

# Independent attorney wins 2017 Best Article Award

Emile Myburgh has won the 2017 LexisNexis Prize for Legal Practitioners for the best article by a practising attorney published in De Rebus, for his piece on 'Holding delinquent directors personally liable'.



His winning article, which was published in the law journal in July 2017, discusses how a creditor can hold a director personally liable for unpaid debts owed to them by a company. This is in view of the small but growing body of jurisprudence dealing with directors' liability under the new Companies Act 71 of 2008. As this was his first ever article submitted to De Rebus, Myburgh expressed his excitement at winning this coveted award: "I needed to hold the directors of a company that owed a client of mine money personally liable for the company's debt. I looked at De Rebus's website to see if there were any articles on the topic and couldn't find any. I decided to do the research and write an article on the topic myself. When the Supreme Court of Appeal (SCA) in the Gihwala decision, independently from me, came to the same conclusion as I did in my article, it gave me a lot of increased confidence in my own legal capabilities."

The Gihwala case saw the SCA uphold the decision by the Western Cape Division of the High Court to declare Fidentia curator Dines Gihwala a "delinquent director". He was ordered to pay back about R6 million to a shareholder of another company he cheated out of money.

Myburgh operates an independent law firm, Emile Myburgh Attorneys in Johannesburg, the only local law firm dedicated to serving Brazilians in South Africa. He was the first South African attorney to work as a lawyer in a Brazilian law firm in São Paulo and is a member of the Brazilian Law Society. Myburgh is a sworn translator between Portuguese and English/Afrikaans, with the added ability of being able to correctly translate legal documents. His clients range from Brazil's biggest multinationals, to individuals needing legal assistance in South Africa and South African clients conducting business and litigating in Angola and Mozambique.

His prize from LexisNexis includes a Lenovo Tablet and one year's free access to one practice area of LexisNexis Practical Guidance.

## 2018 award submissions

Articles by interested attorneys, not exceeding 2000 words in length, can be submitted to De Rebus as entry to the 2018 competition. These need to comply with the publication's guidelines and must be published within the period 1 January and 31 December 2018. The winner will be announced by De Rebus in early to mid-2019.

Myburgh's complete submission titled "Holding delinquent directors personally liable" can be read [here](#).

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