

Kumesh Moodley

Admitted Attorney I
Technology Litigation I
Intellectual Property I
Strategic Advisor I
Executive Legal Counsel

Contact

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Areas of Expertise

- Complex Civil and Commercial Litigation
- Arbitration
- Intellectual Property Law
- Technology Law
- Software-centric Commercial Transactions
- Electronic Discovery & ESI Management
- Software Restoration, Analysis & Comparison

Technology & Legal Tools

Applications: Microsoft Office 365, Adobe Acrobat Pro DC, AccessData Summation iBlaze, Merlit

Operating Systems: Windows & macOS

Technologies: HTML, XML, CSS, XSL, JavaScript, Cobol, Powerhouse

Languages

Executive Summary

Presenting a distinguished legal career spanning over 20 years, Kumesh Moodley has earned a formidable reputation as a litigator, strategic litigation advisor and legal technologist. With a practice forged at the intersection of commercial law, intellectual property, and emerging technologies, Kumesh is recognised for his ability to decode legal complexity and deliver commercially astute outcomes in high-stakes environments. His leadership is defined by a rare synthesis of deep legal proficiency, litigation acumen, and an intuitive grasp of the digital landscape—attributes that have positioned him as a trusted advisor to executives within listed entities, executive boards, trusts and clients in South Africa and abroad.

Kumesh's practice has consistently traversed the most intricate terrains of dispute resolution—from complex commercial litigation to the multifaceted and intricate software-intensive litigation. His legal craftsmanship extends to guiding the architecture of IP-centric commercial transactions and acting as an electronic discovery consultant to a top-tier law firms. Equally adept in all aspects of mainstream litigation and strategic advisory roles, he excels at orchestrating multidisciplinary legal teams, engaging with technical experts and managing electronic discovery workflows with an eye for innovation and efficiency.

Respected for his integrity and clarity of judgement, Kumesh is frequently called upon to advise at board level, offering not only legal insights but measured diplomacy in high-pressure contexts. He serves as a long-standing trustee and adviser across several nonprofit and philanthropic boards—testament to his commitment to governance, mentorship, and ethical leadership. As the legal and commercial landscapes rapidly changes in an increasingly digitalised world, Kumesh remains a cornerstone of strategic legal stewardship, where commercial foresight and principled advocacy meet.

Work History

2023-01 -
Current

Head of Legal

Intrinsic Consulting, Cape Town , Western Cape

Intrinsic Consulting is a multidisciplinary consultancy that integrates legal, engineering, and data science expertise to deliver end-to-end litigation, forensic, and business advisory solutions. It offers specialised services in dispute resolution, eDiscovery, forensic analysis, and intellectual property. Kumesh leads the consultancy's litigation and legal strategy portfolio.

2012-01 -
Current

Founder & Head of Dispute Resolution

Kumesh Moodley Attorneys, Cape Town, Western Cape

Kumesh founded and leads a boutique dispute resolution

practice renowned for handling high-value, technology-intensive legal disputes. The practice specializes in complex civil and commercial litigation, including technology and intellectual property matters as well as electronic discovery and software analysis.

2009-01 -
2012-12

Director: Dispute Resolution

Eversheds Attorneys

Focused on commercial and intellectual property litigation in the High Court and in Arbitration.

2008-01 -
2009-12

Director: Litigation

Fairbridges Attorneys

Focused on commercial and intellectual property litigation in the High Court and in Arbitration.

2007-01 -
2008-12

Associate: Litigation

Fairbridges Attorneys

Focused on all aspects of civil, commercial and intellectual property.

Professional Experience

- Represented the claimant in a R2.2 billion arbitration arising from allegations of contractual breach and the unlawful emulation of proprietary computer software.
- Represented defendants in High Court proceedings involving a R100 million copyright infringement claim concerning the alleged reproduction and adaptation of proprietary source code in computer software.
- Led a multidisciplinary team in managing the review and analysis of over 17 million pages of electronically stored information and 500,000 hard-copy documents during a large-scale discovery process. This resulted in the identification of 64000 documents that were used in support of our client's claim.
- Served as lead attorney in a forensic investigation assessing two competing software systems, overseeing operational inspections and technical analysis to evaluate functional performance and determine potential commonality in source code execution and system behaviour.
- Led a team of software experts conducting source code analysis within a SourceSafe environment, examining version histories to determine code authorship, modification timelines, and the intent behind specific changes.
- Directed a specialist software team in the forensic analysis of proprietary change control and CRM platforms—HEAT and WebRT—with the objective of determining what changes were requested by users, the rationale behind those requests, how and when the changes were implemented, and by whom.
- Led an independent expert in the in-depth comparative analysis of 58 source code exemplars from two competing software systems—comprising over 40 million lines of

- code—to identify commonalities in program and database structure, functional behaviour, and logic flow.
- Directed both the quantitative and qualitative analysis of two web-based applications and guided a comparative assessment of their source code to evaluate the extent of potential copyright infringement.
 - Supervised the restoration of computer software source code from archival backup tapes, ensuring the successful reconstruction and operational deployment of the software environment.
 - Advised on a range of technology-focused commercial transactions, including the sale of business assets, sale of shares, and the negotiation of services, shareholder, and confidentiality agreements. Particular focus has been placed on the valuation and strategic acquisition of intellectual property, including the purchase of copyright in bespoke software applications.
 - Drafted arbitration agreements, confidentiality undertakings, and specialised escrow arrangements to ensure the secure custodianship of proprietary software by third-party attorneys for use in discovery and trial.
 - Regularly engaged in a wide spectrum of civil and commercial litigation, including High Court proceedings, arbitration, and alternative dispute resolution. Experience spans contractual disputes, insolvency matters, and family law, with a consistent focus on strategic advocacy and client-centric legal solutions.
 - Actively mentored junior attorneys—including candidate attorneys and associates—at two leading firms, providing guidance on legal strategy, drafting, and professional development within high-pressure litigation environments.
 - Advised several education-focused non-profit and philanthropic organisations on legal structures, governance, and funding initiatives supporting a broad range of educational interventions—including tuition support, scholarships, and high school entrepreneurship training. Played a key role in aligning these entities with relevant regulatory frameworks and compliance requirements, where applicable.
 - As a litigation specialist, I have routinely undertaken the full breadth of responsibilities required in legal practice. This includes client consultation and strategy formulation, drafting pleadings and affidavits, briefing and consulting with Counsel, appearing in court, managing discovery and interlocutory applications, and navigating pre-trial and trial processes. I have engaged with matters across various divisions of the High Court and in arbitration forums, with experience spanning civil, commercial, contractual, administrative, insolvency, and family law disputes. My practice also encompasses legal research and opinion writing, settlement negotiations, enforcement of judgments, and close coordination with experts, witnesses, and counterparties throughout the litigation lifecycle.
 - Recognised for a diplomatic and personable approach to

legal practice, frequently called upon to navigate impasses, engage adversaries constructively, and build consensus in contentious environments. Trusted by clients and colleagues alike to de-escalate conflict while advancing strategic legal outcomes with integrity and persuasion.

Education

1993-01 -
1997-12

Matric Exemption

South African College High School

2001-01 -
2004-12

Bachelor of Laws (LLB): Law

University of Cape Town - Cape Town, South Africa

1998-01 -
2000-12

Bachelor of Social Science (BSocSc): Political Science

University of Cape Town - Cape Town, Western Cape

Board & Advisory Roles

- Trustee, School Entrepreneurship Trust | 2012 – Present
 - Board Adviser, Neil Harvey & Associates Trust | 2008 – Present
 - Board Adviser, Neil Harvey & Associates (Pty) Ltd | 2008 – Present
 - Adviser, SACS Old Boys' Union | 1999 – Present
 - Former Trustee, SACS Foundation | 2014 – 2015
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Personal achievements

- 2019: Represented the South African KSI Karate Team at the Kimura Challenge in Johannesburg
 - 2020: Selected as a member of the South African KSKarate Squad to compete at the KSI Karate World Championships
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References

- Advocate Johann Gautschi SC, Johannesburg Bar - Email: jrgautsh@law.co.za; Cell: 082 447 2627
 - Advocate Steve Kirk-Cohen SC, Cape Bar - Email: stevekc@capebar.co.za; Cell: 082 774 7247
 - Gavin Harvey, Profmed Board of Trustees - Email: gavin@tnt.co.za; Cell: 082 443 6363
 - Yvonne Perumal, General Counsel Liberty Group Limited - Email: Yvonne.Perumal@liberty.co.za; Cell: 084 525 6094
 - Andrew Finlayson, Co-Founder of Maven Wealth -Email: andrew@mavenwealth.co.za; Cell: 084 443 8498
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Technology & Legal Tool

- Applications: Microsoft Office 365, Adobe Acrobat Pro DC,

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- Operating Systems: Windows & macOS
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