



## Jaco Lötter

IR Global's exclusive advisor for Real Estate in South Africa since 2022

# The art of good leadership: Putting people first

**Tonkin Clacey, a niche property law firm focusing on property transactions, property development, and property and development finance,** welcomed Jaco Lötter, a novice conveyancer at the time, to the firm in the mid-1990s. Since then, Jaco has moved through the ranks to his current leadership position as the firm's senior director, with responsibility for a large part of Tonkin Clacey Inc.'s strategic management.

Explaining the firm's role in the property development process, Jaco points out that Tonkin Clacey works closely with a wide range of role players in the property development community, including surveyors, town planners, banks and municipal authorities.

"Most of our clients are residential property developers, but the process is very multidisciplinary," Jaco says. "A good analogy is putting together a puzzle. It's not exactly project managing, but you have to have a good insight into the various disciplines, so you can keep everything together," he explains.

"The developer expects you to give guidance if something goes off track or is legally impossible – or for practical purposes in the Deeds Office where these transactions are eventually registered. We have to have a proper helicopter view of the whole process."

### Large and small residential developments

The types of developments Tonkin Clacey works on range from the large, multi-phased developments, to small, individual property projects: "This includes developments consisting of thousands of properties, running in phases over a number of years, as well as smaller projects where a 20 or less commercial or residential sections are being developed.

"The market dictates different responses in the different type of properties, but essentially it remains the same; you have the legislation underpinning everything and that doesn't change."

### Regional vs national/international focus

Unusually for legal advisors in the IR Global network, Jaco admits Tonkin Clacey does very little international work, although many investors in residential developments are from abroad. Indeed, the law firm does limited work outside Gauteng province. According to Jaco, the main obstacles are the different legal structures that exist in South Africa's nine provinces, which make it sometimes difficult for firms to work across the country's internal borders. "These include differences in the local planning

legislation. Each municipality, for instance, has its own bylaws regulating development and planning. And we find that it becomes difficult to stay on top of everything across the entire country". It is therefore necessary to collaborate with firms in other jurisdictions.

"Currently, we don't have any international work," Jaco says. He believes though that their participation in IR Global presents an excellent opportunity to lift their international profile and in turn provide their clients with international exposure.

### Western Cape and Durban

As well as a focus on Gauteng province, Tonkin Clacey takes on some work in the Western Cape and Cape Town area. But even this needs careful planning: "We collaborate with colleagues there to guide us on the local legislation. Overall, the basic concept remains the same, but it's challenging to stay on top of local legislation on a range of different projects."

One of Tonkin Clacey's biggest clients is Balwin Properties, a listed company mainly undertaking residential property developments in Gauteng, the Western Cape and Durban. This is probably the furthest geographical reach the firm has; most other projects are much closer to home, in and around Johannesburg and Pretoria.

Jaco explains the reasoning behind the firm's regional focus: "From a professional point of view, we have no objection to operating in more far-flung jurisdictions; the reality is, however, that people become protective of their territories".

Given that the majority of legal practitioners in South Africa are single practitioners rather than part of larger firms, this competitive protectiveness takes on an added dimension that is different from most other jurisdictions. Jaco acknowledges this peculiarity but is sanguine about it. "These are the rules we have all learned to live with," he says. For this reason, Tonkin Clacey is a member of the Phatsoane Henney Group, South Africa's largest association of independent law firms, and through this collaboration the firm is well placed to provide clients with services across local jurisdictions.

### Community projects – mentoring, leadership

Along with managing a mid-sized firm, by South Africa standards, Jaco is also involved in community, and mentoring and leadership issues. Indeed, he's gained an enviable reputation as a leadership role model (although

he's far too modest to shout about this achievement).

"It is essential for any successful business to mentor and motivate staff, encourage diversity and get the best out of everyone involved in the firm," Jaco comments. Unsurprisingly, the staff turnover at Tonkin Clacey is low – and Jaco is proud of that fact.

"Given the growth in the firm, which now employs about 65 people, we actually have a surprisingly low staff turnover," Jaco says. "And I take that as a compliment, as a positive for the firm. Not me personally, but it shows there is an environment here that people like to work in and feel comfortable in."

As a result, successful onboarding (a term Jaco loathes) is critical for ensuring all colleagues feel they belong at the firm. Again, this gets back to the importance of leadership. Jaco admits he's been lucky to be part of an exceptional leadership team who employ highly competent, capable individuals.

"You have to be very deliberate in how you put people together; obviously the morals and the ethics need to be the same, but beyond that as far as skills and competencies are concerned and even a vision of themselves, the culture needs to be diverse and that's our vision. "There is some luck involved in achieving that, finding people with complementary skill-sets, on different levels. And we focus very much on disadvantaged black South Africans who we exclusively employ as our candidate attorneys."

#### Importance of culture

For Jaco the culture at work is very important. It builds the brand, helps to ensure colleagues identify with that culture which in turn engages clients: "Culture is critical. Everybody who walks through the door must understand, at least on a very fundamental level, what it is we stand for. How we treat each other and how we treat our clients. "Simple things like: how do you conduct yourself? How do you do your work? Those are basics that everybody needs to understand."

Jaco is justly proud of the cultural diversity in the firm and how everyone has managed to build that collectively. This is particularly true of the young black members of staff who are often from poor urban areas with little hope of career advancement. He's very passionate about the firm's efforts to support integration.

"We can talk forever about our competitive nature, the competition and other legal issues we face as a firm. But I'd rather focus on the young people from poor, tough environments and how joining our firm has enabled them to buy their first car, or support their families in other ways. It's absolutely wonderful to see that.

"These are special people. The hard work is done by them. If you consider their disadvantaged backgrounds and the sacrifices it often requires from their families for them to study, it's a huge achievement. We feel privileged to play a small part in that process. That's really special."

"The wonderful thing about South Africa is just how people respond

to those things. On a human level. To look after each other."

#### Focus on our humanity

Jaco quotes Victor Frankl, the holocaust survivor, who once said success is not the most important issue. Frankl wrote: "If you do other things that matter, if you do that right, success will follow. The financial rewards will follow. But the starting point is not the focus and the pursuit of success and happiness. The focus should be on our humanity, looking at things that are more important than money and success."

As a result, success for Jaco and Tonkin Clacey is about a positive mindset and helping people to help themselves. Success follows from this and it's at the core of the firm's culture that he has inspired in others.

"Our people, our diversity are the foundation. A lot of the visibility of the firm is linked to their individual strengths, personalities and what they personify. That is critical to our success and our ability to remain competitive in the long run."

#### A born lawyer

Jaco always wanted to be a lawyer, even as far back as high school. He jokingly attributes this desire to all the legal shows being aired on TV at the time, where there was a romanticized idea of having persuasive arguments in front of a judge. "Perhaps I've always had an overdeveloped sense of right and wrong and I've seen the law as a tool to influence people's lives for the better," he smiles.

With IR Global, Jaco believes the network is invaluable for helping to market Tonkin Clacey: "It's a good marketing tool for us, and we hope that it could give our clients more international exposure. We believe that it's an opportunity for us and our clients to show the world what's happening here in the real estate sector in South Africa."

When Jaco is not helping to manage the firm or mentoring new recruits, he leads an active life mountain bike racing and climbing some of the world's biggest mountains.

"My pursuits are always outdoors." Mountain climbing is a particular passion of mine. I've climbed mountains from Russia to the Andes, volcanoes in Papua New Guinea and Kilimanjaro in Africa, things like that.

I guess you could call it a hobby, but climbing is generally hard work, especially the higher peaks. It takes a lot of time and effort, but it really is just a metaphor for life. Fortunately, my family and my colleagues are very supportive.

These days many of those pursuits tend to be more sedentary, for instance photography in the arctic circle north of Norway: "I spent a couple of days on a boat there recently, and it was an extraordinary experience. I also had the opportunity to visit Patagonia on a photography tour a few years ago. It's special that my wife can accompany me these days and share the experience. I've been so blessed, really. To have so many enriching experiences. I guess that's why I believe you just have to give back where you can and that's what I try to do in my job – and my life."

## Jaco Lötter

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As one of the few specialist property law firms in Johannesburg, South Africa, Tonkin Clacey Inc. has earned a formidable reputation for integrity, professionalism and skill in our niche areas of expertise. Notwithstanding our history of almost 30 years in the property sector and a solid network of relationships forged over many years, our ability to respond with creativity and adaptability to a challenging and



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ever-changing environment is a keystone of our success. Grounded in established values, always responsive to our changing environment and with a modern vision for our future, our team is a uniquely diverse but complementary resource of experience, knowledge and skill, able to provide the highest level of service to our clients. Tonkin Clacey their personal goals.