "show up" and by that, I mean be prepared, be enthusiastic, be early (!) and be prepared to learn and work hard. Also stay calm and focussed, mistakes happen but they can be resolved, obstacles can be overcome, and deadlines can be met, if you keep your wits about you. Although the stakes are high, it's not the Emergency Room and generally (hopefully) no-one is going to die because of a stumbling block in a transaction. Every issue can be resolved with a cool head, one step at a time.

I see a lot of brilliant young women in this industry who are doing just fine, and I think they will achieve great things, so they must just keep at it.

Again, the challenge is longevity - this is an industry where you learn as you go. You need a few years to learn from others before you feel confident and although women have all the required skills, many leave corporate law at a certain stage of their lives because of competing demands on their time. We all have a duty to ensure that women have options to "stay in the game" if/when their lives get more complicated. Similarly young women (or anyone) feeling challenges should reach out, speak up and be encouraged to negotiate an arrangement which works for them if they are keen to stay on in this discipline.