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# FIRM PROFILE

## 2021



**OTIS HADLEY**  
ATTORNEYS

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## THE FIRM

Otis Hadley Attorneys is a modern, innovative and client-centred law firm. It was established in February 2020 by two legal practitioners - Mr. Ricky Chingota and Mr. McHarven Ngwata. Based in Blantyre, Malawi's commercial capital, the firm is set up to offer a wide range of legal services to individual and corporate clients, both domestic and international.

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## OUR VISION

To be an outstanding world-class law firm providing quality and timely legal services at a reasonable charge whilst at the same time being committed to continuous innovation and improvement of services.

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## SCOPE OF PRACTICE

The firm offers legal services in multiple disciplines but specialises in the following:

- Corporate
- Commercial
- Mergers and Acquisitions
- Financial Services
- Competition
- Employment and Pension
- Land Transactions
- Intellectual Property
- International Trade, Business and Investment law in general
- Litigation





### **Ricky Chingota | Partner**

LLB (Hons) (Mw), LLM (RSA)

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Ricky Chingota is a partner in the firm and he takes the lead in Corporate and Commercial transactions. He is a member of the Malawi Bar of 9 years standing. He holds a Bachelor of Laws (Honours) (Upper Second Class) degree from the University of Malawi. He also holds a Master of Laws in International Trade, Investment and Business and Law (with distinction) from the University of the Western Cape, South Africa.

Prior to setting up Otis Hadley Attorneys, Ricky worked for over five years at Savjani & Co., one of the leading private law firms in Malawi, where he handled corporate and commercial law matters for both domestic and international clients. His areas of practice range from company law (including company formation and company secretarial work), mergers and acquisitions (including conducting legal due diligence), competition law, project/trade finance, energy, financial services, telecommunications, commercial contracts in general, employment, intellectual property and land transactions.

Ricky is also a part-time lecturer in commercial law at the Malawi University of Business and Applied Sciences (MUBAS). Among other commercial law areas, he has interest in commercial arbitration and he substantially contributed to the Malawi chapter of the book titled *Arbitration in Africa: A Review of Key Jurisdictions* (Fifth Edition) authored by John Miles, Tunde Fagbohunlu San and Kamal Rasiklal Shah.

Ricky also has litigation experience in both civil and criminal law matters and he is licensed to practice law in the Supreme Court of Appeal, the High Court and all subordinate courts in Malawi. Prior to joining Savjani & Co., Ricky worked in the Ministry of Justice and Constitutional Affairs – firstly as a Senior State Advocate and later as a Senior Legal Aid Advocate.

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## **HIGHLIGHTS OF EXPERIENCE**

**2021** • Advising a Malawian financial advisory company in relation to a simultaneous Initial Public Offering (IPO)/ Private Placement transaction by one of the local commercial banks in Malawi. This assignment is on-going.

**2020** • Advised a Malawian financial advisory/asset management company in relation to the issuance of a subordinated debt programme of up to MK5 billion by one of the commercial banks in Malawi. The advice included, among others, structuring the debt programme and preparing relevant debt agreements.



**2018/19** • Was part of a team which advised and acted for a major property holding company in its successful listing on the Malawi Stock Exchange.

**2018** • Conducted an extensive legal due diligence on two Malawi companies in the telecommunication industry in relation to potential acquisition of the said companies by a foreign investor.

**2018** • Was part of a team which acted for a client in the hospitality industry in relation to formation of SPV, acquisition land and preparation of various project agreements for a 5-star hotel project in Lilongwe.

**2018** • Extensively advised a Chinese bank in relation to issuance of a US\$21.25 million loan facility to a local textile company.

**2017** • Advised a Malawian asset management company in relation to issuance of a note programme of up to MK7 billion by one of the commercial banks in Malawi – the advice included, among others, examining the bank's corporate power to issue the note programme and the validity of the programme memorandum.

**2017** • On instructions from Robinson Bradshaw & Hinson PA, reviewed and advised on a commodity pledge agreement securing a loan facility of up to US\$120 million – entered into between one of the major companies in the Malawi tobacco industry (together with its foreign parent company) and Standard Bank South Africa Limited.

**2017** • Was involved in the review and amendment of the articles of association of one of the major commercial banks in Malawi to ensure their compliance with the Companies Act, 2013. This matter is significant because the bank's articles of association contained various bespoke arrangements – making the review and amendment exercise complex.

**2016** • Assisted a South African law firm (including applying for and obtaining exchange control approval) on Malawi law aspects relating to the acquisition of shares in a foreign holding company by employees of a local subsidiary (through employees' share ownership scheme).

**2016** • Was involved in assisting Pinsent Masons LLP in conducting a comprehensive legal due diligence and advising a Chinese client on various issues relating to the development of a power plant in Malawi. The work involved reviewing and advising on the various agreements relating to the project (i.e., Implementation Agreement, Power Purchase Agreement and Shareholders Agreement).

**2015** • Conducted a comprehensive legal due diligence on one of the commercial banks in Malawi in respect of a potential acquisition of a stake in the bank by a local investor.

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**McHarven Ngwata | Partner**  
LLB (Hons) (Mw)

McHarven Ngwata is a partner in the firm and he takes the lead in Litigation and Alternative Dispute Resolution (ADR). He holds a Bachelor of Laws (Honours) (Upper Second Class) degree from the University of Malawi. He is a hardened litigation lawyer of over 8 years standing at the Malawi Bar and has been at the litigation front since his admission to the Bar in January of 2014. He is licensed to practice law in the Supreme Court of Appeal, the High Court and all subordinate courts in Malawi.

Since his admission, and prior to setting up Otis Hadley Attorneys, McHarven worked with some of the top law firms in Malawi, these are Ralph & Arnold Associates, Messrs Kalekeni Kaphale Lawyers, and Mbendera & Nkhono Associates where he performed exceptionally well and acquired vast litigation experience over a period of seven years. He is a general practitioner that has experience in all the areas that the firm specialises in.

Notwithstanding his involvement in litigation over the years, McHarven has also

attended to other legal needs of corporate clients. Recognising the fact that sound legal advice at the decision-making stage can avert costly litigation, McHarven has on numerous occasions been co-opted to some corporate boards in an advisory capacity.

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## HIGHLIGHTS OF EXPERIENCE

**2016 to 2020** • Sat on the board of a statutory corporation as legal counsel for a period of four years rendering advisory services in various matters including drafting and vetting of various legal documents, and handling litigation.

**2019** • Was part of a team which acted in defence of a corporate client in the financial service sector in a claim for about-MK700,000,000.00.

**2018** • On instructions from a statutory corporation, obtained an injunction against its employees stopping them from proceeding with a strike. Successfully handled proceedings on behalf of the statutory corporation after the industrial dispute underwent conciliation.

**2016 to 2018** • Acted as lead counsel in handling insurance claims against a corporate client, an insurance company, for a period of three years. Work carried out involved defending such claims, negotiating settlements where necessary, and generally providing advice to client.

**2017** • Was part of a team which acted

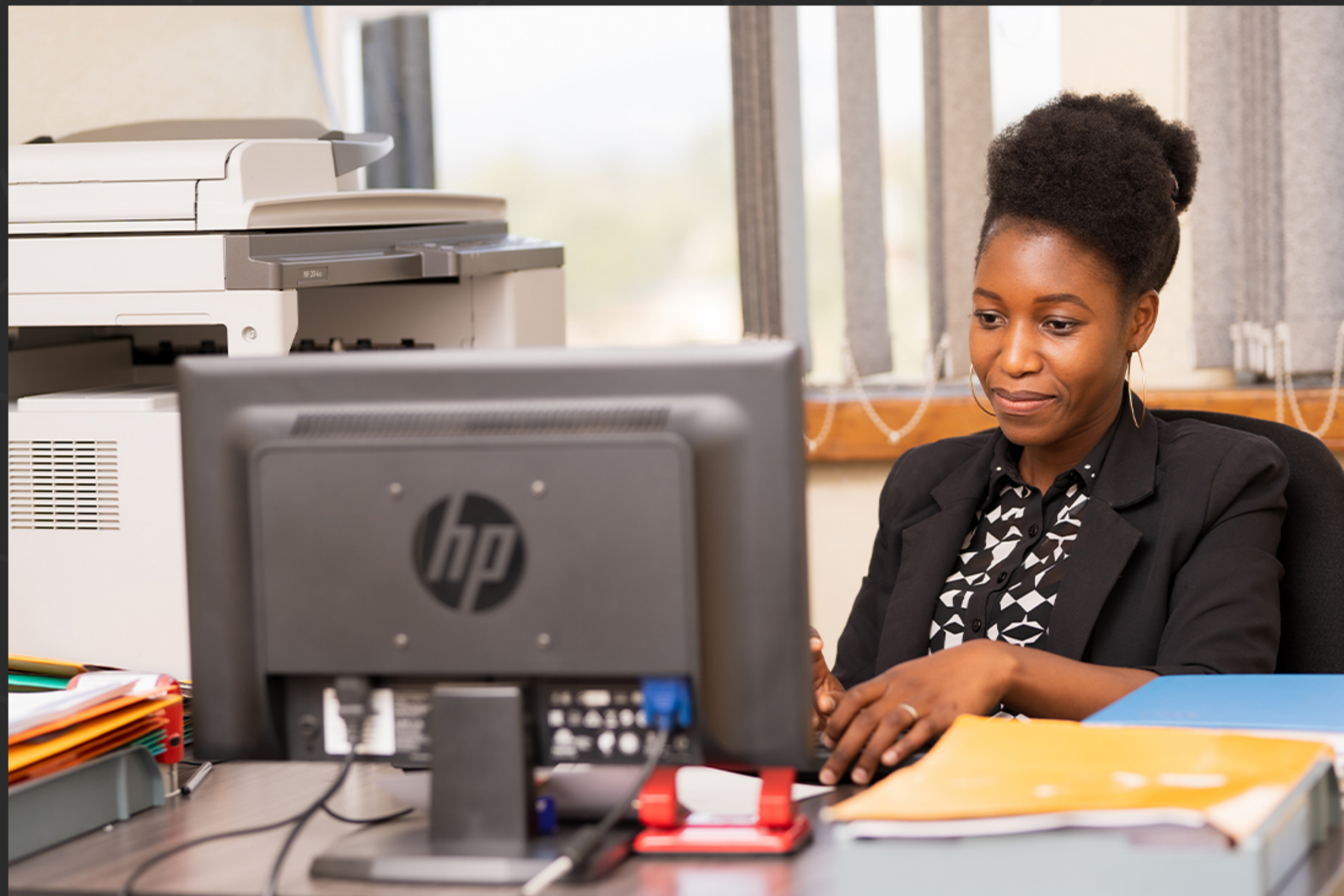


in defence for a client in a number of claims for unfair dismissal after the client had retrenched most of its staff following an acquisition.

**2017** • Acted for a corporate client in the financial service sector in a highly contested loan recovery claim for the sum of K1, 505, 877, 733.47.

**2016** • Successfully commenced and prosecuted a case in the High Court of Malawi on behalf of a statutory corporation against the Industrial Relations Court on its conduct in a labour matter involving the statutory corporation and one of its former top executives.

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**Emily Chaponda**

Administrative Assistant

Emily Chaponda is an administrative assistant in the firm and is responsible for handling most of the day to day administrative duties.



## LEGAL FEES

Except where scale and minimum charges apply pursuant to a Malawi Act of parliament or where a fixed fee is agreed upon prior to commencement of work, we charge for our services according to the time we spend on a matter and by reference to the applicable hourly rate. Legal fees are exclusive of any disbursements, taxes, and the Malawi Law Society (MLS) Levy.

The hourly rate applicable to a particular matter is dependent on the nature and complexity of the matter. Currently the hourly rates (exclusive of any disbursements, applicable taxes, and Malawi Law Society Levy) for our partners range between K30,000 to K75,000. The firm may at times request a payment on account of fees and disbursements expected to be incurred.

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