

BA LEKGOTLA LA MOLAO  
LA FREISTATA

DIE PROKUREURSORDE  
VAN DIE VRYSTAAT

THE LAW SOCIETY  
OF THE FREE STATE



BA LEKGOTLA LA MOLAO LA FREISTATA  
DIE PROKUREURSORDE VAN DIE VRYSTAAT  
THE LAW SOCIETY OF THE FREE STATE

# 2018

JAARVERSLAG | ANNUAL REPORT

# CONTENTS

Council Members	04
Personnel Members	08
President's Report	10
Director's Report	13
Nostalgia	14
Committee Reports	17 - 30
LSSA Report	31
AFF Report	32
AIIF Report	33
ADF Report	34
Human Rights Commission Report	36
LASA Report	38
NPA Report	39
NADEL Report	40
BLA Report	41
Legal Practice Act & National Forum	42
Exam Admissions Report	44
Listing of Law Firms	46
List of Presidents, Secretaries, Treasurers and Council Members	56
Chief Executive Officers and Executive Officers	57
Council Members	57
Panel of Examiners	59
Admissions	59
Enrolments	60
Articled Clerks Registered	60
Enrolments & Admissions	
Notaries	61
Conveyancers	61
Councillors Attendance Register	61
Memoriam	61
Trust Interest	63
Appreciations	63





# Council of the Free State Law Society for 2017 - 2018



**Standing from the left:** HC van Rooyen, TV Matsepe, D Qwelane, J Fouche, C Siyo, JJ Maree, D Milton, E Horn, A Mohobo

**Sitting from left:** NP Maduba, VM Morobane, DB Bekker, T Leope

## COUNCIL

V.M. Morobane (President)  
D.B. Bekker (Vice-President)  
C.T. Siyo  
H.C. van Rooyen  
E. Horn  
J.J. Maree  
M.A. Mohobo  
D.S. Qwelane  
T.V. Matsepe  
D.B. Bekker  
J. Fouché  
N.P. Maduba  
D. Milton

## ADDRESS

139 Zastron Street, Bloemfontein  
P. O. Box 319, Bloemfontein  
**Tel:** 051 4473237  
**Fax:** 051 4307369  
**Web:** [www.fs-law.co.za](http://www.fs-law.co.za)





# COUNCIL Members



## VUYO MOTSEKI MOROBANE

I was born in Bolokanang, Petrusburg in the Free State Province on 17 August 1973. Matriculated in 1992 at Sehunelo Senior Secondary School in Bloemfontein and studied law at the University of the Free State. I did my articles at Naudes Attorneys (now Phatshoane Henney Inc) and I was admitted as an attorney on 6 July 2000. Currently practising as an attorney for own account at Morobane Incorporated since 1 January 2009 in Bloemfontein.

I was elected as a member of the council of the Free State Law Society in October 2012 to date. I was elected as President for the following periods, 2014/2015 and 2017/2018. I also served as Vice President for the period 2016/2017. I am the current President and an ex officio member of Council of the Law Society of South Africa ("LSSA").

I am a member of the Executive and Finance Committees since 2014 and currently the Chairperson of both committees. I am also serving in the following LSSA committees and/or bodies: member of the Labour Law Committee and member of the Board of Control - School for Legal Practice (Bloemfontein) and as examiner for Court Practice module for the Attorneys' Admissions Examination.

I am a member of the Black Lawyers Association ("BLA"). I was elected as the Chairperson of the Free State branch from October 2012 to April 2018, a member of the National Executive Committee ("NEC") from October 2015 to March 2018, and as Head of Legal Education and Research in the NEC as from March 2018 to date.



## JOHANNES FOUCHÉ

I was born in Winburg, matriculated at Excelsior and graduated at the University of the Free State in 1974.

After being a public Prosecutor and thereafter a Municipal Official, I did my articles at Wesselsbron. I was admitted as Attorney in 1982 and as Conveyancer in 1996.

I am practising at Rouxville in the Southern Free State since 1986.

I was elected to the Council of the Free State Law Society in 2003. I served ex officio on the Attorneys Fidelity Fund and the LSSA.

I was a member of the negotiation team, representing the Attorneys profession, at the National Forum.

I am married to Thea Fouché since 1972, who supported me throughout my career and as a Councillor.

I am a keen collector and enthusiast of classic cars.

I thank the Lord for the opportunity to serve the Profession.



## DAVID BOTHA BEKKER

I was born in Graaff Reinet in the Eastern Cape, matriculated in Barkly West in the Northern cape and studied law at the University of the Free State.

I did my articles at Naude and Naude in Bloemfontein (now known as Phatshoane Henney Inc). On 17 March 1977 I was admitted as an attorney and as conveyancer on 23 June 1977.

I am practising as an attorney for my own account since 1 June 1977 at Harrismith, and since 1 January 1982 in the partnership known as Cloete & Neveling, Harrismith and since 1 May 2000 as Cloete & Neveling Incorporated.

I was elected a council member of the Free State Law Society on 27 October 1989. In October 1994 I was elected President of the Free State Law Society and served until October 1996 and was elected as vice President in October 2017.

In 2009 I was elected Council member of the Law Society of South Africa and member of Management Committee since 2010, co-chair of the Law Society of South Africa for the period 2013/2014 and again for the period 2017/2018.

I was elected as trustee of the Legal Provident Fund in April 2009 and in April 2013 to serve as Councillor at the Commonwealth Lawyers Association.

I serve on various committees of the Law Society of South Africa namely the Deceased Estates, Trusts and Planning Committee, Financial Intelligence Act Committee, Practice Development and Competition Committee. I served as a member of the FIC Appeal Board for a period of three years as from 1 July 2011. I am an examiner for Deceased Estates module of Attorneys Admissions Examination.



## TŠIU VINCENT MATSEPE

I was born in Kroonstad, in the Free State Province. I attended school there and matriculated at the only High School available to black people.

I was admitted to the then Turfloop University and expelled after 2(two) years for involvement in the student uprising of 1972.

I then had to study part time through UNISA and battled it out for some time.

I ended up serving articles at the firm Schoeman Kellerman & Kotze, Welkom.

I was admitted as Attorney of the High Court Free State in 13 December 1984.

I served in various committees of the LSSA.

I served as president of the Law Society of the Free State in 2006.

I have been a member of the BLA from its inception and still am to date hereof. It is in that capacity that I found value in contributing to the enhancement of efficacy of the Law Society and Legal Fraternity as a whole.



#### DEIRDRE MILTON

Deirdré Milton was born in Pretoria and matriculated in 1972 at the Lyttelton Manor High School. She attended the University of Pretoria from 1973-1977 where she completed her BA(Law) LLB degrees.

In 1978 appointed as a junior lecturer in the Department of Criminal Law the University of Pretoria and also lectured in 1981 during her articles for the same department.

In October 1979 - 1981 she entered into a contract of article contract with Macrobert, de Villiers and Hitge. Pretoria, and was admitted as an Attorney in the High Court of Pretoria. In November 1981.

In 1982 she was appointed as only the public prosecutor, Clerk of criminal court and Legal aid officer for the district Groblersdal and Marble Hall, Mpumalanga until June 1987, in the district her husband was farming.

In June 1987 the Milton family moved to Bloemfontein, and she was transferred to the State Attorney's office as Assistant State Attorney and later Senior State Attorney until February 1995.

In March 1995 she opened her own practice Milton & Earle with a colleague from the State Attorney until December 1999 where after in 2000, the firm amalgamated with Bezuidenhouts Inc, where Mrs Milton is presently still practising as senior Director. Her field is commercial law, and Litigation in the Magistrate, High Court, Appeal Court, specialising in Family Law and Appeal court. Mrs Milton is also an accredited mediator for Family Law matters. During 2007, she was appointed as an acting Judge for 3 terms in the Free State High Court and thereafter was placed on the short list in 2009 for a vacant position.

Served on many committees namely the Judicial Committee of the University of Pretoria, Judicial Committee of the University as secretary and later treasurer. Served on the Bloemfontein Attorneys Association as treasurer from 1990 – 1997. Co-opted to the LSSA Committee to arrange the International Law Conference held in Bloemfontein in 1996.

Council member on the Free State Law Society from 2004 until 2018 and served as President during 2016 being the first woman appointed as President of the Law Society of the Free State.

Served on the LSSA Family Law and Gender Committee as Free State representative from 2003 till present. Served as a member on the LSSA Ethics Committee as Free State representative from 2009 until 2018. Served on the Disciplinary Committee of the Free State Law Society from 2008 until 2013.

Studied French at the Alliance Francaise from 2002 till 2017 and appointed as Vice President from 2003 till 2005.

Mrs Milton has two sons and a daughter age 34, 32 and 29, respectively. Her hobbies are Pilates, Bio-kinetics, reading, gardening, entertaining, hiking, travelling and music.



#### HC VAN ROOYEN

Director at Neumann Van Rooyen, Welkom (since 1989).

Member of the Council of the Free State Law Society (since 1994).

Member of Management Committee of LSSA for several years.

Co-chairperson of LSSA (2009).

Member of the Board of Control of the Attorney's Fidelity Fund (since 2009). Director of the Attorneys Insurance Indemnity Fund since 2014.

Was a member of several committees of the above structures over the years.

I am married to Marie and the father of three children and grandfather of two grandchildren.

It was a life enriching experience for me to be a member of the Council of the Free State Law Society and other Attorneys associated structures.



#### ETIENNE HORN

I was born in Richmond in the then Cape Province and attended school in Bloemfontein, where I also matriculated.

I studied law at the Free State University, did my articles at the law practices of my father (Horn & Co) and later at the firm Van der Merwe & Sorour and was admitted to practice on 13 May 1982. I commenced to practice for my own account in partnership at the firm Van der Merwe & Sorour upon my admission as attorney and am still a partner in the firm.

I was elected as Chairperson of the Bloemfontein Attorneys Association in the early 90's, as a council member of the Free State Law Society on 4 May 1995 and served as Vice-President and President of the Law Society for the 2002/2003 and 2003/2005 years respectively.

In 2005 I was elected as Co-chair of the Law Society of South Africa and served as such for the 2005/2006 year. I am currently a serving member of the Board of Control of the Attorneys Fidelity Fund.

My further involvement with the organised profession was as a member of various LSSA Committees, being High Court, Magistrates Court, Audit and Remuneration, and Joint Attorneys and Accountants. I was appointed as the representative of the Attorneys Fidelity Fund on the National Forum on the Legal Profession with effect from November 2017. I serve on the examination panel of the Free State Law Society as an examiner for the Deceased Estates module of the Attorneys Admissions Examinations.

At Law Society level I have the honour to still serve as a member of the Executive, Financial and Transitional Affairs Committees of the Council of the Law Society of the Free State.

# COUNCIL Members



## ARNOLD MOHOBBO

I am a Practising Attorney, married with 2 minors residing in Bloemfontein.

From 11/2/1997 till 2/12/1998, I articulated at Hilton Moodaley Attorneys in Mitchell'splain,

From 2/2/2000 till 2/11/2000, I was a paralegal at Bonisile Fonk and Associates, Mitchell'splain,

On 3/11/2000, I got admitted as attorney of the High Court at Cape of Good Hope Provincial Division,

From 3/11/2000 till 01/06/2001, I was a Professional Assistant (Practising Attorney) at Bonisile Fonk & Associates, Mitchell'splain,

From 2/7/2001 until 28/6/2002, I was a Senior Partner at Mroxisa & Danisa Partners, Bongweni, Khayelitsha,

From 01/07/2002 until 31/03/2007, I had my own practice under the name and style Mohobo Attorneys, Mandalay, Mitchell'splain,

From 2/04/2007 until 31/01/2010, I was the Executive Officer at the Free State Law Society,

From 01/02/2010 until 30/06/2013, I was the CEO of the FSLS,

From 15/07/2013 to date, I am the Senior Assistant State Attorney, Bloemfontein State Attorneys, DOJ&CD.

I am currently a provincial chairperson of NADEL, Bloemfontein Branch.



## DS QWELANE

Highly efficient legal practitioner with an extensive knowledge in Civil and Labour Law litigation. Extensive experience and practical understanding of the Magistrate Courts Practice, Labour Law Forums, High Court and their related procedures. A self-starter and team player with excellent grasp of concepts. Excellent client handling and configuration skills. Having an ability to clearly communicate complex information, legal issues and procedures. I am able to work under pressure with very limited supervision and support. I am very creative and resourceful and am able to achieve much with very limited resources.

I also Chaired the Assemblies of God Church Audit and Finance committee wherein we had to manage finances for over 40 congregations in both Free State and Northern Cape Provinces and this task included setting and development of financial policies and also development of finance reporting mechanisms.

Over the 15 years of working as a candidate attorney and later practising on own account I have moved from a mixture of Criminal, Labour and Civil law to a point where I purely practice in civil and labour law from 2004 until date. My day to day duties involves but not limited to the following:

- Court appearances
- Drafting of pleadings
- Attending to arbitration and regulatory investigation for clients
- Typing of private business contracts i.e. joint venture agreements, partnership agreements, constitutions and other related documents.
- Staff and finance management for the company.
- Legal research and drafting of opinions
- Consultation with clients.
- Dealing with drafting of financial reports and audit statements
- Arranging and Chairing of meetings.
- Audit investigations and preparation of investigation reports.

I am a very optimistic person and a firm believer that human nature has the ability to overcome all adversities if it focuses itself on overcoming. I am a good motivator, more internally driven than externally influenced. I strongly believe that our value as a people is and should NOT be measured by what we have, but by what we have honestly achieved from what we had when we started.



## NOXOLO MADUBA

Mrs Maduba is the founder and Director of Maduba Attorneys Incorporated based in Bloemfontein. She is specializing among others, in civil litigation and corporate governance advisory services since January 2013. She holds a B. Proc. from the University of Transkei as well as a Certificate in Leadership Development (CPLD) from Wits Business School. She was admitted as an Attorney in 2000 and has been practicing since then. She has worked as a Justice Centre

Executive with Legal Aid SA in the Colesberg, Kimberley and Bloemfontein promoting the interests of the marginalized groups and communities. In 2011, she was elected and the National President of the South African Women Lawyers Association (SAWLA), an advocacy group aimed at advancing women in the legal profession and women's human rights in general. She was further re-elected as the President for the second term in March 2014 in which she served until 2017.

She is an active member of the Black Lawyers Association and currently the Secretary General of the organisation nationally. She is one of the 2 Councillors representing South Africa in the SADC Lawyers Association. She has since been nominated by the BLA to serve in the Legal Practice Council which will pave the way in the new dispensation of the profession.

She has an extensive proven leadership track record, with diverse background from public institutions, voluntary association and private practice. While running her law firm, she is also the Board Secretary for Bloemwater, a Section 3B entity that supplies bulk water in some areas of Free State and her role is to provide legal support and good corporate governance practice advisory to the Board.

She has done a number of presentations and publicly stands for the organisations she is serving.

She is married, with 2 children.





### CUMA TABO SIYO

My name is Cuma Tabo Siyo the second born of four siblings to my mother and late father. Ironically, I am the only one who has a Sotho name at home and I happen to work and fell in love with the Free State.

Born and bred in the outskirts of the former Transkei, in the rural village of Khwenxura, my formative years a filled with memories of the sprawling landscapes and many years of working in the fields with one's bare hands. My

late father was a magistrate and my mother a nurse (now you see where the legal influence comes from). I attended my primary and tertiary education in the Eastern Cape. I went to the former University of Transkei in 1993 to study law where I enrolled for a B.Proc degree for a period of four years. In 1997, after completing my LLB degree, I enrolled for an LLB degree for a period of two years.

In the year 2000, for the first time in my life, I went outside the borders of the former Transkei and headed to Welkom to serve articles where I articulated, initially, under Mr Nengwekhulu formerly of Negwekhulu attorneys for a year. I then ceded my articles to Mr T V Matsepe of Matsepe and Lekale attorneys (now known as MATSEPES) following the winding down of Nengwekhulu attorneys. I served under Mr Matsepe for a year as a candidate attorney. I was admitted on 17 October 2002 and remained with the firm, as a professional assistant, until the end of April 2004.

In May 2004 I moved to Bloemfontein where I joined Legal Aid South Africa, Bloemfontein office, as a professional assistant. I came through the ranks in the organisation from being a professional assistant to a supervisory professional assistant and later to a Principal attorney in which capacity I trained and mentored a number of candidate attorneys. I must mention that my passion for justice and the people, in particular access to quality legal services, inspired my decision to join Legal Aid SA.

In April 2011 I was appointed the Head of Office for the Botshabelo office of Legal Aid South Africa, the position that I am currently holding.

I am an activist at heart. This activism manifested itself many years ago when I was still in the former Transkei where I organised the youth in our community and adjacent communities. During this period, we established music groups that went on to record professional albums. The rationale was to keep the youth busy, away from the life of crime, and to promote their inherent talents. It is this activism that saw me join NADEL (the National Association of Democratic Lawyers) in 2006 where I became a member in the Bloemfontein branch. In April 2009 I served NADEL as its branch chairperson for the Bloemfontein branch until September 2012.

My passion for justice, the law, and the people saw me being appointed the Small Claims Court Commissioner for various towns in the Free State in November 2012. I am still an active commissioner for the respective courts. I joined the Law Society of the Free State as a councillor in April 2016 where I serve in the councillor and a number of other committees. In February 2017 (following the stepping down and the departure of the sitting president) I was elected as the president of the Free State Law Society the position I relinquished in October 2017 after my tenure came to an end.

In October 2017 I was elected the board member of Kidz Care Trust, a Bloemfontein based NGO, that seeks to address the plight of street children. I believe in inclusive leadership and am very passionate about people's development. I attended various leadership workshops at Legal Aid South Africa. I obtained an MBA certificate in Leadership from Wits University in 2012. In 2017 I was voted manager of the year at Legal Aid South Africa.



### JAN JACOBUS MAREE

Mr. Maree was born in Brandfort in 1948 and matriculated at Brandfort in the Staats President Swart High School in 1966.

Interesting developments at the Brandfort High School whilst I was a scholar are:

Due to the ties of Mr C R Swart MP with Brandfort (he was resident on the Farm De Aap, district Brandfort) the Brandfort High School obtained his permission to be named

Staats President Swart High School after his inauguration as State President. His first public appearance (after election but before inauguration) was at the school for the name giving.

The late Dr Hendrik Verwoerd's parents had a bookshop in Brandfort. After his assassination on the 6th of September 1966 Dina de Bruyn and Mr Maree as head girl and head boy attended the State funeral representing the State President Swart High School at the Union Buildings of Pretoria.

Mr Maree obtained the B-Com Degree in the year 1972 and the LLB Degree in 1975. He was admitted as an attorney and joined the partnership Van Deventer, Daffue & Maree (later Van Deventer & Maree) in 1976. In 1994 Van Deventer & Maree and Schoeman Smith Attorneys amalgamated and the practice Schoeman Maree Incorporated was established. Mr Maree resigned as director of Schoeman Maree Incorporated in April 2014 and at present is practising under the name Maree & Partners.

#### *Involvement In The Profession*

Mr Maree's involvement in the organised profession is as follows:

- A member of the Steering Committee of the Bloemfontein Attorneys Association - 1988 to 1994
- As council member of the Free State Law Society - October 1993 to date
- As President of the Council of the Free State Law Society - October 1999 to November 2001
- Board of Control : Attorneys Fidelity Fund - 1999 to 2005
- Board member of the Legal Aid Board (later Legal Aid South Africa) for approximately 15 years. He served under the chairmanship of Eloff JP, Plewman JA, Navsa JA and Mlambo JP
- Council of the LSSA - 1997 to 2003
- Co-chairperson of the LSSA - March 2001 to March 2002
- Member of the following Standing Committees of the Association of Law Societies as well as the Law Society of South Africa

High Court Committee  
Magistrates Court Committee  
Legal Aid Committee  
Legal Education Committee (almost 20 years)  
Audit and Remuneration Committee  
Corporate Governance

Representing the Free State Law Society on the National Forum (established in terms of the Legal Practice Act) and was serving as Chair of the Education Committee and member of the Executive Committee, Rules Committee, Costs Committee and Election Committee.

Mr Maree will stand down as council member of the Free State Law Society when the Free State Law Society is dissolved in terms of the Legal Practice Act in October 2018.

## PERSONNEL Members



T Leope (Director)  
 AM Obbes (Executive Officer)  
 RP Sykes (Financial Officer)  
 V Mothibi (Financial assistant)  
 S Henney (Legal Officer – Disciplinary Department)  
 Bd Moloele (Legal Secretary Disciplinary Department)  
 O Legetla (Filing Clerk – Disciplinary Department)  
 C Fourie (Legal Officer – Pro Bono Department)

B Pata (Legal Secretary Pro Bono Department)  
 NO Seameco (Filing Clerk – Pro Bon Department)  
 A I Maree (Executive Secretary)  
 H Bezuidenhout (Senior Administrator)  
 MV Mathikge (Receptionist)  
 T Rampooane (Junior Administrator Records Department)  
 M Nxoyi (General Office Assistant)  
 V Molotsi (General Office Assistant)





Ba Lekgotla la Molao la Freistata  
Die Prokureursorde van die Vrystaat  
The Law Society of the Free State

---

# REPORTS





## PRESIDENT'S REPORT

### Motseki Morobane

#### Introduction

I am humbled and honoured to have been elected to serve as President of the Council and the Law Society of Free State for this past year. I availed myself of the opportunity to serve the profession and to make a difference! The difference I intended to do was to foster good relationships with the members of the Council, Law Society staff, legal practitioners and various stakeholders. A change in mindset was necessary because of the anticipated new dawn to be brought about by the Legal Practice Act.

A number of challenges presented themselves in the Council and the battle of ideas ensued unabatedly due to competing interests and emotions. It is on this basis that a balance had to be struck between these competing interests and what is in the best interest of the profession! By working together, we have built a foundation for an entity which is strong enough to be inherited by the Legal Practice Council. If ever I have achieved anything in my contribution to make a difference, it would be due to the able and competent men and women in my team – the members of the Council. It was not easy, but your integrity and disciplined work ethic was exemplary. You have set a good standard from which young lawyers should take a leaf.

Obviously our mandate would not be complete without the support of management. I am indebted to the Director Mrs Leope and her dedicated team. Each person's duty has proven to be valuable and necessary to achieve our goals. I will forever cherish the high spirit and rejuvenated morale I encountered in the office. It is because of you, the employees, that the Free State has claimed the centre stage in the national discourse.

Thank you very much for your support and contribution. Ke a leboha.

#### Brief history of the Law Society

To know where we are going, we must look at our past and learn from it. This year marks 133 years since the Law Society of the Free State was established. The Oranje Vrijstaatsche Vereeniging van Rechtspraktizijns was incorporated under Ordinance No. 4 of 1885 by the Volksraad van den Oranje Vrijstaat. In its memorandum of association, among others, the object of the law society was "to maintain and promote the dignity, status and interest of Advocates, Attorneys and Notaries practising in the Free State. After a period of war, the law society was reincorporated by Ordinance 9 of 1903 of the Orange River Colony and the membership was restricted to attorneys and notaries.

The ordinance made the membership of the law society compulsory for each practising attorney and notary. The law society remained untransformed and did not represent the interests of other "racial groups" other than the "whites". Laws and rules were amended and changed until the enactment of the Attorneys Act 53 of 1979 which brought us to the Law Society of the Free State and the current dispensation. Some progress was achieved, but a large number of our members are indifferent to the law society and its mandate.

In 1979 the late ntlate Jake Moloi became the first black attorney in the Free State Province to open his own practice under the name and style Jake Moloi and Partners in Welkom.

Three of his article clerks went on to become judges of the

High Court of South Africa, namely: Judge MB Molemela – who was appointed as the Judge President of the Free State Division and later as Judge of the Supreme Court of Appeal, and judges EM Kubushi and AM Mathebula.

The formation of the Law Society of South Africa (“LSSA”) was one major development which brought about inclusive council representation based on 50 : 25 : 25 model. This move saw the Black Lawyers Association (“BLA”) and the National Association of Democratic Lawyers (Nadel”) each claiming 25% of the seats in all statutory councils and in the LSSA council. We have now come to know that the law society is not only concerned with compliance issues by its members, but it is also a business partner to every practising attorney.

Amongst many proud moments, Judges Moloi, Molemela and Mathebula also served as members of the Council of the Law Society of the Free State. We have had a rare opportunity in that two partners of a Welkom based law firm, while serving as members of this Council, went on to become Judges of the High Court of South Africa, Free State Division. That is, Judges NM Mbhele and JJ Mhlambi. It is particularly interesting that both Judges Mathebula and Mhlambi served as President of the Law Society, respectively.

It would be remiss of me if I did not acknowledge Mr JB Mthembu for being the “first black” President of the Law Society for the period 2001/2002, and Ms D Milton for being the “first female” to be elected as President of the Law Society for the 2015/2016. Congratulations, we are proud of your record breaking achievement of being amongst the firsts!

## Personalia

We remember our fellow practitioners who have departed from this world due to death. Your contribution to the profession will not be forgotten. May your souls rest in peace.

The Council Congratulates Mr Max Boqwana on his election in August 2018 as the President of the Southern Africa Development Community (“SADC”) Lawyers Association. We wish him well and hope that the professional regional integration will truly take in place under his leadership.

I wish to congratulate the staff, the Black Lawyers Association, National Association of Democratic Lawyers and the Independent lawyers for having brought us to this point. And, in the words of the late Robert Sobukwe, *“Let me plead with you, lovers of my Africa, to carry with you into the world the vision of a new Africa”*.

## Law Society of South Africa

A lot of strides and achievements have been made since the advent brought about by the LSSA. The LSSA will continue to exist for another 3 years where negotiations are taking place with regards to its perpetual existence in a different form or not.

## The legal practice act, national forum & transitional provisions

The National Forum on Legal Profession (“National Forum”) was established in terms of Chapter 10 of the Legal Practice Act 28 of 2014 as a transitional body. According to the Terms of Reference, the National Forum must make recommendations to the Minister of Justice and Correctional Services on:

Elections of the Legal Practice Council (“LPC”); Establishment of Provincial Councils (“PC”), their areas of jurisdiction and the manner in which the PC must be elected; Composition, powers and functions of the Provincial Councils; and Practical Vocational Training requirements and the right of appearance of candidate legal practitioners.

## Code of Conduct

The code of conduct for legal practitioners, candidate legal practitioners and juristic entities was published in Government Gazette No. 40610 of 10 February 2017 from page 136 to 193 and will be applied after the establishment of the Legal Practice Council.

## The Rules

The rules were published in Government Gazette No. 41781 of 20 July 2018 from page 72 to 164 and will be applied after the establishment of the Legal Practice Council. The rules deal with the following matters among others: Election procedure for purposes of constituting the Provincial Councils; annual subscription fees by legal practitioners and the administrative fees payable for certificates etc.; Education and training – registration, practical vocational training of Candidate Attorneys (CA”) and Pupils, assessment and the practice management course; Admission and enrolment of Legal Practitioners; conversion of enrolment; and Disciplinary matters to name a few. The rules also deal with law clinics, rendering of legal services and Fidelity Fund Certificates and compliance inspections by the Legal Practitioners Fidelity Fund.

## Annual Subscription

*The annual subscription fee amount payable for the period ending on 30 June 2019 is:*

- Practising Attorneys and Advocates - R2 500.00 inclusive of Value Added Tax (“VAT”);
- Legal Practitioners admitted and enrolled for less than 12 months - R1 500.00 inclusive of VAT; and
- Non-Practising Attorneys and Advocates - R800.00 inclusive of VAT.

## Regulations

The regulations were published in Government Gazette No. 41879 of 31 August 2018 from page 4 to 40 and are currently applicable and in use. The process of election of the LPC members was concluded and the result thereof could not be

obtained before this report was published. The regulations deal with the following matters, among others: Election procedure for purposes of constituting the Legal Practice Council, establishment of the PCs and their areas of jurisdiction; and the composition, powers and functions of the PCs. In our case, the Free State Provincial Council will consist of 6 Attorneys and 4 Advocates, 50% of which must be female.

### Candidate Attorneys (“CA”)

*In terms of regulations 6, the CA must comply with the Practical Vocational Training (“PVT”) in one of the following manner:*

- LLB degree, serve 24 months PVT and 150 hours course work (during the 24 months PVT or within 12 months thereafter) and pass the prescribed examination; or
- LLB degree, 12 months PVT after 400 hours course work and pass the prescribed examination; or
- LLB degree, 24 months PVT contract, may apply for admission after 12 months if he/she has completed the 400 hours course work after hours and have passed the prescribed examination.

### Transfer Agreements

The Law Society of the Free State has concluded a transfer agreement with the National Forum providing for the transfer of all assets, rights, liabilities, obligations and the staff to the Legal Practice Council and the Provincial Council. The members of the law society resolved during a special general meeting that the immovable property (law society building) situated at 139 Zastron Street, Bloemfontein be transferred to the LPC. Whereas 40% of the total assets of the law society (sounding in money) will be transferred to the Law Society of South Africa.

### Transitional Arrangements

A Transitional Arrangements Committee has been established to attend to all transitional aspects and to ensure a smooth transfer of regulatory functions of the existing Law Societies and Advocates' structures to the Legal Practice Council PC and the Provincial Council. The Law Society in its current form will cease to exist on 31st October 2018 or soon thereafter as the Minister may determine.

### Conclusion

It has fallen upon this Council and I to lead the Law Society and hand over the reign to the new regulator, the Legal Practice Council. The task has taken years of consultations in order to restructure the legal profession in South Africa. From the Legal Practice Bill to the Legal Practice Act, let us be truthful to the transformative agenda brought about by the new dispensation. As Franz Fanon would put it “Each generation must discover its mission, fulfil it or betray it, in relative opacity”.

*I bid you farewell and goodluck.*

*Ke A Leboha! Baie Dankie! Thank You! ■*

*Metseki Morobane*

**45th PRESIDENT of the  
LAW SOCIETY OF THE FREE STATE**

“

Here is a tree rooted in African soil, nourished with waters from the rivers of Afrika. Come and sit under its shade and become, with us, the leaves of the same branch and the branches of the same tree.

-Robert Mangaliso Sobukwe





## DIRECTOR'S REPORT

### Tumelo Leope

This year the Annual report not only aims to provide insight in to the Free State Law Society, but to serve as a commemorative book with a nostalgic view of the antiquity of the Free State Law Society, current activities, as well as a glimpse into the future dispensation.

This commemorative book aims to instil pride in the achievements of our organisation and profession. We hope you enjoy reading about some of the achievements and challenges of the Free State Law Society and its professional members, and find it useful as a reference document, especially in light of the transition to the Legal Practice Council, in terms of the Legal Practice Act 28 of 2014.

The opportunities I have been afforded in my career in the Free State Law Society have been a story of the grace of God which I will forever be grateful for. I have stepped out in faith and trust my creator to lead me in this journey of leadership for the good of others. I have had the honour and privilege of working with some of the *crème de la crème* of the Free State Legal Profession, in the form of Council Chairpersons, Councillors and Committee members who have shown exceptional commitment in achieving the objectives of the Free State Law Society. During the 2017/2018 year the Council took a special focus on the affairs of the Free State Law Society circles, being Bloemfontein, Northwest, Kroon, Goldfields, Sandveld, Riemland, Southern and Eastern Free State. Various Circle meetings were held during the year, which drove effective engagements between the Council & members. The Council further participated in the discourse with SADEC attorneys at the Southern African Development Community Lawyers Association (SADCLA) conference. The Council and the personnel members continued to strive towards the objectives of providing efficient service to our members and the public, while negotiating and implementing tasks in terms of the agreements with the National Forum in order to ensure graceful transition in terms of the Legal Practice Act.

As Phil Schiller, the senior vice president of worldwide marketing at Apple Inc. profoundly states, there's a little bit of pain every transition, but we can't let that stop us from making it. If we did, we'd never make any progress at all.

The Free State Law Society always represented the epitome of Legal professionalism to me and many other attorneys in the Free State. After my appointment as the Director of the Free State Law Society my relationship with the Law Society was cemented and I have had a vested interest to see the Free State Law Society prosper in the goals it sets to achieve as a regulator and in securing the interests of its members and the profession, as well as setting itself apart as the employer of choice.

During my time at the Law Society I have mostly enjoyed my work despite challenges which have not only encouraged my passion for the law, but at times presented opportunities for growth & innovative approach in solving problems, which continuously drive the transformation process that is so crucial for the sustainability of our profession. I have been kept grounded and content by, amongst other things, the collegiality and valuable friendships with directors of other Law Societies, because I realised that as directors of law societies we have a *sui generis* perspective. We must provide consistency and quality advice on policy and governance matters to the Councillors of our Provincial Law Societies, ensure compliance with statutory and strategic objectives, however, we must also practically, effectively and efficiently manage our institutions in the best interests of our members, personnel and the public.

Law Societies are multiplex organisations and we face involute challenges. I am always grateful to my peers, leaders in lawyers' associations, honourable judges, and exceptional legal practitioners in the form of Advocates and Attorneys for the support and willingness to share valuable knowledge in our various professional interactions. We are also grateful for the support of the LSSA including the respective BLA and NADEL constituencies during our 2017/2018 year.

A special word of gratitude goes to my fellow colleagues, some of which have been loyal employees of the Free State Law Society for many years and have continued to transform with our legendary institution. It is a great honour to serve you, and to witness your commitment to our institution year after year. A number of activities took place during the year to invest in employee wellness and team spirit, as initiatives for creating an efficient and sustainable human resource management system. I look forward to being a part of the contribution to the personal development of each one of you within our institution.

Although we are embarking on an end of an era, as the Law Societies as we know them face extinction, we look back with gratitude and pride at how far our profession has come and look forward with zeal to the next milestone of the legal profession under the leadership of the Legal Practice Council. ■









**MOLDE, Khulopi Jacob.** Born: 4/10/1946 at Kestel. Married to Mathabo with one child.  
**Academic qualifications:** B.Proc., UNISA, 1978.  
**Admitted as attorney:** Orange Free State, 1/6/1979.  
**Practising at:** Welkom, Jake Molde, Funtisi & Co., Constantia Road, Extension, Welkom.  
**Recreation:** Golf, photography & music.



**MAKER, Jan Jacobus.** Gebore 4-4-1946 in Brundage. Getroud met Marie en het drie kinders.  
**Akademie kwalifikasies:** B.Cem. LL.B. U.O.V.S., 1975.  
**Toegelaat as prokureur:** O.V.S., 24-1-1976.  
**Praktiseer tans te:** Breytenstein, Van Deren, Dullae & Maré.  
**Gemeenskapskwaliifikasies:** Voorsitter Bloemfontein Prokureursvereniging 1984-85, Voorzitter NP-ak Pekaardpark 1979, Diaken N.G. Kerk.  
**Ontspanning:** Motor en golf.



**HORN, Pieter.** Gebore: 3/1/1956 in Richmond (K.P.). Getroud met Elizabeth Ann Pretorius en het een kind.  
**Akademie kwalifikasies:** B.Cem. 1979, LL.B. 1981 - U.O.V.S.  
**Toegelaat as prokureur:** Oranje-Vrijstaat Provinsiale Afdeling 13/5/1982.  
**Praktiseer tans te:** Bloemfontein, van der Merwe & Sonnet, Postbus 1067, Bloemfontein.  
**Gemeenskapskwaliifikasies:** Kaptein in Burgerwag, Londenlaan, Bn. Tweetering-gemeente, Kommand S.A. Lepioen.  
**Ontspanning:** Skyballet.



**BERKER, David Botha.** Gebore: 25-8-1951 in Orkney. Getroud met Marijke en het drie kinders.  
**Akademie kwalifikasies:** B.Juris, U.O.V.S., 1974.  
**Toegelaat as prokureur:** O.V.S., 17-1-1977.  
**Praktiseer tans te:** Hartenichts, Cloete & Noyling, Spauritsstraat 42.  
**Gemeenskapskwaliifikasies:** Junior Rapporteur La (Voor), 1982, Chabellap N.G. Kerk.  
**Ontspanning:** Kajak.



**SPANGENBERG, Willem Jacobus.** Johannes. Gebore: 12/9/54 in Virginia. Getroud met Mariana Matthea Smith en het een kind.  
**Akademie kwalifikasies:** B.Proc., 1976; LL.B., 1980 - U.O.V.S.  
**Toegelaat as prokureur:** Bloemfontein, 11/2/82.  
**Praktiseer tans te:** Dorothea Schreeman & Smith, Prinsengedou, Ste. Vloets, St. Andrewstraat.

VERENIGING.

van Rechtspraktisies.

nd is gebruike van de belangen van de ORANJE-PRINSSEN, praktiserende in den ORANJE-praktijk; het ten onder brengen van kwade punten in praktijk; de beslechting van kwade meele hofelikheden; en de bevordering van leden der Vereniging.

andeling nemen van, enige kwestie rakende de de professie, of de verandering of uitvoering van de professie, of de verandering of uitvoering van de professie.

en Rechtsgeleerde Bibliotheek, de rechten door klerken van praktisies en voor dit doel, den als van tijd tot tijd bepaald mogen worden, van een vingen of eerbetooningen.

maatregelen, als meyt berekend mogen schijnen om, de van de Vereniging, uit welken bron ook verkregen, zullen de bevordering van de nogwerken waarvoor de Vereniging is, zij diens of indirect, betaald of overgedragen worden als bonus, of aan, eenigen, hinnen, of an, enig, persoon, als hun, of optredende. Mits dat niets hierin vervat heeten zal, dat leden, vereniging beloofd zullen worden voor diensten werkelijk aan de, ing beloofd en verbindt zich te betalen zijn PRO RATA aandeel in enige, ing, sangeras te evniger tijd voor dat het opheeld lid der Vereniging te, en aan de liquidatie der Vereniging verhanden indien zulks mocht plaats.

ding of liquidatie van de Vereniging, er enige baten of bezittingen zullen de schulden en lasten valdaan zijn, zullen die niet worden betaald aan of leden der Vereniging, maar zullen dezelve worden gegeven of overgedragen, andere, Inrichingen (dezelde doeleinden als deze Vereniging beoogende) te, voor hen die tijdens de ontbinding of liquidatie nog leden der Vereniging zijn, en sulke bepaling, dan door het Hoog Gerechthof of enig een der Edele Rechters.

oprichting van de Oranjevrijstaatsche Vereniging van Rechtspraktisies. Vereniging is opgericht voor het doeleinde uitgedrukt in het Memorandum van, De leden die het Memorandum van Vereniging onderteekend hebben zijn leden zonder dat, koken behoeven te worden. Eenig ander Advokaat, Procureur, of Notaris, praktiserende, den Oranjevrijstaat, is verkiesbaar als lid der Vereniging.

# ATTORNEYS PRACTISING IN THE O.F.S. IN

## 1985

# SE PRAKTISERENDE PROKUREURS IN DIE O.V.S.



“

Never  
mistake law  
for justice  
Justice is an  
ideal, and  
law is a tool.  
- L.E. Modesitt Jr.

# COMMITTEE Reports

## ETHICS COMMITTEE D. Milton

This year will bring an end to the system of governance of the established legal profession in its different forms over the past centuries.

With proclamation of the Legal Practice Act 28 of 2014 (LPA), we are ushered into the dawn of a new order, which establishes a single regulatory body that will govern and regulate the entire legal profession in South Africa, including all attorneys and advocates. During 2018, the new Legal Practice Council will be created and tasked with regulating everything about the legal profession. Many things have changed in the profession over this long expanse of time. This report will briefly summarise the requirement of legal practice that ought to have endured without much change, that being, ethics.

Ethics practised by good lawyers ought not to have changed over this long period, as it is a guide and code of conduct that is supposed to transcend race, class gender and politics. The meaning of ethics and its day-to-day application, outlives the history of the profession, and should and must remain the same. However, like the rule of averages, they will remain important ideals for some, but hard rules for others and, regrettably, even obstacles for others. As we go into this new dispensation, we must therefore ask ourselves: what is good about the profession that we will be taking with us and what is less favourable that we are leaving behind? There is much of both but touch on a few.

A positive aspect is that ethics is receiving increasingly more attention in our society, not as a result of any radical transformation of society, but as a result of outrageous scandals, massive deceit, grand-scale corruption and looting – all at the expense of the people. The exposé of unethical behaviour of auditors, bankers, businessmen and politicians, aided and abetted by lawyers, has begged the question of what standards are being maintained by the regulating bodies and further raises the question of accountability.

The adverse consequences, are unfortunately usually greater than any beneficial consequences, as negative publicity taints the legal profession as a whole. On the positive side though, ethics as a law course is receiving more attention and importance than in the past within most law faculties in the country. Credit for this positive development should go to the National Ethics Committee of the LSSA who, for nearly a decade, have challenged the law deans to introduce and make the completion of a course or a full module on ethics, compulsory to graduate with a law degree.

The Legal practice Bill will have many stumbling blocks and no doubt painful teething problems. It is unfamiliar territory

and practitioners are urged to read through it as there are drastic changes to how our profession was regulated in the past. When looking at some of the negative aspects of the new Bill, we must accept that many questions and debates about ethics principles will arise and specifically if some are indeed still relevant. Most of the heated debates that will arise and will most probably be proportionate to the amount of money that a lawyer might stand to gain or lose. Ethics is, in the final analysis, an irritating barrier to those who seek uncontrolled access to money. Fortunately, the new Bill has continued in the footsteps of the Attorneys Act, to preserve the strict regulations regarding trust accounts and the accountability to clients.

### **Some of the worrying aspects of legal practice that we are taking forward under the auspices of the LPA, but which might receive the attention of the new LPC, are:**

- Advising clients on the estimated costs of a case. Section 35 of the LPA creates more difficulties than providing solutions to what might be a fair estimate of fees that may be given to a client. This section is a must read for all practitioners! Sub sec 35(7) and (8) should, with respect, be removed from the LPA and consigned to the Rules, but subject to serious changes so as to make them intelligible, fair, reasonable and practical.
- The Contingency Fees Act 66 of 1997 encourage speculative and expensive litigation, especially against Government, and at the same time rewards the lawyers with literally, a 'portion of the body or limb or quantity of blood' of a client, as some would argue, but on the other side of the lawyer who is willing to take on such a case stands a great risk of losing and would then be out of pocket for many years of hard work and expenses paid out of his own funds. So, there will always be convincing argument for both sides.
- When two big legal firms merge, why must they hold on to the files which involve disputes being handled by the new merged firm, for parties on the opposite sides? The so called "Chinese Walls" that are artificially created by these firms are designed simply to hang onto the files and provide a lame excuse to bypass the soundest principles of ethics and double their financial gain. Will the new LPC take a stance on this?

On a positive note, we take this opportunity to wish all the lawyers a prosperous future under the new LPC and let us hope that with a single national regulatory body, ethics will be accorded its correct position in the hierarchy of rules, and become a powerful tool for the benefit of the LPC and for the protection of profession and the public. ■

## FAMILY LAW COMMITTEE

### D. Milton

The LSSA Family Law Committee convened a meeting on 4 December 2017. Writer hereof forms part of this committee as the representative for the Free State. The minutes reflect the most important issues being dealt with at the meeting, which were

- family law arbitration; and
- the South African Law Reform Commission (SALRC) Alternative Dispute Resolution Project 94.

It is important to understand that the work of the Family Law Committee continues apace throughout the year, through telephonic meetings and via emails. Members are called on to comment on legislation, as and when the need arises.

### Amendment of the Arbitration Act

Members of the LSSA Family Law Committee, in conjunction with the Family Law Arbitration Foundation of South Africa (FLAFSA), submitted proposed amendments for the Arbitration Act 42 of 1965 to the Deputy Minister of Justice and Constitution Development for the removal of the prohibition against arbitration in domestic matters. The Deputy Minister, John Jeffery, undertook to submit such non-contentious amendments for inclusion in a General Laws Amendment Act. We are still awaiting the outcome of this.

### Family law arbitration

The Chairperson and committee member Zenobia du Toit attended a meeting in Johannesburg on 25 October 2017 convened by LEAD regarding arbitration strategy. Various other LSSA committees were represented at the meeting, including the Alternative dispute Resolution Committee, as were members of the profession who specialise in commercial arbitration.

A national roll-out strategy was agreed for arbitration training, which will take place in 2018.

The intention is also to include pro bono services to secure the effective implementation of arbitration.

LEAD will commence with introductory courses to explain what arbitration is about, including family arbitration. This will be followed by training within the more specialised fields of arbitration.

### SALRC Alternative Dispute Resolution Project 94

The LSSA attended a mediation experts meeting facilitated by the SALRC on 30 October 2017. The purpose of the meeting was to obtain input from various roleplayers. The SALRC wanted expert input on the need to develop a comprehensive ADR system. There are various aspects of ADR throughout the South African legal system and the SALRC has identified the need to develop generic legislation for the integration of ADR.

Ms Du Toit expressed serious reservations about this process and how it relates to the SALRC's process relating to family law ADR. Extensive comments were made on the SALRC's family law ADR process. Ms Du Toit was resolute that there should be no conflicting approaches regarding the ADR process.

It was agreed that the committee will liaise with the Chairperson of the SALRC to express its views.

We undertook to attend to various issues and have done so.

Other issues which came to light at the meeting included

- co-operation with the South African Police Service in relations to domestic violence;
- amendments of procedural rules relating to family law matters in the courts; proposals for amendments had been submitted;
- briefing of counsel;
- administration of estates, with specific reference to customary law issues; and
- relationships with international organisations.

**All these issues are and will be considered for the future.**

The LSSA Family Law Committee will continue to deal with any matters that may arise, which are relevant to family law and related matters in South Africa. ■

“ Freedom prospers when religion is vibrant and the rule of law under God is acknowledged.  
- Ronald Reagan ”



## EXCHANGE AND TAX MATTER COMMITTEE

### D.J. Terblanche

1. Members of the Committee regularly communicated with representatives of SAICA, SAIPA and SALT regarding tax matters and operational problems with SARS. The South African Tax Institute (SALT) is now the representative society for Tax Practitioners with the largest number of members in the Tax industry. Several attorneys already joined them as members.
2. Due to the political problems at SARS, no meetings took place this year with the Commissioner of SARS or any other senior managers at SARS nationally.
3. No Member of the FSLs reported any problem with SARS operations during the current year to the committee. In turn representatives of the societies for the Auditors and Accountants meet with SARS monthly to discuss their problems.
4. All changes to the Income Tax Act, the Tax Administration Act and other Acts that influence Taxpayers affairs towards SARS were communicated through the other committees with members during this year.

5. Members that deal with transactions regarding immovable properties should note that SALT (voluntary association for Tax Practitioners) run an up-to-date and very useful webpage at [www.thesalt.co.za](http://www.thesalt.co.za). Visit the webpage and select the tab about us and choose in the press. Useful information is given for Tax Practitioners as well as Attorneys. The webpage of SALT also advertise Webinars that are an important and very useful tool in training Attorneys to deal with property transfers and tax matters that arise from that in a professional and correct way. Members can register for and attend to the Webinars while in their office. Attorneys are also encouraged to visit the SARS webpage from time to time for new developments and rulings
6. From November 2018 this committee will cease to exist when the FSLs disband. As soon as a new society with structures is in place, the members of that new society will be contacted. Unfortunately those attorneys that fail to join a society, will be on their own to deal with their problems directly with SARS. ■

## PRO BONO COMMITTEE REPORT

### T. V. Matsepe

The Legal Practice Act, Act 28 of 2014, will come into effect on 1 October 2018. Section 29 of the LPA stipulates that community services should be performed, but no express reference is being made to the rendering of pro bono services.

During the year the Pro Bono department received 594 pro bono applications from members of the public and 61 applications for the assessments of accounts. A total number of 855 matters were finalised and the files subsequently closed.

A new era is on the legal horizon with the Legal Practice Act, Act 28 of 2014, which will come into effect on 1 October 2018. Section 29 of the LPA stipulates that community services should be performed, but no express reference is being made to the rendering of pro bono services.

This concern was raised in 2017 during the nationwide consultative workshops which were conducted. Members of

the legal profession and a diverse range of stakeholders identified the following key recommendations during the workshops:

- There was a need that it be clarified whether pro bono services fall within the ambit of community services.
- The Legal Practice Act should be amended to make specific provision for pro bono services to fall within the ambit of community services.
- Alternatively, the Minister of Justice and Correctional Services should, pursuant to Section 29 of the Legal Practice Act, approve pro bono services as part of community service.

Despite the consultative workshops, the situation is that the pro bono scheme, as currently facilitated by the Law Society of the Free State, will cease to exist when the LPA coming into effect on 1 October 2018. There will no longer be any regulatory or statutory obligation on practitioners to perform pro bono services. The following concerns have been identified:

- Will the offices of The Law Society of the Free State still furnish new pro bono applicants with Pro Bono Scheme Application Forms?
- Will the offices of The Law Society of the Free State still accept completed Pro Bono Scheme Application Forms from pro bono application?
- With the existence of Rule 25 it was already difficult to appoint practitioners on a pro bono basis, since many practitioners did not have a positive attitude towards the pro bono scheme. Will the pro bono coordinator still instruct practitioners to assist applicants on a pro bono basis, in the absence of Rule 25 of the Uniform Rules, and appeal on the good will of practitioners?
- What happens to the active pro bono files, which have not yet been declined/closed, but where a practitioner has also not yet been appointed (e.g. Where documentation is awaited to determine the merits of the application)?

- What will happen with pro bono matters, where a practitioner has already been instructed and has accepted to attend to the matter on a pro bono basis?
- What consequences will there be if a practitioner merely returns a pro bono instruction, without finalising same, on the basis that Rule 25 of the Uniform Rules (the basis on which the practitioner was instructed to perform pro bono) ceased to exist? Will this be regarded as unprofessional conduct and be referred to the Disciplinary Committee?

The Law Society of the Free State wishes to extend their gratitude to every practising member who rendered pro bono services in accordance with Rule 25. The offices would like to request members to retain their positive attitude towards the pro bono scheme and to continue the rendering of legal services on a pro bono basis. In the absence of pro bono services, the indigent would be left desolate and without legal remedies, even if merits indeed exist. Practising members are also kindly requested to finalise instructions in which they were appointed and where they subsequently accepted the instruction to render services on a pro bono basis. ■

#### **DECEASED ESTATES, TRUSTS AND PLANNING COMMITTEE** **D.B. Bekker**

The Deceased Estates, Trusts and Planning Committee of the LSSA met on one occasion this year.

#### **Statistics of Master's Offices**

Statistics of activities at the Master's Offices are supplied to the LSSA. According to these statistics the Bloemfontein offices of the Master scored very high. For example, letters of appointment issued within 15 days from receipt of all required documents scored 95,97%. Liquidation and distribution accounts of larger estates examined within 15 days of receipt of all required documents scored 97,99%. As we know statistics do not always give a clear picture of challenges experienced in the system. Problems were reported of different examiners requiring different documents in various administration processes. These requests then cause undue delays and frustration for practitioners.

#### **Chief Master's directives**

The Committee is corresponding with the offices of the Chief Master regarding the Chief Master's Directive 2 of 2017 but all issues raised have not yet been clarified.

*Inter alia the issues raised were as follows:*

"The Master should consider appointing an independent trustee where the trust is registered for the first time with the Master and it emerges from the trust deed that the trust is a "family business trust". It follows that the need to appoint an independent trustee in a "family business trust" does not apply where the trust was registered before the issue of the directive, i.e. 6 March 2017. "It was further brought under the attention of the offices of the Chief Master that the LSSA proposed that clauses c, e and h (on page 14 of the directive)

be deleted therefrom, that clause g (on page 14 of the directive) should read "is not qualified in terms of the Trust Property Control Act, 1988...". It was also proposed that the word "but" (between the words "outsider" and "does") in the second last sentence on page 13 of the directive should be deleted.

#### **The following Chief Master's Directives were issued during the year under review:**

3 of 2017 – Increase in Master's fees effective as from 1 January 2018; These increases were published in the Government Gazette of 3 November 2017 under Notice numbers 1161, 1162, 1163 and 1164.

1 of 2018 - Interest on Future maintenance and age of majority for purposes of Sec 91 Adverts as from 1 April 2018 - **The purpose of this directive is to ensure uniformity in respect of the way in which the Guardian's Fund deals with the following:**

- Interest on Future Maintenance Funds deposited with the Master and
- Age of majority when preparing the advertisement in terms of Section 91 of the Administration of Estate Act 66 of 1965 (the Act).

#### **Regulation 910**

No further feedback or response was received from the offices of the Master of the High Court on this subject.

#### **Some interesting cases**

F Moosa & others vs N Harnaker & others, Western Cape, case no 400/2017 – in view of the equality provisions of section 9 of our Constitution can the provisions of section 2C(1) of the Wills Act, 7 of 1953, be extended to protect surviving spouses in polygynous Muslim marriages;

NL Kessack & others vs AM Bester NO & others, Gauteng Local Division case no 45551/2012 – did the trust come into existence? Or is it invalid and void ab initio because it never donated an asset;

Bester NO vs Van Wyk [2017] JOL 39336 (ECG) – sale of land by oral agreement;

Road Accident Fund vs Mohohlo 2018(2) SA 65 – legal duty of support because of death of nephew;

Smit NO vs Firstrand Bank Ltd & others (23395/2016) [2018] ZAWCHC 13 – resignation as Master's Representative – no letter from Master's offices confirming her removal;

Ramuhovhi & others vs President of the Republic of South Africa & others 2018(2) SA! (CC) – invalidity of section 7(1) of the Recognition of Customary Marriages Act, 120 of 1998, The Parliament has 24 months to rectify the invalidity. Note the order in terms of the interim position for marriages entered into before the coming into existence of the Act.

## AUDIT AND RISK COMMITTEE

### E. Horn

The Acting Director of the Law Society, Ms Tumi Leope, joined the ranks of the Committee during the course of the year under review, due to the resignation of Ms Christina Marais. The following members served on the Committee in the 2017/2018 year:

1. *Ms N Maduba-Silevu*
2. *Mr J Maree*
3. *Mr D Qwelane*
4. *Ms T Leope (Acting Director and permanent member)*
5. *Mr C Peterson (expert member, partner in accounting firm Newtons)*
6. *Mr E Horn (Chair)*

Due to a forever changing operational and regulatory environment, the Committee had to revisit its initial remit, while other departments of the Society referred matters to it which did not initially fall within its mandate. In this regard challenges with regards to financial matters found its way onto the Committee's meeting agenda's and were dealt with. These were :

### 1. Confirmation of the Director's Approval Framework:

The Committee recommended to Council to confirm the framework as is, which recommendation was adopted.

### 2. Further development of Risk Matrix

The Committee resolved to concentrate on the identified risks until February 2018 and not to develop any new policies awaiting the advent of the Legal Practice Act dispensation.

## Effect of the Legal Practice Act

Practitioners are aware that the Legal Practice Act will soon be coming into full effect. This will have a profound influence on the structure of the LSSA and its committees. Several committees of the LSSA will be combined to save costs. The probabilities exist that this committee will be combined with the Insolvency Committee. Committees membership will also be reduced, and committee members will have to be of proven expertise. The practical effect of all these issues will be considered and it is possible that practitioners will have to apply to be appointed to a committee. ■

### 3. IT Directive

The Committee had cause to consider whether a permanent position for an IT expert should be created in the organogram of the Law Society. The need for such an appointment was identified when reports were made that the Law Society's IT capability required extensive development and maintenance. The Committee considered ways and means to address the challenges faced, but could not finalise the matter since confirmation regarding creation of such a position was awaited from the National Forum.

### 4. Occupational Health and Safety

The Committee considered various compliance issues in this regard, which resulted in the Council authorising expenditure for a basic compliance audit at the Law Society.

### 5. The Committee

Continued to play an active role in the annual budgeting and financial reporting processes of the Law Society, so as to manage risk and ensure that the same meet with best practice norms.

The Chair is pleased to report that as at year end, the matters which formed part of the Committee's expanded mandate as set out above, had been attended to as indicated. These matters will remain work in progress, informed by the forever changing regulatory and operational environment, until such stage as the Legal Practice Council to be, directs otherwise. I wish to take the opportunity to thank all members of the Committee for their participation and support during the year under review. ■



## **FREE STATE LIQUOR LAW SPECIALIST COMMITTEE**

### **J.M. Burger**

Consequent to last years' slight improvement in service delivery by the administration of the Free State Liquor Authority, the trend has continued through 2018, and it appears that the backlog in respect of new applications are now considerably less and that there has been a marked improvement in 2018, following upon 2017's improvements, regarding the turnaround time of new applications.

The Draft Liquor Amendment Bill, 2016 that was published on 30 September 2016 have still not been finalized. The Free State Gambling, Liquor and Tourism Authority have also not finalized their intended amendments of the Free State Gambling, Liquor and Tourism Act.

Unfortunately it could not be established as to when these amendments will be finalized for final comment. The proposed (and widely welcomed) amendments to the Liquor Products Act has unfortunately not been finalized as yet.

On the national front the Final National Liquor Policy of 2016, having already been published on 30 September 2016, and its implementation, scope and applicability raises huge questions as the policies enunciated therein can as such not be enforced by the national government, or currently the provinces who, with regard to retailers, has yet to implement these policies into their own legislation. The purpose of the policy seems to be the promotion of uniformity across the provinces with regard to liquor legislation. ■

## **COMPANY MATTERS COMMITTEE**

### **M. Feinstein**

Members: Miranda Feinstein (Chairperson), Priyesh Daya, Johan Fouché, Nolukhanyiso Gcilitshana, Paul Hay, Umesh Jivan, Nano Matlala, Arnold Mohobo, Abigail Reynolds and Peter Veldhuizen

The company Matters Committee meets on an ad hoc basis as and when considered necessary.

We met once during the period under review to consider the proposed submission by the LSSA for accreditation with the Companies Intellectual and Property Commission (CIPC) regarding business rescue practitioners who are members of the constituent members of the LSSA. The submission was considered and approved with some minor amendments. We were also in agreement with the proposal made by the Business Rescue Liaison Committee of the CIPC that business rescue practitioners should be obliged to undertake certain compulsory professional development.

The view was expressed that the Law Society of the Northern Provinces' (LSNP) initiative, which had been in operation for many years, to second attorneys to the Takeover Regulation Panel, should be opened to all practitioners in South Africa. A view was expressed that this committee should endeavour to engage directly with practitioners.

We, together with the LSNP Committee, had made certain proposals for amendment of Practice Note 2 of 2016 to the CIPC some time back. To date there has been no response from the CIPC.

There has been no further movement on the amendments to the Companies Act 71 of 2008 proposed by the Specialist Committee on Company Law (SCCL) to the Department of Trade and Industry, based on the two submissions made by the LSSA to the SCCL during 2015.

Our Chairperson, Miranda Feinstein, together with the Co-Chairpersons of the LSSA, Walid Brown and David Bekker, met with representatives of the Companies Tribunal at the latter's request on 19 October 2017, to hear a presentation regarding the mediation functions which the Companies Tribunal wished to bring to the attention of all practising attorneys through the medium of joint seminars. ■

**FINANCIAL INTELLIGENCE CENTRE ACT  
COMMITTEE  
D. Bekker**

The committee met once during the year under consideration.

**Risk matrix:**

A risk matrix for practitioners was discussed but referred for further consideration as it was not directly and practically prepared for the challenges of practitioners in their different types of practices. This is still under construction.

**Draft Amendments to Regulations in terms of the Financial Intelligence Centre Act, 2001, published for public comment:**

The committee had another look at its comments submitted to National Treasury and was satisfied with the contents thereof. A copy of this submission is available at the LSSA.

**Amendments to the FIC Act and regulations:**

It is anticipated that the law societies as Regulatory Bodies will be exited. The effect thereof is that practitioners will resort directly under FIC. The LSSA as a voluntary association will also not be regulating practitioners. The Legal Practice Council will be the regulator and will have to arrange the regulation in terms of FIC Act with FIC. The LSSA will have to play an advisory role to practitioners and will have to protect the interests of the practitioners. The position of advocates practising with fidelity fund certificates will also have to be considered by FIC.

**Financial Intelligence Centre:**

Practitioners are advised to visit the website of the FIC on a regular basis to keep themselves updated on the latest information. In terms of section 4(c) of the Act Public Compliance Communications and Guidance Notes are issued from time to time. Directives are issued in terms of section 43A(1) of the Act. Interesting documents are also published on a regular basis by FIC. Practitioners can have a look at documents named "Typologies" issued in March and May 2018. These are important documents to protect the interests of your practice and clients from money laundering and fraud.

**Effect of the Legal Practice Act:**

Practitioners are aware that the Legal Practice Act will soon be coming into full effect. This will have a profound influence on the structure of the LSSA and its committees. Several committees of the LSSA will be combined to save costs. The probabilities exist that this committee will be combined with the Insolvency Committee. Committees membership will also be reduced, and committee members will have to be of proven expertise. The practical effect of all these issues will be considered and it is possible that practitioners will have to apply to be appointed to a committee.

In conclusion, I extend my heartfelt appreciation to my fellow committee members and colleagues at the LSSA for their commitment displayed while executing the committee's mandate. ■

“

Let me be clear -  
no one is above  
the law. Not a  
politician, not a  
priest, not a  
criminal, not a  
police officer.  
We are all  
accountable for  
our actions.  
Antonio Villaraigosa

”



## JOINT ATTORNEYS & ACCOUNTANTS COMMITTEE

### E. Horn

1. The above Committee is a standing Committee of the Law Society of South Africa and membership comprises representatives of the LSSA, the statutory Law Societies, the Attorneys Fidelity Fund and the Accountants' profession.
2. The Committee met twice in the year under report. The mandate of the committee has settled into a series of matters which remain work in progress and are addressed at all meetings.
3. The Committee noted the fact that the Compliance Support Programme, which was initially rolled out by the Attorneys Fidelity Fund in the KZN, has been implemented in the Free State as well, other provinces to follow suit in due course. The process and outcomes are regularly monitored. The AFF reported that as at May 2018, 43 new firms opened in the Free State, of which 19 firms were supported in terms of the programme.
4. The format of annual reporting on attorneys' trust accounts, was again the subject of many discussions and debate. The requirements imposed upon trust account practitioners by the Legal Practice Act and the Rules published in terms thereof, will result in a change of the format and compliance issues as far as applications for Fidelity Fund Certificates are concerned. Members will be advised of these changes and requirements in terms of transitional affairs communiques to be issued to members.
5. The finalisation of the reporting format will remain on the Committee's agenda and developments in that regard will be reported to members through the office of the Director of the Free State Law Society. Important to again note that the duty of each firm (and partners in the firm) to report, has been extended and members are requested to exercise due care and diligence in preparing the reports as part of their firms' annual trust audit.
6. The extension of the audit mandate to also include estate accounts in the audit scope, is still under discussion and work in progress. In 2017 it was reported that The Attorneys Fidelity Fund was of the view that such accounts must also be audited, same forming part of attorneys' trust accounting records. There is still strong merit in that argument, underpinned by the necessity to detect theft from such accounts at an early stage and manage the attendant risk in that environment. There has been a marked escalation in theft committed by practitioners from such accounts, which renders the inclusion of such accounts in the audit mandate and scope a necessity. Members are also referred to the report on the Attorneys Fidelity Fund in respect of claims history and tendencies. The downside of inclusion of such accounts in the audit scope, is the cost factor of having such accounts audited.

7. The Committee was requested by the AFF to also consider the following matters, currently under consideration by the AFF:

- a. Accreditation of auditors;
- b. Auditor rotation;
- c. The level of assurance required going forward into the LPA dispensation.

8. The extent of attorneys' compliance with the requirements of the Financial Intelligence Centre Act, is being monitored and remains under discussion. It was reported by a member of the attorneys' profession serving on the Committee that the FIC section of the Attorneys Annual Statement to the Law Societies is not being completed correctly. Members are alerted to this and requested to comply. ■

## LABOUR LAW COMMITTEE

### V.M. Morobane

The Committee regularly meet with various stakeholders and the year under review was no different.

On 10 April 2018 a meeting took place with the Judge President of the Labour Court, Judge B Waglay. The Judge President confirmed that the Labour Courts are now operational at the following High Courts: Mpumalanga, Polokwane and Durban. The Labour Court will also be allocated chambers at the High Court in Port Elizabeth. Practitioners should please note that Labour Law matters or cases can be heard in these centres and not only at the seats of the Labour Courts.

In the past, attorneys were appointed as Acting Judges on a pro bono basis during the July and December recesses to deal with backlogs in the Labour Courts. The Judge President indicated that he will liaise with the profession should the need for this arise again.

The Committee met twice with the Commission for Conciliation, Mediation and Arbitration (CCMA), to specifically discuss joint training and capacity building initiatives. On 16 May 2018 we met with the CCMA to discuss the LSSA's proposed amendment to Rule 25 of the Rules for the Conduct of Proceedings before the CCMA.

We were requested to review and submit comment on the latest draft CCMA Rules. In our comment, we included a proposed amendment of Rule 25 to the effect that legal representation should be allowed in respect of conciliation proceedings before the Commission. At the meeting, we were advised that the CCMA Board decided to pend the process of the amendment of the Rules. The Task Team had considered the LSSA's proposal, but was not too amenable regarding the proposal for legal representation, particularly in view of the fact that parties may apply to the presiding Commissioner for legal representation in a particular matter.



We were also informed that the CCMA's statistics for 2017 show that consent was granted in the overwhelming majority of applications for legal representation.

At long last, the members of the Rules Board for Labour Courts have been appointed. The Board comprises attorneys, judges and advocates. We congratulate Committee member Mr Jan Stemmett, who has been appointed on the Board on behalf of the profession.

The Board has already commenced drafting the Labour Court Rules, which will be published for comment in due course.

The draft Labour Appeal Court Rules are still being awaited.

The Committee also considered the various draft Labour Bills and will submit comment at the appropriate time. ■

### **SCHOOL FOR LEGAL PRACTICE, BLOEMFONTEIN** **W.J.J. Spangenberg**

The first School for Legal Practice was established in Pretoria in 1990 with 51 candidate attorneys in response to two closely related needs: law graduates from universities were found generally to be inadequately prepared for the practical requirements of law firms and, more specifically, this deficiency was still greater and more encumbering for students from disadvantaged backgrounds.

The growth of the School for Legal Practice since then has been arrestingly impressive with Schools now existing in 10 localities providing training on average to more than 1400 students annually with more than 26000 students having graduated since 1990.

To accommodate candidates who were working during the day, night courses started after hours in 1994 with the night school centre in the Free State opening its doors on 6 June 1996. This year therefore sees the 22nd anniversary of the establishment of the Bloemfontein school headed, for the full duration of its existence, by Willem Spangenberg assisted by initially Mrs M van der Westhuizen, then Me E Sookane and currently Mrs H Bezuidenhout.

The introduction of e-learning, offering online training in certain subjects, has been an exciting development for the School, creating vast opportunity for expansion. In 2017 the Bloemfontein School was identified as one of two centres to introduce a pilot blended learning programme, (combining online training with traditional classroom methods) thereby breaking ground for the structured course work (of not less than 400 notional hours) training requirement, envisaged in the regulations published in terms of the Legal Practice Act, 2014. Having been remarkably successful, this blended learning element will, as from 2019, be introduced at all school centres.

The success of the Bloemfontein School in providing quality and professional vocational training to candidates, rest squarely on the shoulders of its loyal and extremely capable core of instructors to whom tribute is hereby paid.

As far as training is concerned, trying times lies ahead, considering the challenges introduced by the Legal Practice Act. At the Bloemfontein School we will meet this head on. We will continue to take stock, commend effort and achievement and ensure that we accomplish our core function of providing consistent quality training to our candidates, thereby serving the legal profession and the public at large. ■



Liberty is the  
right to do what  
the law permits.  
- Charles de Montesquieu



## MAGISTRATE'S COURT COMMITTEE REPORT

### V. Graham

1. The Committee members of the Profession through the Law Society of South Africa are pleased to announce that the limitations of fees to be found in Magistrate Court Rule 50(7) and(8) and Uniform Rule 43 for Attorneys and Counsel has at long last been done away with. Counsel and Attorneys may charge fees on such matter on a normal attorney and own client basis.
2. Ongoing representations has been made to the Department of Justice and Constitutional Development regarding the proposed amendment to the Debt Collectors Act 114 of 1998 in terms of which attorneys who conduct collections will have to register themselves as debt collectors at the Debt Collectors Council and where they will also be liable to pay the prescribed fees under that Act. This will have a huge impact on the Attorney's Industry. The Debt Collectors Amendment Bill 2016 (the "Bill") in short therefore proposes to bring attorneys under the auspices of the Debt Collectors Act 1998.

If one keeps the distinction between the work that attorneys do and that which debt collectors do in collection matters it should become clear that bringing attorneys and their staff under the auspices of the Debt Collectors Act will not adequately address the complaints – mainly because the Council for Debt Collectors will not have the authority to pronounce on most of the work performed by attorneys. This will be even more so once the issue of judicial supervision in for purposes of Section 65J has been resolved. Even if before it could perhaps have been argued that such procedure was not a court procedure and that debt collectors could draw the papers, once it becomes a court procedure only attorneys will be able to draw those papers for use in the court and the Council for Debt Collectors will simply not have any jurisdiction by virtue of Section 33 of the Legal Practice Act.

Any endeavour to abolish the distinction between the functions performed by attorneys and those performed by debt collectors will have the deleterious effect of either relegating the function of attorneys to that of debt collectors or to permit debt collectors who do not dispose over the necessary qualifications and training to do the work of attorneys.

### **To compel attorneys to register as debt collectors and to bring them under the auspices of the Debt Collectors Act will result in the following:**

- it will have an exclusionary effect on entry into legal practice because of considerations of cost;
- it will again fragment the administration of the legal profession in subjecting the legal profession to two different pieces of legislation and two different regulatory bodies – ostensibly with the same purpose in mind;

- It will have the effect of giving control to the Council for Debt Collectors in respect of actions of attorneys over which it has no authority in the first place;
- It will have the effect of confronting any complainant with a choice of two disciplinary processes, the one of which will by its nature be much more limited than the other

It is therefore suggested that the interests of the public will be far better served by retaining attorneys under the Legal Practice Act only and for those reasons ongoing representations is made to the the Department to avoid this bill to include Attorneys in the Bill.

3. The Courts of Law Amendment Act 7 of 2017 was promulgated and came into operation on 1 August 2018 except for Section 14 and the purpose of this Act was to amend various sections of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)(the MCA), in order to address alleged abuses in the emoluments attachment order (EAO) system. It further seeks to amend the sections of the MCA dealing with the rescission or abandonment of court judgments to accommodate the Department of Trade and Industry's (the dti) removal of adverse consumer credit information project. The amendments have a bearing on civil debts and are aimed at protecting debtors who often find themselves in financial difficulties as a result of debts incurred by them and who cannot escape the "debt trap" due to the abuses that seem to be taking place in this area of the law and also to put in place measures that will assist them in overcoming the effects of court judgments relating to their continued indebtedness. The Bill further amends the Superior Courts Act, 2013 (Act No. 10 of 2013)(the SCA), to provide for the rescission of judgments with the consent of the judgment creditor and for the rescission of judgments where the judgment debt has been settled.
4. Lastly, the South african Law Reform Commission issued a discussion paper dealing with the harmonization of existing laws providing for different prescription periods. The Law Society of South Africa made submissions to the effect that they are supportive of the proposal to increase the General prescription period from three to four years. However, they submitted that the recovery of prescribed debts should not be completely prohibited, because there may be good reasons for claims to be pursued after the expiry of the prescribed period. They further submitted that the running of prescription against a debtor should also be suspended where a debtor has deliberately avoided service of summons. It was also proposed that the "six months" notice requirement as set out in the Legal Proceedings against Certain Organs of State Act, No. 40 of 2002, should be removed. ■



## ACTIVITIES OF THE DISCIPLINARY COMMITTEES (DC'S) AND THE COMPLAINTS AND DISCIPLINARY DEPARTMENT

1480 Complaints were received together with 281 additional enquiries pertaining to the possible lodgement of complaints. 267 Complaints were dismissed owing to the fact that it was either not properly completed, not commissioned or signed, not lodged under oath, lacked supporting documentation or the attorneys, persons or institutions fell outside our jurisdiction or the practitioner was struck or suspended from the roll of attorneys.

880 Complaints were finalised with a number of 47 fines being imposed. The fines were imposed in respect of different contraventions. Plenty of fines were imposed in respect of the failure of attorneys to answer to complaints, the failure to appear before the DC when called upon to do so, attorneys not executing their instructions properly and the failure to account to their clients.

Various other sanctions were imposed by the DC. Some attorneys were seriously cautioned and others had to implement precautionary steps to prevent the same contravention from occurring again.

Some attorneys also lost their right to practice as such in that they were suspended or struck from the roll. During this year A F Hewetson, B J G W Rothmann, V H Neumann (Jnr) and M M Ndobela were struck. Y Hewetson was also struck but she filed an application for leave to appeal.

The DC did not only punish during the past year. The DC also assisted attorneys to comply with requirements, provided information where there was uncertainty and provided guidance when needed.

The Disciplinary Department would like to thank all members of the DC's for their valued assistance. ■

### REPORT LEGAL EDUCATION J.J. Maree

1. Section 24 of the Legal Practice Act (LPA) provides:
  - 1.1 That a person may only practise as a legal practitioner if he/she is admitted and enrol to practise as such in terms of the LPA.
  - 1.2 The High Court must admit to practise and authorise to be enrolled as a legal practitioner. It needs to be emphasised that all legal practitioners (attorneys and advocates) are admitted as legal practitioners.
2. A person duly admitted by the High Court and authorised to be enrolled as a legal practitioners must apply to the Council in the manner determined in the rules for the enrolment of his/her name on the roll. The application for enrolment must indicate whether the applicant intends to practise as an attorney, or an advocate and, in the case of an advocate, whether he or she intends practising with or without a Fidelity Fund certificate.
3. For purposes of admission as a legal practitioner Section 26 provides that a person qualifies to be admitted and enrolled as a legal practitioner if that person has satisfied all the requirements of the LLB degree or satisfied all the requirements for a law degree obtained in a foreign country which is equivalent to the LLB and has undergone all the Practical Vocational Training requirements as a candidate legal practitioner prescribed by the Minister.
4. The requirements in respect of admission as a legal practitioner and the entitlement to thereafter be enrolled as an attorney or advocate have necessitated the NF to consider what the Practical Vocational Training requirements need to be under the new dispensation taking into account that a person must complete his Practical Vocational Training requirements prior to admission whereafter such a person can elect to practise as an attorney or advocate and can even convert his/her enrolment as an attorney to of an advocate and vice versa.
5. The attorney and advocate representatives on the NF could not reach agreement and it was necessary to defer the Practical Vocational requirements in respect of attorneys and advocates to the Minister for a final decision.
6. The Minister resolved that the status quo in respect of Practical Vocational Training requirements need to be retained and that it is for the Legal Practice Council to further consider these aspects.
7. The Standing Committee on legal education has formalized the training requirements for all legal practitioners. In terms of the undermentioned. The Legal Practise Council will have to further deal with this recommendation since the regulations was promulgated on the 31st of August 2018. The recommendations are as follows. Due to the lack thereof only extracts are included in report.
  - 7.1 Access to the profession and a satisfactory standard of learning for practice are guiding principles.

- The model must apply to all candidate legal practitioners, providing for course and workplace training. The purpose is to promote a uniform, transformed legal profession.
- Training can take place through any of the following methods: contact, distance, digital and any other method approved by the LPC.
- Training will recognise experiential training (as per the defined international benchmark).
- Course and workplace training must take place in compliance with standards as set out in the Legal Practice Council (LPC) Rules.
- The training service provider is subject to accreditation by the LPC.
- After completion of Practical Vocational Training (PVT), the graduate will be entitled to practise as a legal practitioner, in terms of Section 30 (1) of the LPA..
- Assessments will be both Summative and Formative (ongoing substantive) will apply to the agreed curriculum elements of PVT.
- Summative competency assessment in terms of section 28 the LPA that will be conducted under the auspices of the LPC, will determine readiness for admission.
- The attorneys' profession has existing capacity for approximately 1,900 candidate practitioners at 10 campuses at a national level. The provision includes staff, instructors, materials, an e-learning production facility etc.

With the new model as entailed in this document, the existing Schools will be able to accommodate 2,650<sup>1</sup> candidate legal practitioners.

- The existing 5-week part-time courses and the existing centres which includes the UNISA course (hybrid model of distance learning and contact) will be expanded to comply with the requirements of the PVT in terms of the LPA...

7.2 The following modules (curriculum for SAQA purposes) will initially form part of the mandatory PVT Course programme. Learning is to be acquired in

accordance with standards as set out in the Rules and within the context of the areas of law that are relevant for practice, inter alia, family law, personal injury claims (delicts) and contracts:

- Wills and administration of deceased estates
- Advocacy skills including trial- and motion court
- Alternative dispute resolution
- Civil procedure (practice and procedure in the High Court and in courts established under the Magistrates' Court Act)
- Constitutional law
- Criminal procedure
- Forms of business enterprise - introductory online
- Introduction to Practice Management - introductory online
- Legal costs
- Legal research - incorporated in case work
- Legal writing and drafting of commercial contracts - incorporated in case work
- Professional conduct and legal ethics
- Cyber law
- Commercial litigation -
- Special accounting for legal practitioners
- In addition to the above the following will be conditional training that does not form part of the total notional hours, as defined under item 3, below.
  - o Numeracy skills, mandatory only for candidates that do not pass the screening test for basic numeracy skills.

The LPC will review the module list from time to time.

- 7.3 The duration of coursework will be 400 (four hundred) notional hours (equivalent to 4 (four) months), to be completed within a maximum period of 2 (two) years, from date of first registration.

The reason for the 2-year period is to provide sufficient time to candidate practitioners to comply with the obligations of the defined outcomes. Some might not be able to comply during the proposed minimum period due to financial, work, personal circumstances or other appropriate reasons.

Failure to comply within the period of two 2-years will require the repetition of the course programme/s which have not been completed. .

The training programme must provide for formative assessment.

It is proposed that candidate practitioners write at least 4 summative assessments as set out below:

- Wills and administration of deceased estates
- Special accounting for legal practitioners
- Two open book assessments, that integrates any/all of the modules except for the two modules mentioned above.

Summative assessment for purposes of admission and enrolment, in terms of section 28 of the LPA, will take place under the auspices of the LPC.

- 7.4 Workplace training will be for a 12 (twelve) month<sup>2</sup> period. Course work may be completed in addition to or simultaneous (Night Schools) with such period as defined in the regulations per the LPC.

The Law Society of South Africa (LSSA) proposes the following entities with regard to workplace training:

For candidate legal practitioners

- Private and State Attorneys' firms practising advocates
- Legal Aid institutions which are approved by the LPC for this purpose and which are supervised by a registered legal practitioner

<sup>1</sup>To note the increase is based per School and not per aggregation.

<sup>2</sup>Not yet agreed to by Minister.

or

Other institutions approved by the LPC.. This will create a mechanism to promote access, assuming that training in such a workplace will be in accordance with the standards as set out in the Rules.

8. The advocates profession through the constitution body the General Council of the Bar do not accept this recommendation. Since the view is that attorneys practise and advocates practise differs to such an extent that different training in respect of attorneys and advocates are necessary, it was not possible to breach the differences. In view of the Minister's resolution (paragraph 6 above) different training for attorneys and advocates will continue complicating the whole issue of conversion. The LPC will have to deal with this issue. ■



#### **REPORT: LEGAL PRACTICE ACT, NR 28 OF 2014** **J.J. Maree**

1. The Legal Practice Act, Nr 28 of 2014 was assented to on the 20th of September 2014. The Legal Practice Amendment Act, Nr 16 of 2017 was promulgated on the 18th of January 2018 in terms whereof certain amendments to the Legal Practice Act took place.
2. The preamble to the Legal Practice Act (LPA) is important:

*“To provide a legislative framework for the transformation and restructuring of the legal profession in line with Constitutional imperatives so as to facilitate and enhance and independent legal profession that broadly reflects the diversity and demographics of the Republic; to provide for the establishment, powers and functions of a single South African Legal Practice Council and Provincial Councils in order to regulate the affairs of legal practitioners and set norms and standards; to provide for the admission and enrollment of legal practitioners; to regulate the professional conduct of legal practitioners so as to ensure accountable conduct; to provide for the establishment of an Office of a Legal Services Ombud and for the appointment, powers and functions of a Legal Services Ombud; to provide for a Legal Practitioners' Fidelity Fund and a Board of Control for the Fidelity Fund; to provide for the establishment powers and functions of a National Forum on the Legal Profession; and to provide for matters connected therewith”.*

3. “legal practitioner” is defined to mean an advocate or attorney. Attorneys and advocates then will be regulated in terms of the LPA.
4. Chapter 10 of the LPA which provide for the establishment of a National Forum became effective in February 2015.
5. It is anticipated (and for all practical purposes it can be accepted) that Chapter 2, providing for the establishment of the Legal Practice Council, will become effective on the 1st of November 2018. In terms of Section 120 (4) of the LPA the remaining provisions of the Act will come into operation on a date, after the commencement of Chapter 2 fixed by the President by proclamation in the Gazette.
6. In terms of Section 117 of the LPA the existing Law Societies must continue to perform the powers and functions until the date of transfer contemplated in Section 97 (2)(a). Section 97 (2)(a) provides that the National Forum must within 24 months of the commencement of this Chapter (this date was extended by the Minister) negotiate with, and reach an agreement with the Law Societies referred to in Section 56 of the Attorneys Act, in respect of the transfer of their assets, rights, liabilities, obligations and staff, to the LPC or Provincial Councils as well as a date on which the Law Societies shall be dissolved and such transfer effected: Provided that such date may not be later than 6 months after the date of commencement of Chapter 2.



7. It follows therefore that the Law Societies may be dissolved and the Provincial Councils be established on a date that may be later than the date of commencement of Chapter 2.
8. The National Forum has completed its tasks by preparing and published a code of conduct in terms of Section 36, by finalizing and publish final rules in terms of Section 95(1), 95(3) and 109(2) of the LPA, by finalizing recommendations to the Minister and reach agreement with the Minister in respect of regulations under Section 109(1)(a) and Section 109(1)(bA) of the LPA. All of the above are available on the website of the Free State Law Society and this report will not deal with the contents of the above.
9. The National Forum is responsible to oversee the process of the first election of members of the Legal Practice Council. The election process will be finalized in September 2018 since the regulations were only promulgated in the Government Gazette of the 31st of August 2018.
10. The Legal Practice Council must establish Provincial Councils and the Provincial Councils must be elected in accordance with the procedure determined by the Council in the Rules. It follows that although the National Forum has finalized the rules and regulations the election of representatives on the Provincial Councils will be done under the supervision and control of the Legal Practice Council. The election of members of the Provincial Council can only take place after the Legal Practice Council has been elected and established.
11. In general the Legal Practice Council will be the regulator of the legal profession. As such the LPC will not fulfill the trade union function of legal practitioners which necessitate the establishment of a body to fulfill the professional interest function of legal practitioners. By agreement between the constituencies of the LSSA the constitution of the LSSA will be amended to fulfill this trade union function for the next three years. The period of three years will allow for possible further amendments to the constitution of the LSSA. ■

“ If we desire respect for the law, we must first make the law respectable. ”  
- Louis D. Brandeis



### **NATIONAL EFFICIENCY ENHANCEMENT COMMITTEE**

The first meeting of the NEEC for 2018 scheduled for 5 April 2018 was cancelled. It is expected that the next meeting will take place in September or October.

The LSSA has requested the issue of the appointment of acting judges to be discussed at the next NEEC meeting. The practice of appointing acting judges with the assistance of subcommittees, has regrettably fallen by the wayside.

Although there is no legal obligation on the Minister of Justice and Correctional Services or the senior judge of the court, it is suggested that an inclusive approach will only be in the interest of justice and will further promote public confidence in the judicial system. The inclusion of subcommittees will, amongst other, counterbalance public concerns raised pertaining to the absence of transparency in the appointment of acting judges and contribute towards a more multi-stakeholder process that will increase public confidence in the appointment process.

### **SECTION 35 OF THE LEGAL PRACTICE ACT**

The LSSA's Costs Committee has extensively considered the implications of section 35 of the Legal Practice Act on both the legal profession and the public. The LSSA had previously prepared a position paper on Section 35 and divergent views were expressed within the LSSA regarding the issue of fees. Generally, the Committee agreed that section 35, in its current format, is not workable. A letter was addressed to the Minister of Justice and Correctional Services, voicing the concerns regarding the implications of the implementation thereof in its current form.

In terms of the Act, the South African Law Reform Commission (SALRC) must within two years after commencement of Chapter 2, investigate the issue of costs and make recommendations to the Minister of Justice and Correctional Services. The SALRC recently issued a Call for Papers and Concept Notes inviting all stakeholders and interested parties to submit abstracts of papers for the forthcoming "International Conference on Access to Justice, Legal Costs and Other Interventions" to be held at Garden Court Marine Parade, Durban, South Africa, on 31 October to 02 November 2018. The LSSA has submitted abstracts and will be participating at the Conference.

The Rules Board for Courts of Law requested comments on its proposed fee tariff structure for legal services rendered by legal practitioners during the interim period after the LPA becomes fully operational. The request for comment had been published on the LSSA website and newsletters inviting comment had been sent out. Taking into consideration the views received, the Cost Committee drafted and submitted comments.

### **PROPERTY LAW COMMITTEE REPORT**

The Committee engaged with the Estate Agency Affairs Board (EAAB) to establish the reason for the issuing of a notice dated 30 June 2017 regarding the educational requirements for attorneys' employees whose duties consist wholly or primarily of estate agency work. The EAAB confirmed that attorneys are not required to register with EAAB or the Estate Agents Fidelity Fund (EAFF). The directive related to any person, employed by an attorney to perform the duties of estate agents other than articled clerks or an attorney, whose duties consist wholly or primarily of the performance of any defined (estate agency) act will be considered as an estate agent under the attorney firm. The representatives proposed a memorandum of understanding can be entered into between the two institutions regarding continuous professional development training, which option will be explored between the two institutions.

The Committee also participated in two meetings with representatives from the Competition Commission to discuss the legal implications of conflict of interest clause provisions customarily contained in service level agreements between banks and conveyancers. Some inroads have been made and the matter is currently under consideration by the LSSA.

The Committee has also requested a meeting with Minister Zwelini Mkhize, Minister of Cooperative Governance and Traditional Affairs with the view of discussing, amongst other, the issuance of clearance certificates at local municipalities.

Representatives of the LSSA and the provincial Law Societies will be attending the Registrars' Conference during October 2018.



## ENVIRONMENTAL AFFAIRS COMMITTEE

The Committee considers and comments on legislative initiatives relating to the environment generally and environmental law in particular.

During the year under review, the Committee considered, among others, the draft Climate Change Bill and the National Environmental Management Laws Amendment Bill. Comments will be submitted at the appropriate time.

The Committee submitted comment on the Integrated Planning Bill, which originated from the Department of Monitoring and Evaluation. The Bill sets out the developmental principles which will apply to all organs of State responsible for planning and development in the Republic. The comments can be accessed on the LSSA website at [www.lssa.org.za](http://www.lssa.org.za).

There is concern that the Spatial Planning and Land Use Management Act (SPLUMA) is being rolled out in a disjointed manner. The Committee intends to approach practitioners to share with it their experiences as regards SPLUMA. Once the information is available, recommendations will be made for relevant changes to the legislation.

The issue of anti-rhino poaching is of great interest to the Committee. During 2017, the Committee had an exploratory meeting with the Department of Environmental Affairs to offer the assistance and cooperation of the profession in specific areas, including those related to the rhino trade. The initiative is being pursued. ■



## ATTORNEYS FIDELITY FUND E. Horn

1. The Law Society regards the annual trust audit of member firms and the subsequent application by members for Fidelity Fund Certificates (FFC's), as the most important highlights of the trust accounts financial year and the right to practice for the ensuing year.
2. The Legal Practice Act is to bring about a regulatory system within the profession which will require of all trust account legal practitioners, to adopt a totally new approach to their practices and the way in which they manage same. The Law Societies as they exist in terms of the Attorneys Act, will cease to exist as soon as the Legal Practice Act comes into full operation.
3. The electronic portal for online applications for FFC's, will in all probability have to be developed further to cater for a changed regulatory environment. Members will be kept abreast of further developments and possible new timelines which might become applicable. Important to note that members will be required to henceforth pay a prescribed fee to obtain a FFC, commencing in respect of the 2019 year.
4. Yet again, the Fund's re-insurance programme for the ensuing insurance year, benefited from the risk management measures implemented by the Fund, which resulted in a favourable premium rate, despite an increase in claims. The efforts of the Fund's Management Team in this regard are recognised.
5. The concerns raised in previous annual reports with regard to the sustainability of the Fund, are still relevant today. Claims against the Fund are ever escalating and as at 31 March 2018, there were 1345 claims on record with a resultant total contingent liability of R607.7 million. The main contributors to claims against the Fund, are theft of funds relating to conveyancing transactions and administration of estates.
6. As at 31 May 2018 the net asset value of the Fund amounted to R4,881million, while trust interest collections were virtually on par with the figures for the same period 2017.
7. Members are again reminded of the fact that the monthly accounting for and payment of trust interest are mandatory. A concern was reported at a recent meeting of the LSSA Joint Attorneys and Accountants Committee to the effect that there is a lack of compliance with this requirement. Members are alerted to this fact.
8. Mr Herman Rothmann, the Business Development Manager of the Fund deployed at the Society, is going the extra mile in ensuring that members utilise Sect 78(2)(a) investment products to maximise trust interest earnings for the Fund. Members are urged to better their bank charges to interest ratio on trust accounts with a view to reaping the maximum benefit of the Fund's scheme with regard to refunds on bank charges and audit costs.



9. The following developments and matters being attended to by the Fund, through its Board and Management team, are reported:
  - 9.1 The implementation of the regime to levy members for a contribution towards PI cover through the Attorneys Insurance Indemnity Fund
  - 9.2 the financial viability of the Fund vis-à-vis ever increasing theft claims;
  - 9.3 Task Team activities to deal with transitional matters relating to migration to the Legal Practice Act dispensation;
  - 9.4 re-engineering and alignment of the Fund's ICT with that of the AIIF and setting up of a common platform with the Regulator going forward. A lot of work has already been done to secure a dependable data base for all legal practitioners (all attorneys and advocates, practicing and non-practicing)
  - 9.5 finalising the Organisational Redesign of the Fund;



**Attorneys Insurance  
Indemnity Fund (NPC)**

Est. in 1993 by the AFF

## **AIIF REPORT TO THE FREE STATE LAW SOCIETY AUGUST 2018**

**S. Mbelle**

### **Introduction**

We thank the Free State Law Society (FSLs) for, once again, giving the AIIF an opportunity to report to practitioners in the province.

This year has been momentous for all stakeholders in the legal profession. The full implementation of the Legal Practice Act 28 of 2014 later this year will be a watershed moment for the South African legal profession. The implications of the Legal Practice Act have been taken into account by the AIIF in its strategic planning for the years ahead as well as in its operational preparation as part of the broader Attorneys Fidelity Fund structure. We look forward to walking the new legislative path with the profession.

### **Professional indemnity claims**

Professional indemnity claims continue making up the biggest part of the operations of the company.

As at 30 June 2018, the reserve requirement for outstanding claims was actuarially calculated at R498 million. This is a significant amount considering the size of the AIIF. The majority of the claims still arise from circumstances which could have been avoided had the appropriate internal controls been implemented in firms. Conveyancing, prescribed and under-settled Road Accident Fund (RAF) claims, general litigation and commercial work are still the areas of practice from which the most claims arise. In line with the profile of the profession, firms made up of less than four partners have notified most of the claims. Smaller firms have thus been the greatest beneficiaries of the insurance cover provided by the AIIF.

It is concerning to note that many firms are still falling victim to cybercrime. It will be remembered that claims arising out of cybercrime have been excluded from the AIIF policy since 1 July 2016. In recent years, cyber-risk has been one of the top five risks highlighted by, amongst others, the audit firms and the risk advisory companies in their annual risk reports. The legal profession is not immune to these risks and practitioners

must take appropriate steps to create an awareness of cyber-risk and also to develop and implement measures within every firm to guard against cyber-risks materialising. The AIIF has published suggested measures firms can take to mitigate this risk. A number of commercial insurers provide cover for cyber risks and also conduct vulnerability assessments on the ICT environments of their clients.

To date, the AIIF has repudiated cybercrime related claims totaling in excess of R70 million. In some instances, the same firm has been targeted on more than one occasion. The cyberscams continue targeting mainly conveyancers in respect of the payment of proceeds of property sales, but we have seen the scams being extended to the proceeds of RAF claim payouts and even to a guarantee issued by a major bank. The cybercrimes targeting the legal profession are wider than hacking and all role players in transactions (estate agents, the clients, the banks, mortgage bond registration firms, the transferring attorneys) are vulnerable to cyber breaches.

Practitioners and their staff must be aware of cyber risks and implement appropriate controls in their firms to guard against this risk.

### Executor bonds

We continue devoting a large part of our resources to reducing the outstanding exposure in respect of this line of business. As at 30 June 2018, the outstanding exposure stood at R7,5 billion. We thank those practitioners who have complied with our requests for information on the status of the administration of the estates in which they have been appointed executors. In order to better manage the risk on this

line of business (the exposure peaked at over R14 billion), a number of measurers have been introduced to better manage the life cycle of the bond and to align it with the time schedules set out in the Administration of Estates Act 66 of 1965. The interests and concerns of all stakeholders (including the beneficiaries, creditors, the Master's office, the executors and the AIIF) have been taken into account in developing the updated terms and conditions.

Practitioners to whom bonds of security have been issued are urged to keep the AIIF updated on status of the administration of the estates.

### The AIIF funding model

The changes to the AIIF funding model were included in the AIIF report in 2017. The date for the implementation of the premium contribution model will be communicated to the profession prior to implementation. Further communication in this regard will be sent to the profession and engagement will be held with the profession on the premium contribution model.

### Note of appreciation

We thank the FSLs for its continued support to the AIIF over the years. We also thank Mr Henri van Rooyen who serves on the AIIF board as a representative of the FSLs. ■



## ADF STATUS REPORT AS AT SEPTEMBER 2018

T.V. Matsepe

### Beneficiaries

#### APPLICATIONS

The current number of beneficiaries that were assisted total 172. The number of Declined applications are 12 and the total approved is 194. Of the 194 only 172 proceeded with their applications to the procurement stages.

Detailed statistics as to the demographics and location of our beneficiaries is always published in our Annual Report which is due in a few months to come.

### The common reason for declined applications are as follows:

- Applicants require Financial assistance by way of cash which is outside our mode of operation.;

- Applicants are not yet registered with the resonate Law Society and therefore do not possess a valid Fidelity Fund Certificate; and
- The majority of these applicants fail to provide required further details to support their applications.

The total repayable amount loaned to date to 172 firms amounts to R 4.6 million. This amount includes the grantable portion of the loan which the beneficiaries are not required to repay.

We are in a process of separating the two figures so as to allow us to ensure the value of our grants. This will assist us in sourcing donor funding and also with internal budgetary planning.

### The ADF Grants are made up as follows

#### • SAFLII

The project is underway where beneficiaries are provided with SAFLII Pocket law USB drives, these discs replace the paper research, legislation

and print material which were previously granted to beneficiaries at a cost of R 2,000.00 non-refundable. The cost of the USB, ADF branded is R 530.00.

### • Practitioner Information Update Sessions

Two workshops were concluded in Mpumalanga and Mthatha respectively. The attendance rate was both above 50%. Articles about these projects will be published in electronic media soon.

### • Legal Inter Act

The software provider had extended their median services to ADF beneficiaries both with a bias toward practice efficiency and good governance. The concession will span beyond the historic 12 months in order to ensure sustainable practices and continuity.

## *LIBRARY PROJECT*

The ADF in partnership with the Law Society Library, the AFF, AIF and SAFLI have embarked on a nationwide information sharing drive aimed at reaching out to practitioners with a bias toward those in areas that are outside the major cities.

The objective of this exercise is to manage risks faced by practitioners and their firms in the guise of various scams, practice related negligence and imparting knowledge on how to optimise available resources to ensure that the practice of law is on an informed ambit via the use of available resources provided by the Law Society Library and the likes of SAFLI.

I am pleased to report that each town we visit manages to attract a huge number of practitioners who have shown appreciation for the information received from the various partners. The Goldfields Circle was visited early this year, the attendance was impressive but, as always we could do better.

There were SAFLI flash discs that were promised to the attending firms, these will be posted as soon as stock is available, practitioners who attended and registered their names with SAMSUNG are urged to follow up with Mackenzie on 078 330 8057.

In 2019 we plan to reach out to more practitioners as not only do the ADF and partners see value in the initiative, when compared to a loss event, that faces the fund due to lack of knowledge by a

practitioner, the cost of each session cannot be compared to any loss event which could run into millions of rand. The future sessions will have a bias towards the effects of the LPA on practices as we know them today and new risks facing practitioners in the new dispensation.

The other spin off for the regional Law Societies whom we engaged with before we venture out is that, their members see value that their association bring to their door step which is a humbling experience for practitioners' who are often kilometres away from their Provincial Law Societies in proximity thereby limiting their ability to access information and engage with the regulator, thus our outreach initiative is appreciated.

This report deliberately focuses on the positive aspects of our experiences when arranging these meetings and we hope to have more coverage and cooperation from all stakeholders in future.

## *FINANCIAL MANAGEMENT*

The Attorneys Development Fund Continues to enjoy the support of all constituents who afford us nominees to serve in the Board. The time that these individual members of the Board spend on ADF business away from their firms at a nominal fee or none is commendable and we will be forever be indebted to the men and women who at times neglect their practices in ensuring that this organisation forges to new highs.

## *GOVERNANCE*

The Board of Directors are meeting as required and continue to provide oversight on the activities of the fund. We have headed the various calls by our constituent members to remain independent in the functions that we perform. The latest call was made by the Co-Chairs of the Law Society of South Africa in as far as our financial independence, the Board has commendably headed the call by reengineering certain critical aspects of or financial management. Another similar call was via the LSSA Council, where we were challenged to ensure that we evolve with the changes in the profession, I am glad to mention that once more the Board rose to the occasion and engaged with the CEO of the National Forum as we have realised that waiting for a complete dispensation would be futile, this call the ADF Board has taken so seriously that we will in due course table a proposal to the stakeholders addressing amongst others the eminent name change to include the Advocates profession and twiggling our founding documents to be in line with the new Act.

## *CONCLUSION*

We will continue to engage with stakeholders as represented on the Board and ensure that we head all advice and comment as we recognise that we do not exist in a vacuum and are to remain relevant to those that we serve and our valued clients. ■

“ If you have ten thousand regulations you destroy all respect for the law. ”  
- Winston Churchill





## MANDATE AND WORK OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION IN THE FREE STATE PROVINCE

### Introduction

The South African Human Rights Commission ('the Commission') is a Chapter 9 institution established in terms of section 181 of the Constitution of the Republic of South Africa Act, 1996 ('the Constitution').

The Commission is specifically required to, promote respect for human rights, promote the protection, development and attainment of human rights and Monitor and assess the observance of human rights in the Republic of South Africa.

Section 184(2) of the Constitution empowers the Commission to investigate and report on the observance of human rights in the country.

### Powers and Functions

The South African Human Rights Commission Act, 40 of 2013 ('SAHRC Act') provides the enabling framework for the powers of the Commission. Section 13 (1) (a), (b), read together with Section 184 (1), (2), (3) of the Constitution gives the Commission its powers and functions which read as follows;

- (1) The South African Human Rights Commission must—
  - a) Promote respect for human rights and a culture of human rights;
  - b) Promote the protection, development and attainment of human rights; and
  - c) Monitor and assess the observance of human rights in the Republic.
- (2) The South African Human Rights Commission has the powers, as regulated by the SAHRC Act, necessary to perform its functions, including the power—
  - a) to investigate and to report on the observance of human rights;
  - b) to take steps to secure appropriate redress where human rights have been violated;
  - c) To carry out research; and
  - d) To educate.

- (3) Each year, the South African Human Rights Commission must require relevant organs of state to provide the Commission with information on the measures that they have taken towards the realisation of the rights in the Bill of Rights concerning housing, health care, food, water, social security, education and the environment.

Section 15 (1) of the SAHRC Act determines the procedure to be followed in conducting an investigation regarding any alleged violation or threat to a fundamental right. The Commission receives complaints on allegations of human rights violations, it also conducts its own investigations when it becomes aware of human rights issues as directed by Section 15 of the Act.

### The Free State Provincial Office

In the Free State complaints relating to right of access to water, sanitation and other Municipal services are prevalent and increasing significantly.

There are serious challenges at the local government level where we see issues of bad governance / maladministration, corruption, capacity challenges, skills shortages, lack of proper planning and budgeting, which impact on the ability of municipalities to discharge their Constitutional mandates. Issues of equality are also rising in the Free State, as we have seen an increase in the intake of complaints relating to racism over the years. The Commission normally takes these matters, either in its own name or in a representative capacity to the Equality Courts and in terms of Section 20 (1) (f) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 ('PEPUDA'). Most of these complaints are coming from farming and rural communities, which clearly indicates high levels of inequality and intolerance between racial lines.

We are often received complaints of evictions in the province, where we see in most cases Municipalities evicting people especially in the informal settlements, in most cases without evictions orders, and proper processes are not complied with in terms of legislations regulating evictions, e.g. Extension of Security of Tenure Act 62 of 1997 ('ESTA') and Prevention of Illegal Eviction Act 19 of 1998 ('PIE'). The Commission thus steps in to defend the rights of the communities in as far as it relates to human dignity, housing (addressing and ensuring that homelessness is by all means avoided).

The Commission has also started to monitor different places where vulnerable groups are resident, such as facilities for older persons and people with disabilities. Places of detentions such as police stations are also being monitored to make sure that detained person's human rights are at all times observed and not violated.

Children's rights are at a crises level in the country, especially for undocumented and stateless children. Their right to access of basic education is violated through government policies, and the Commission has to regularly engage with the Department of Basic Education and the Department of Home Affairs in the province to be able to resolve individual complaints.

In its mandate the Commission also undertakes advocacy activities in different sectors, such as public and private. These activities are to inform the people of their rights and responsibilities. It is also done to increase the visibility of the Commission within the Communities.

This promotion mandate of the Commission has been identified to have been lacking, hence the Commission has set itself from 2015 to 2020 to focus and channel more resources in to the strengthening of its Advocacy and Communications programme in order to ensure that communities are educated on human rights issues and the Constitution in general.

### **Mr Thabang Kheswa**

Attorney of the High Court of SA, Accredited Mediator.

Worked for South African Human Rights Commission – Free State Provincial Office from January 2007 – February 2008.

Worked for Legal Aid South Africa, Bloemfontein Justice Centre from March 2008 – February 2010 (Candidate Attorney), March 2010 - April 2013 (Legal Practitioner).

Worked for South African Human Rights Commission – Eastern Cape Provincial Office as Senior Legal Services Officer from May 2013 - December 2017.

Appointed Provincial Manager for South African Human Rights Commission – Free State Provincial Office from 01 January 2018. ■

---

“ The bedrock of our democracy is the rule of law and that means we have to have an independent judiciary, judges who can make decisions independent of the political winds that are blowing.  
- Caroline Kennedy



Clarens, Free State, South Africa



### What is Legal Aid South Africa?

Legal Aid South Africa (abbreviated as Legal Aid SA) is an autonomous statutory body established by the Legal Aid Act (No. 22 of 1969) and replaced by the Legal Aid South Africa Act (No. 39 of 2014). Legal Aid SA is funded from the national fiscus and is accountable to the Minister of Justice and Correctional Services and ultimately to Parliament for service delivery and the efficient and effective use of its budget allocation.

The main objective of Legal Aid SA is to make available legal advice and representation to vulnerable persons at state expense as contemplated in the Constitution of the Republic of South Africa (Act 108 of 1996).

Legal Aid SA offers legal assistance through its national footprint of 64 Legal Aid SA Local Offices and 64 Satellite Offices, as well as its toll-free Advice Line. If you qualify for legal aid, Legal Aid SA legal practitioners will defend and assist you. We assist in both criminal and civil matters.

### Legal Aid SA is mandated to help:

- All accused persons who face prison sentences and who cannot afford their own lawyer
- Children and women
- People on grants
- The elderly
- Mental health care users
- The disabled
- Landless people - evicted persons and farm workers
- Prisoners - people who have to stay in prison until their case is heard or those who are already in prison who wish to bring an appeal
- People accused of a crime where the sentence could be more than three months
- Groups of people or communities - where one case can help many people in a similar position

We also assist non-citizens in criminal matters and accept matters involving children who are not citizens.

It is important that Legal Aid SA makes sure that the people we help need our assistance the most. In order to determine if a person can or cannot afford his or her own legal representation, Legal Aid SA uses a Means Test. The main factor in the Means Test is the income of the applicant.

If his or her income exceeds the laid down requirements, he or she does not qualify for legal aid. However, applicants are able to appeal a denial of legal aid, if this does happen.

Legal Aid SA employs competent and professional legal practitioners who provide legal advice and legal representation, ensuring access to courts to fulfil one's rights to health, dignity, equality, education and environment. Even though Legal Aid SA is subsidised by the state, our legal practitioners are independent.

The quality of legal services provided to our clients is imperative and we have a comprehensive quality monitoring and management system in place to provide the best legal representation. A multi-pronged approach is used to manage and monitor quality, including training programmes, legal research and support programmes and reviews done by our Legal Quality Assurance Unit. Practitioners in need of additional support are provided with such.

From time to time Legal Aid SA collaborates with a range of stakeholders to make access to justice a reality, to promote and defend human rights and to educate communities about their rights and responsibilities. We recognise that we have a joint responsibility together. We also use this platform of partnerships to ensure that the justice system functions optimally by addressing any issues that we may need to work on with our partners. We therefore collaborate with stakeholders and partners at local, provincial and national level, all working to build a more efficient justice system.

Legal Aid SA is steadily making its international mark and is emerging as a leader in developing a cost effective legal aid model. Not just an inspiration and example of success for African countries, we have had international countries visit us to share our systems with them.

Over the past years, a key to the success of the organisation has been its inclusion of the strategic planning process as an integral and core part of its operations. The organisation has consistently upheld the approach of formulating the strategies that have to be implemented in order to achieve a clearly defined vision, outcomes and objectives. Legal Aid SA has considered its development in terms of strategic periods over which it planned to achieve defined strategic shifts. All corporate documents, including the Annual Performance Plan, Business Plan and Budget, are informed by the Strategic Plan and indicate how the organisation will execute its Strategic Plan.



It is this approach that has ensured that the organisation has successfully delivered on its mandate of ensuring access to justice for the vulnerable and indigent.

The guidance of Legal Aid SA's management and the Board set the direction and tone for sustainable high performance. Sound financial management resulted in Legal Aid SA receiving the 16th consecutive unqualified audit from the Auditor-General South Africa, which was also a clean audit.

Moreover, Legal Aid SA boasts Human Resources practices benchmarked against Top Employer standards, which has resulted in our Top Employer accreditation for the 9th consecutive year, as well as our 3rd consecutive year named as Industry Leader in the Public Sector.

Legal Aid SA is integral to making South Africa's Constitution a living document, which plays a crucial role in ensuring a stable, democratic community and provides a guarantee that the rule of law will be protected and applied. ■



**NATIONAL PROSECUTING AUTHORITY**  
South Africa

#### **REPORT FROM NPA** **N. Somaru**

1. The National Prosecuting Authority in the Free State is made up of the following components: National Prosecuting Service (NPS), Asset Forfeiture Unit (AFU), Specialised Commercial Crimes Unit (SCCU), Sexual Offences and Community Affairs Unit (SOCA), Office for Witness Protection (OWP) and Corporate Services which is the administrative support section. On a full establishment, this relates to well over 300 staff for the province.
2. At the end of the 2017/2018 performance cycle, the Free State Division was ranked in third position nationally, having achieved 90% of the agreed targets.
3. For the current performance cycle, the following areas have been determined as priority or focus areas for the province. They include TRIO crimes, Intimate Femicide, Sexual Offences, Drug and related offences, Rural Safety Crimes, Illicit Mining, Infrastructure crimes, Excessive Speeding and Gang related crimes.
4. The NPA shares outstanding relations with all stakeholders and roll players in the justice system. In addition, every effort is made to engage with the community through the various media, outreach projects and educational events.
5. Unfortunately, the current economic situation with the resultant non filling of vacant posts has created a 15% vacancy rate in the province. however, the dedicated efforts of hardworking prosecutors ensures that service delivery is not impacted negatively and that justice is realised.

“ The precepts of the law may be comprehended under these three points: to live honestly, to hurt no man willfully, and to render every man his due carefully.  
- Aristotle

# National Association of Democratic Lawyers



## NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS D. Qwelane

### Background

Nadel is a voluntary organisation of lawyers. Its primary goal is to achieve a legal and judicial system that realises access to justice for all people from all walks of life. Nadel membership is drawn from all races, genders and religious orientations in South Africa. Nadel membership includes, Judicial Officers, Advocates, Attorneys, Para-Legal's and Law Students.

### Law Society ACTIVITIES

Nadel interact with all the relevant stake holders in our profession from Minister to the ordinary member of the public. We have been part of the Law Society of South Africa since March 1998 and have councillors in all the Four Law Societies of South Africa. Our councillors are always encouraged to participate constructively to the building of a united and transformed legal profession. In the Free State Law Society, we have championed an ideal of a racially integrated profession representative body. We have openly stood for a continuation of a united Attorneys profession that places the rule of law and transformation at the centre of its activities.

We have from the start supported the idea of the retention of some of the assets of the Law Societies during this transitional period to enable attorneys to better organise themselves. We believe in a creation of a united Voluntary professional association that will champion the rights of attorneys in the new dispensation and ensure a gender and racially representation association with no dominance of one by another.

### Activities Outside of the Free State Law Society

We are a growing organisation within the Free State Province. We have over the past twelve months undertaken several projects aimed at empowering the communities around us and developing the attorney irrespective of whether they are Nadel members or not. We successfully hosted a Constitutional Law Training and earlier had training on the Customary Law in Bloemfontein for all practitioners irrespective of their affiliation and without charging any fee, we also co-hosted a Community outreach and offering of free Legal Advice to members of the public in Thabong Welkom and Mangaung Bloemfontein and are also looking at a developing programme to integrate law students to the profession. We are also hosted a Mentorship Seminar for Woman on the 8 September 2018 with a view of developing and empowering woman within the legal profession. As we believe that for truly transformed society no one should be left behind. ■

## FUTURE OF THE VARIOUS CIRCLES AND A PROFESSIONAL INTEREST ORGANISATION D. Bekker

All practitioners are aware of the effects of the Legal Practice Act and the termination of the Free State Law Society when the Legal Practice Act comes into full force. The regulatory aspects of the Free State Law Society will be taken over by the South African Legal Practice Council (the new national legislative regulatory body-SALPC) who will delegate certain of its functions to a new Free State Provincial Council which Council will be a

regulatory body only. No provision in the Act exists for an annual meeting with practitioners. The national regulatory body reports to the Minister and Parliament.

Meetings with circles in the Free State and roadshows by the Law Society of South Africa informed Free State practitioners of the imminent changes. Circles will continue to exist and to perform their activities on grass root level. Free State practitioners, however, must ensure that they are represented on a provincial and a national basis and that they are part of a unitary structure that can have the impact to protect the

interests of the profession. A draft Constitution for a professional interest organisation for the legal practitioners in the Free State was circulated to Circles to comment on. The Circles and by implication the practitioners in the Circle areas in the Free State Province will have to organise themselves into a representative structure that can nominate an Independent practitioner to represent the Free State Province in the LSSA.

The Law Society of South Africa (LSSA) is a voluntary organisation with only six "members" or constituents. The six constituents are the four provincial law

societies, the National Association of Democratic Lawyers (Nadel) and the Black Lawyers Association (BLA). Since the four provincial law societies will cease to exist as soon as the Legal Practice Act comes into full operation the LSSA will be re-structured to allow the participation of the non-Nadel and non-BLA practitioners in the activities of the LSSA through their provincial structures (as referred to in the previous paragraph). The LSSA will act as a unitary professional interest organisation to represent attorneys like a “trade union” will do. Where the Free State Law Society fulfilled the association activities (professional interest activities) of the practitioners in the past, practitioners will be “voiceless” if we do not re-structure and provide representation now.

The Circles will have to consider their structures to ensure practitioners from towns and cities are participating in the Circle activities. There are at this stage the following Circles in the Free State Province: Bloemfontein, North West, Sandveld, Kroon, Goldfields, Southern Free State, Eastern Free State and Riemland. That totals eight circles. Any structure must be lenient, and the towns of the various circles must be easily accessible for its members to

ensure easy access and participation in activities. It is suggested that circles amalgamate to decrease the number of circles. For example: Bloemfontein and Southern Free State, Welkom and Sandveld, Kroon and North West, Eastern Free State and Riemland. Circles were requested to meet and discuss this with their present circle members and then with the proposed amalgamating circle. In some of the other provinces in the Republic practitioners have arranged themselves into practical circle areas where a representative from each town sits on the Circle management to ensure wider participation or to organize sub-circles in each town if it can be more easily administered.

In the future the LSSA will have to act like a “trade union” for practitioners. It is important that provinces have representation on a national body to serve the interests of the practitioners in each province. The LSSA will have to assist practitioners to ensure that their interests are protected.

Membership of the LSSA through the circles will involve a membership fee that will have to be calculated per practitioner. Understandably it is important that all practitioners join to

ensure that a proper service can be delivered to practitioners and that the membership fee is as low as possible. What such a membership fee will entail is not certain at this stage as national and provincial budgets need to be prepared first. In the past the Attorneys Fidelity Fund assisted in the payment of a large portion of the funds needed for the operation of the LSSA and the provincial law societies. This will now fall away. Circles will of course be at leisure to obtain sponsorships to assist in their operations. Circles might have to consider levying different membership fees for different members, eg new entrants at a lower scale, larger firms to cross-subsidize, etc.

Membership benefits will have to be considered on an on-going basis to ensure that it is relevant to its members but also affordable.

Practitioners in each town and of every circle needs to become involved, as soon as possible, to ensure that we have representation to protect our professional interests on a provincial level but also at the national body when the Legal Practice Act comes into full effect. ■



Established in 1977

## BLACK LAWYERS ASSOCIATION M. Morobane

### Background

The Black Lawyers Association (BLA) is a voluntary association open to all lawyers in the Republic of South Africa regardless of race, sex, political belief, religion or area of practice. It draws its membership from, among others: attorneys, advocates, legal advisors, law students and judicial officers. BLA

has a vibrant Student Chapter with branches in all universities with Law Colleges / Faculties. The aims and objectives of the BLA are, to mention two: to strive for the empowerment of disadvantaged communities; and to promote and advance the evolution of jurisprudential order based on and reflective of the cultural aspirations, norms and values of the majority of our society.

### BLA and the Law Society

Part of the BLA recorded history shows that “At first the Law Society firmly opposed the formation of ‘the Association’ saying among other things that the BLA was announcing to the world that the Society was not doing much for black lawyers. It was also learnt that the Society had been approached by other law groups in the country who had insisted that BLA be banned. It was after lengthy discussions that the Society began to understand the reasons for the formation of the Association and sympathised with its problems. They approved, but, however sounded a word of caution against polarisation within the profession.

It was not long before the relationship between the two groups improved. In fact, history was made when for the first time Mr. Stanley Treisman, addressed members of the BLA at a general meeting held in Welkom on June 30, 1985. In his statement he assured members that the Society had never set out to prosecute members of the profession.



BLA is interacting with numerous stakeholders in our profession and it has been part of the of the Law Society of South Africa since March 1998. It is a constituent member of all statutory law societies and its members are also serving as elected councillors. The BLA takes principled positions on various matters in the law societies and other organisations. The BLA has become an association of choice which is consistently lobbied by other entities. We have advocated for the levelling of playing fields when it comes to the provision of legal services and the briefing patterns in favour of black lawyers, the previously disadvantaged!

### **BLA and the Public**

We have a number of community and outreach projects that we pride ourselves in. Among others, BLA is donating

sanitary pads to various schools for the benefit of girls. This project is aimed at challenging the Government to provide free sanitary pads to all schools in the same or similar manner as the provision of free condoms to everyone!

All members of the BLA must do Pro Bono work in their offices and provide free legal advice to the economically disadvantaged communities and to other organisations.

### **BLA Legal Education Centre**

The BLA LEC is providing legal education to all lawyers, aspirant lawyers and to other organisations. It has recently relaunched the African Law Journal which is widely distributed in South Africa and the SADC countries. The LEC is involved in training and research on various areas of the law.



## **UPDATE ON THE LEGAL PRACTICE ACT AND NATIONAL FORUM J. Stemmett**

The National Forum on the Legal Profession (NF) was established in terms of Chapter 10 of the Legal Practice Act 28 of 2014 (the Act) as a transitional body to oversee the transformation of the governing structures of the Attorneys' and Advocates' branches of the legal profession in South Africa into a new Legal Practice Council.

The NF has been in operation since February 2015 and ceases to exist on 31 October 2018, when the Act is due to be implemented in full and the 4 statutory Law Societies are due to be abolished. The following tasks of the NF have been completed or are nearing completion:

- A Code of Conduct for all legal practitioners (LPs), including non-practising LPs, candidate LPs and corporate legal entities was drafted and published. The Code was gazetted in February 2017 but will only begin to be applied by the new Legal Practice Council (LPC) when it starts to regulate the legal profession.
- Regulations have been tabled in Parliament for approval, after they were finalised by the Department of Justice, following recommendations by the NF and consultation between the Minister and the NF. The Act requires the Regulations to be promulgated before Chapter 2 comes into operation, when the establishment of the LPC can commence.
- Rules were made by the NF after drafts were published for comment by interested parties. The final version was gazetted on 20 July 2018.
- Transfer agreements have been concluded with the 4 statutory Law Societies, providing for the transfer of assets, rights, liabilities, obligations and staff to the LPC and the Provincial Councils (Pcs).

The parties agreed that R50million of the money to be transferred to the LPC, will be transferred to the LSSA, which is due to continue to exist as a professional interest organisation for legal practitioners.

- Transitional arrangements are being attended to by the NF's Transitional Arrangements Committee (TAC) to ensure a smooth transfer of regulatory functions of the existing Law Societies and Advocates' structures to the new LPC and the 9 PCs.
- Election of the 10 Attorneys and 6 Advocates to serve on the first LPC is intended to be conducted as soon as the Regulations are gazetted. An election service provider will conduct the election under supervision of the NF. An Election Committee was appointed by the NF for this purpose. In addition to the 16 elected members of the LPC, 3 additional members are due to be appointed to the LPC by the Minister, 2 by the Law Teachers and 1 each by the Fidelity Fund and Legal Aid South Africa. The LPs to serve on the 9 PCs are due to be elected under supervision of the LPC. In terms of the election Regulations and Rules, the composition of the LPC and PCs is due to reflect the demographics of the country.
- Buildings and infrastructure of the LPC and PCs will be required as soon as Chapter 2 of the Act comes into operation, but acquisition can only be made once the Regulations and Rules are in place.

## Regulations

### The draft Regulations tabled for approval by Parliament, include the following:

- An election procedure for purposes of constituting the LPC.
- The establishment of the Provincial PCs and their areas of jurisdiction. The office of the Free State PC will be in Bloemfontein.
- The composition, powers and functions of the PCs. The Free State PC is due to consist of 6 Attorneys and 4 Advocates, 50% of which must be female.
- The practical vocational training (PVT) requirements that Candidate Attorneys (CAs) must comply with. A person with a LLB degree has 3 routes to admission as an Attorney:
  - 24 months PVT & 150 hours course work (during the 24 months PVT or within 12 months thereafter) & pass the prescribed examination; or
  - 12 months PVT after 400 hours course work & pass the prescribed examination; or
  - A CA who has entered into a 24 months PVT contract, may apply for admission after 12 months if he/she has completed the 400 hours course work after hours & passed the prescribed examination.
- The practical vocational training (PVT) requirements that Pupils must comply with. A person with a LLB degree who wants to be admitted as an Advocate, must serve under a PVT contract for 12 months and complete 400 hours course work before or during the 12 months PVT & pass the prescribed examination.
- The right of appearance of Pupils in lower courts or any other institution. (The right of appearance of CAs is dealt with in s25 of the Act.)
- A mechanism to wind up the affairs of the NF when it ceases to exist on 31 October 2018.

The following aspects required by the Act were not dealt with in the draft Regulations submitted to the Minister, for the reasons provided:

- Admission and enrolment of foreign legal practitioners: This Regulation can only be drafted after the Minister has consulted with the Minister of Trade and Industry and the LPC.
- Community service: This Regulation can only be drafted after the Minister has consulted with the Council to identify the types of appropriate community service.
- Prescribed fees: This Regulation can only be drafted after the South African Law Reform Commission has submitted its report in terms of section 35(4).
- A mechanism to provide legal education and training, including the accreditation of training institutions. This Regulation will be finalised in consultation with the LPC once it is established.

- A mechanism to monitor progress with the empowerment of historically disadvantaged LPs and Candidate LPs. This Regulation will also be finalised in consultation with the LPC.

## Rules

The Rules drafted by the NF were published in the Gazette on 20 July 2018. The Rules are based on the Attorneys' Uniform Rules with amendments to accommodate the Advocates and the requirements of the Act.

### The Rules include the following:

- The subscriptions to be levied on admitted and enrolled LPs by the LPC and the administrative fees payable for certificates etc.
  - As a transitional measure, the NF arranged with the Law Societies to levy their existing membership fees on practising Attorneys for the 12 months ending on 30 June 2019, despite the fact that the Law Societies are due to be dissolved by 31 October 2018. The surpluses will be transferred to the LPC.
  - Practising Advocates will pay subscriptions of R2 500 including VAT per year (except LPs admitted and enrolled for less than 12 months, who will pay R1 500 including VAT per year).
  - Unless the LPC amends the Rule relating to subscriptions (after input from LPs), the subscriptions payable by all practising LPs from 1 July 2019 onward will be R2 500 per year (except LPs admitted and enrolled for less than 12 months, who will pay R1 500 including VAT per year).
  - All non-practising Attorneys and Advocates will pay subscriptions of R800 including VAT per year.
  - The first subscriptions, calculated pro rata where necessary, are due to be levied by the LPC when it commences to regulate the profession.
- The election procedure for purposes of constituting the PCs
- Admission and enrolment: a person admitted by the High Court as a LP (as an Attorney, referral Advocate or trust account Advocate) is automatically enrolled by the LPC (on the practising or non-practising roll) and is then subject to regulation by the LPC. Only a LP (ie admitted and enrolled) may hold him/herself out as a LP, in terms of s33(2) of the Act.
- Education and training – registration, practical vocational training of CAs and Pupils, assessment and the practice management course. The minimum remuneration of CAs and Pupils will be determined by the LPC from time to time.
- Keeping of rolls and conversion of enrolment.
  - An Attorney who wishes to convert his/her enrolment to that of an Advocate, will need to have the right of appearance in the High Court and to have undergone the training in advocacy required by Pupils for admission as Advocates.

- o An Advocate who wishes to convert his/her enrolment to that of an Attorney will need to have passed the accounting exam and to have attended the practice management course required by Attorneys. In addition, he/she will need to have been enrolled for as an Advocate for at least 12 months or at least 3 years if he/she did not undergo pupillage or successfully complete a training course approved by the GCB.
- The rendering of legal services. This includes the legal services which may be rendered by trust account Advocates, the briefing of Advocates and the instruction of Attorneys.
- Law Clinics
- **Disciplinary matters:**
  - o All pending investigations against Attorneys and unaffiliated Advocates will be transferred to the LPC. Investigations against Advocates who are members of the GCB-AFT and the NBCSA will be completed by the respective bodies in terms of their constitutions.
  - o Pending applications for striking or suspension of Attorneys and Advocates from practice will also be transferred to the LPC, but the LPC may contract with the GCB-AFT and the NBCSA to complete their pending applications.
  - o Alternative dispute resolution was added as an optional procedure for less serious transgressions.
- Legal Practitioners Fidelity Fund – election of Board members, applications for Fidelity Fund certificates, contributions to the Fund and compliance inspections by the Fund.
- Accounting Rules
- Investment Practice Rules
- Schedules to the Rules.

## Transitional Arrangements

A Transitional Arrangements Committee has been established to attend to all transitional aspects. The Committee, consisting of members of the NF and representatives of the Law Societies, are attending to the numerous practical arrangements, in co-operation with the Pre-Transitional Committees of the Law Societies. The effective date for the transfer can only be determined after the Regulations have been promulgated.

## Conclusion

The work described in this report is the culmination of many years of dedicated work by many role-players. These are historical achievements which will pave the way for the establishment of a single unified statutory Council to regulate the affairs of all legal practitioners, candidate legal practitioners and juristic entities, for the first time in the history of South Africa.

All documents including the Legal Practice Act as amended, the Regulations, Rules, Code of Conduct as well as various reports, can be downloaded from [www.lssa.org.za](http://www.lssa.org.za). ■

## REPORT ON ADMISSION EXAMS FOR THE RESULTS FOR THE PERIOD AS FROM THE 1ST OF JULY 2017 TO THE 30TH OF JUNE 2018 ARE AS FOLLOWS - J.J. Maree

### A. Attorneys Admission Examination

#### Court Procedure (part 1)

Wrote 176  
Passed 97  
Failed 79

#### Estates (part 2)

Wrote 163  
Passed 110  
Failed 53

### Attorneys Practice And Ethics

Wrote 152  
Passed 106  
Failed 46

#### Bookkeeping (part 4)

Wrote 170  
Passed 108  
Failed 62

### B. Conveyancing Examination

#### September 2017

Wrote 33

Passed 2  
Failed 31

#### May 2018

Wrote 29  
Passed 18  
Failed 11

### C. Notarial Examination

#### October 2017

Wrote 13  
Passed 5  
Failed 8

#### June 2018

Wrote 14  
Passed 11  
Failed 3

The profession need to express its thanks and gratitude towards the examiners who at a very low compensation level undertake the task to mark the papers and attend to the oral examinations. ■






“

Our government... teaches the whole people by its example. If the government becomes the lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

”

Louis D. Brandeis





**Your litigation specialists in Bloemfontein**

**Lucian Companie**  
General Litigation

**Ilze Strydom**  
Family Law

**Lesley Mokgoro**  
Labour and Employment Law

**Jonathan le Riche**  
Supreme Court of Appeal

[www.phinc.co.za](http://www.phinc.co.za)

**phatshoanehenney**  
ATTORNEYS

## LISTING OF LAW FIRMS

BEZUIDENHOUTS INCORPORATED  
COOPER, E G & MAJEDT ING  
DE VRIES, C J H  
DE WET & MOROBELA  
GOODRICK & FRANKLIN  
HILL MCHARDY & HERBST ING.  
HONEY & VENNOTE INGELYF  
HORN, A C  
VAN DER MERWE & SOROUR  
VAN VUUREN & VENNOTE  
VERMAAK & DENNIS INGELYF  
VORSTER & VENNOTE  
WEBBERS  
WESSELS & SMITH PROKUREURS  
CALLIS & KIE  
ROSSOUW & CONRADIE INGELYF  
CLOETE & NEVELING INGELYF  
JAC N COETZER INGELYF  
PODBIELSKI MHLAMBI ODENDAALSRUS  
OLIVIER & ACKERMAN

SMIT, E J P  
DU TOIT LOUW BOTHA INGELYF  
COETZEE-ENGELBRECHT INC.  
NAUDE-THOMPSON INGELYF  
GRUNOW FROST & VILJOEN  
STEYN & VENNOTE  
SMIT & VERMAAK INGELYF  
SNYMAN, EUGENE  
MARK HILL ATTORNEY  
MHLAMBI J INC  
SYMINGTON & DE KOK  
DU PLESSIS BOSCH & MEYEROWITZ  
WESSELS & SMITH INGELYF  
MOSESE, T P  
SCHOEMAN MAREE INGELYF  
NIEMANN PROKUREURS  
MTATI MASHILO SESELE ATTORNEYS  
GERSOHN & PAOLA INC  
HORN D A PROKUREURS  
MOHAPI O D ATTORNEYS

MARTINS PROKUREURS  
LOVIUS-BLOCK  
KUBUSHI MOLEMELA  
MATHEBULA ATTORNEYS  
SCHOEMAN VAN VUUREN & STEYN ING WELKOM  
JOHAN I J FICK PROKUREURS  
SUSAN ESTERHUYSE PROKUREURS  
MOROKA ATS  
NEUMANN VAN ROOYEN INCORPORATED  
NENGWEKHULU & PARTNERS  
CORNELIUS PROKUREURS  
DE KLERK AA  
SPILLMAN PROKUREURS  
SPANGENBERG ZIETSMAN & BLOEM  
KUHN & VENNOTE  
JOHAN MARAIS PROKUREURS  
BERTUS VILJOEN PROKUREURS  
VAN DEN BERG ING  
GOUWS, HENRY J PROKUREURS  
ANTON KRUGER PROKUREURS

RADEMEYER, BOKWA & FRADE  
ELNA WESSELS PROKURS  
PRELLER & ASSOCIATES  
RAJUILI & SEREKEGO ING  
SAFFY & ASSOCIATES  
HENRY OOSTHUIZEN PROKUREURS  
MTATI SEHUME ATTORNEYS  
HECHTER PROKUREURS  
VAN STADEN & VAN ASWEGEN  
NICKY DE WET  
VAN VUREN N J PROKUREUR  
ROODT & WESSELS VAAL  
OELOFSE & KRIEL PROKUREURS  
AMOR PIETERSE PROKUREURS  
J L JORDAAN PROKUREURS  
HENRY JOHNSON PROKUREURS  
MEINTJES PROKUREURS  
JOUBERT'S ATTORNEYS  
WERNER VERMAAK PROKUREURS  
LEVIN PROKUREURS

DANIE CRONJE PROKUREURS  
MIKE VAN VUUREN PROKUREURS  
PDW MYBURGH PROKUREUR  
SMIT & OERTEL ING  
FOURIE PROKUREURS  
FRADE ATTORNEYS  
HEWETSON INCORPORATED  
SCHOEMAN STEYN INGELYF  
N O OELOFSE  
BEYERS-NEL PROKUREURS  
JORDAANS RIJKHEER ATTORNEYS  
SMOOK J S PROKUREURS  
J MHLAMBI INCORPORATED  
COEN FICK PROKUREURS  
HAARHOFF FOURIE & VENNOTE  
LITHEKO MOTSOENENG INC  
PHUTHADITJHABA JUSTICE CENTRE  
ANDREWS INCORPORATED

SIZEPHE MACHEKA & PARTNERS  
BOTHATA ATTORNEYS  
OOSTHUIZEN PROKUREURS  
HATTINGH PROKUREURS  
PEETE MOSESE INCORPORATED  
COLLETT ATTORNEYS  
CARINA NAUDÉ INGELYF  
WESSELS AJ INGELYF  
BODA ATTORNEYS  
MOLAPO & SEMPHE ATTORNEYS  
MOHAPI ATTORNEYS  
DE LA REY PROKUREURS

COOPER-BEZUIDENHOUT INCORPORATED  
HUMAN PROKUREURS  
MORTON'S PROKUREURS  
NTHAKO & LENGAU ATTORNEYS  
MONTÉ VILJOEN & VENNOTE  
LEBO CHABANE ATTORNEYS  
NIKAMANZI & PARTNERS  
GERICKE J G PROKUREUR  
BRAND PROKUREURS  
LOUIE GRIMSELL ATTORNEYS  
JOHAN VISSER PROKUREURS  
TIM REID ATTORNEYS  
KOLOANE, MOSES ATTORNEYS & ASS  
WALDA VENTER PROKUREURS  
LEWIES W H G, PROKUREURS  
GOUS PROKUREURS  
MONYANE & LINGANI  
HILL MCHARDY & GOUWS INC.  
NHLAPO ATTORNEYS  
GYSMAN PROKUREURS

BLEN EAGAR AND ASSOCIATES  
WELKOM JUSTICE CENTRE  
NTHAKO & LENGAU ATTORNEYS  
E P DU PREEZ ATTORNEYS INC  
BEN VAN DER MERWE PROKUREURS  
MARTIN SWART & KIE  
FRADE ATTORNEYS  
J C DE CLERK PROKUREURS  
GIDEON POTGIETER PROKUREUR  
MARINA NEL PROKUREURS  
KUHN & KUHN  
LENGAU ATTORNEYS  
DONDOLO MANELI ATTORNEYS  
MOLAPO SEMPE & MOGOTSI ATTORNEYS  
UYS MATHEBULA INCORPORATED  
JOHN HUMAN INGELYF  
FUSI MACHEKA & PARTNERS  
MOGOTSI M B, ATTORNEYS  
GRUNOW FROST & VILJOEN PROKUREURS  
SIZEPHE, M J D ATTORNEYS

DU TOIT LOUW BOTHATA  
SEMPE ATTORNEYS  
SPILLMAN PROKUREURS  
MTHEMBU SIBIYA ATTORNEYS  
SOUTH AFRICAN HUMAN RIGHTS COM



DICKENS ATTORNEYS  
SMOOK & LAMPRECHT PROKUREURS  
MOKOENA ATTORNEYS  
VAN DER MERWE-FOURIE PROKUREURS  
JORDAAN PROKUREURS  
SEREKEGO INCORPORATED  
HUGGETT RETIEF INCORPORATED  
COBUS LE ROUX  
SMIT-LOURENS & SCHOEMAN PROKUREURS  
MULLER, CJ PROKUREURS  
BOTES PROKUREURS  
DU TOIT BOMELA  
MOLEMELA M B ATTORNEYS  
C J DU PLESSIS PROKUREUR  
STIGLITZ-BOTES ATTORNEYS

HURTER-MEIRING PROKUREURS  
BASTIAAN THEUNISSEN PROKUREUR  
G J OBERHOLZER PROKUREURS  
MMUSO MABOTJA ATTORNEYS  
COMBRINK COETZEE INGELYF  
MOFOKENG L M A, ATTORNEYS  
COLEMAN ATTORNEYS  
STEENKAMP DE VILLIERS & COETZEE  
BADENHORST PROKUREURS  
KARABO MOKOENA ATTORNEY  
BOSIU ATTORNEYS  
ZWANETTE FOURIE PROKUREURS  
MBODLA, G P ATTORNEYS  
SERFONTEIN PROKUREURS  
F J BOCK PROKUREURS  
MOLETSANE Z B - ATTORNEYS  
MOLAPO-MOFOKENG ATTORNEYS  
CLAASSENS PROKUREURS  
MOLEFI THOABALA INCORPORATED  
JANSEN (WYNAND) PROKUREURS

LAMBRECHTS PROKUREURS  
LL KETJA ATTORNEYS  
SAMANTHA HENNEY ATTORNEYS  
KHALAKI ATTORNEYS  
CORDIER PROKUREURS  
BUYS PROKUREURS  
NTJABANE ATTORNEYS  
SCHOEMAN COETZEE PROKUREURS  
NEUMANN ATTORNEYS  
MOLAPO-MOFOKENG ATTORNEYS  
VENTER EN VENNOTE  
VAN NIEKERK PROKUREURS  
KGWALE ATTORNEYS  
RUDD ATTORNEYS  
THERESA DU PLESSIS PROKUREUR  
HUMAN LE ROUX MEYEROWITZ  
EUGENE VENTER PROKUREURS  
RAMETSE & MASEKO ATTORNEYS  
JOUBERT PROKUREURS  
BAHLEKAZI ATTORNEYS

BINDEMAN PROKUREURS  
ANDREW DU PREEZ PROKUREURS  
PMI LAW FIRM INCORPORATED  
HUMANS  
KRAMER WEIHMANN & JOUBERT  
PONOANE ATTORNEYS  
ADRIANS & CLAASEN PROKUREURS  
STEYN PROKUREURS  
STEYN ATTORNEYS  
ZWANETTE FOURIE PROKUREURS  
KAMATI INCORPORATED  
MALULEKE ATTORNEYS  
OBERHOLZER PROKUREURS  
MHLAMBI & CO. ATTORNEYS  
PLAATJIES ATTORNEYS  
HUGO VAN DER BERG INCORPORATED  
OERTEL ATTORNEYS  
M W MUKHAWANA ATTORNEYS  
MAREE VAN WYK INCORPORATED  
MADLELA ATTORNEYS

JACOBS F PROKUREURS  
JUAN ADENDORFF ATTORNEYS  
MOROKA ATTORNEYS  
MALANS  
THULO ATTORNEYS  
TSHEPO THUSI ATTORNEYS  
VAN WYK PROKUREURS  
MORARE THOBEJANE INC.  
J P KRÜGER ATTORNEYS  
SMO SEOBE ATTORNEYS INC.  
CC HARRINGTON ATTORNEY  
MOTSOELI ATTORNEYS  
P P MILE ATTORNEYS  
MEADES ATTORNEYS INC  
MAVUSO ATTORNEYS INCORPORATED  
TEFO TLADI ATTORNEYS INC.  
T E T MOFOKENG ATTORNEYS  
GABORONE ATTORNEYS  
L M MOKHELE ATTORNEYS INC.  
L M MOKHELE ATTORNEYS INC.

MOLOI & PARTNERS  
CORNÉ BOSHOF PROKUREURS  
BASSON OLIVIER & COETZEE ATTORNEYS  
DE VILLIERS PENNY INCORPORATED  
OERTEL PROKUREURS  
STYGER VAN RENSBURG ATTORNEYS  
SIBONGISENI ZIMEMA & PARTNERS  
SYMINGTON & DE KOK INCORPORATED ATTORNEYS  
MATSEPES INC.  
ODENDAAL ATTORNEYS  
HAASBROEK & WILLEMSE  
HAASBROEK & WILLEMSE INGELYF  
STEFAN SCHEEPERS INCORPORATED  
NKUNA AND THUNTSI INC.  
LOU VAN WYK ATTORNEYS INC.  
LOUIS VENTER & ASSOCIATES INC.  
S SULEMAN ATTORNEYS  
MARITZ ATTORNEYS INC.

KGANG ATTORNEYS  
 JOHANNES MARTHINUS LESSING ATTORNEYS  
 MANELI & FINGER INC ATTORNEYS  
 SUNETTE JOOSTE INCORPORATED  
 MTHOLO, TB INC ATTORNEYS  
 SEMFENG ATTORNEYS  
 SHAYNE WHITE INGELYF PROKUREURS  
 KIRSHEN NAIDOO & COMPANY INC  
 MOSTERT ATTORNEY, CONVEYANCER, NOTARY  
 CLEM HARRINGTON ATTORNEY  
 THATO MOFOKENG ATTORNEYS  
 DE WET WEPENER INCORPORATED  
 RMS DE FREITAS INC.  
 NOGE ATTORNEYS  
 MEYER VAN DER WALT BETHLEHEM INC.  
 HANNO BEKKER ATTORNEYS  
 PILLAY JAMPIES ATTORNEYS INC.  
 SM NTOMBELA ATTORNEYS  
 H F ATTORNEYS  
 FABER ATTORNEYS  
 WALTER DU TOIT ATTORNEYS  
  
 WEBBER COOPER LOCKMAN INCORPORATED  
 OERTEL ATTORNEYS  
 LEBURU LEHABE ATTORNEYS  
 ANNELIE VAN WYK ATTORNEY  
 REZA DAY ATTORNEYS INC.  
 KGOELENYA ATTORNEYS  
 FJ SENEKAL INC.  
 MOKHOMO ATTORNEYS  
 NOORDMANS  
 NS LETSELA INC  
 MOLOTSI ATTORNEYS INCORPORATED  
 HOLOMO RAPAPALI ATTORNEYS  
 NOZIPHO DLALI ATTORNEYS  
 KAMBULE ATTORNEYS INC  
 VAN ZYL-FOURIE ATTORNEYS  
 BURGER ATTORNEYS  
 JAQUIRE ATTORNEYS  
 STEYN-MEYER INCORPORATED ATTORNEYS  
 SOOKNANAN B & ASSOCIATES  
 UNGERER H M PROKUREUR  
  
 DU PLESSIS, H S L - PROKUREURS  
 DIENER, LUDWIG  
 HARRINGTONS INGELYF  
 THERON, KOSIE PROKUREUR  
 NTHEBE R A, ATTORNEYS  
 MTAMBO ATTORNEYS  
 BETHLEHEM JUSTICE CENTRE  
 J A BOTHA ATTORNEYS  
 MARINDA BENDER CONVEYANCER & ATTORNEY INC.  
 VAN AARDT ATTORNEYS INC.  
 ANELDA STOFFBERG ATTORNEYS  
 COKES MVULANE ATTORNEYS INC  
 J G BOTHA  
 BRITZ & COETZEE  
 ESTERHUYSE & LYNCH  
 KRIEK, J G & CLOETE  
 LITHEKO & SONS

JAN HUGO ATTORNEYS  
 VAN RENSBURGS  
 VAN WYK & PRELLER INGELYF  
 MOTAKE, P P & CO  
 PHATSHOANE HENNEY INCORPORATED  
 PEETE PEETE & PARTNERS  
 A P PRETORIUS & VENNOTE  
 SCHOEMAN, KELLERMAN & KOTZÉ  
 STAATSPROKUREUR  
 GOUS VERTUE & ASSOCIATE ING  
 MTHEMBU & MAHOMED  
 BLOEMFONTEIN JUSTICE CENTRE  
 MILTON & EARLE - CLOSED  
  
 KRUGER STEPHAN W  
 MAPITSE & KHANG  
 DU TOIT PROKUREUR  
 HORN & VAN RENSBURG  
 COETZEE PROKUREURS  
 CALLIS ATTORNEYS  
 STANDER, VENTER & KLEYNHANS  
 VAN WYK & PRELLER BOTSHABELO  
 POTGIETER PROKUREURS  
 MYBURGHES ATTORNEYS  
 VAN COPPENHAGEN LJ INGELYF  
 RAMOTHELLO ATTORNEYS INCORPORATED  
 MTHEMBU & VAN VUUREN INC  
 SERFONTEIN P R INGELYF  
 HUGO PROKUREURS  
 MOSIKILI ATTORNEYS  
 QWELANE THERON & VAN NIEKERK  
 BOKWA ATTORNEYS  
 MPOBOLE & ISMAIL ATTORNEYS  
 JOHAN SLABBERT PROKUREURS  
  
 MARTIN & VISSER INGELYF  
 NTHAKO A S - ATTORNEYS  
 VAN SCHALKWYK & VENNOTE  
 LETHETSA SMITH INC.  
 BREDENKAMP PROKUREURS  
 NEUHOFF PROKUREURS  
 MAJOLA ATTORNEYS  
 CRAUSE PROKUREURS  
 SLABBERT ATTORNEYS  
 ETIENNE VISSER PROKUREURS  
 WESSELS PROKUREURS  
 L & V ATTORNEYS  
 FUSI MACHEKA INC  
 VAN DEVENTER & THOABALA INGELYF  
 STRAUSS DALY ATTORNEYS  
 MOROKA ATTORNEYS  
 MPHAFI KHANG INCORPORATED  
 NIKAMANZI M G, INCORPORATED  
 BOTHA & DE JAGER PROKUREURS  
 STEYN-MEYER INCORPORATED

PEYPER ATTORNEYS  
 MABALANE SEOBE ATTORNEYS INC  
 FOURIE-MYBURGHES INGELYF  
 UFS LAW CLINIC  
 VAN DER BERG VAN VUUREN PROKUREURS  
 J A BOTHA PROKUREUR  
 MADRI DU PREEZ PROKUREUR  
 GERBERS JUNIUS PROKUREURS  
 CALDEIRA ATTORNEYS  
 MNYAMENI ATTORNEYS  
 BOMELAS  
 LENGAU ATTORNEYS  
 ALBERTS PROKUREURS ING  
 MOROBANE INCORPORATED  
 RAMPAL ATTORNEYS  
 CHRISTO DIPPENAAR ATTORNEYS  
 SCHREUDERS ATTORNEYS  
 DIRK JOUBERT PROKUREURS  
 QUINTON GRIMBEEK PROKUREURS  
 CENGCANI & ASSOCIATES

DU TOIT LAMBRECHTS INC.  
 H DE VILLIERS INCORPORATED AND PARTNERS  
 STEPHAN VAN ZYL PROKUREURS  
 BRUINTJIES PROKUREURS  
 ADRIE HECHTER PROKUREURS  
 MOTAUNG ATTORNEYS  
 VICTOR COETZEE ATTORNEYS  
 NIKAMANZI ATTORNEYS  
 HADEBE T ATTORNEYS  
 RETIEF KOEKEMOER PROKUREURS  
 WILLIE J BOTHA INCORPORATED  
 MATEE ATTORNEYS  
 MD MATLHO INC.  
 MAJIEDT INCORPORATED  
 VOSLOO PROKUREURS  
 MOUNTJOY ATTORNEYS  
 SARINA FOURIE INCORPORATED  
 COERTZEN WILLIAMS ATTORNEYS  
 FIXANE ATTORNEYS  
 NEIL DU TOIT ATTORNEYS

RAMOTHELLO & TSOTETSI INC  
 DE LANGEPROKUREURS  
 EUGENE ATTORNEYS  
 DU PLOOY ATTORNEYS  
 DE LANGE ATTORNEYS  
 JACOBS INCORPORATED  
 NADIA SCHEPERS INCORPORATED  
 MARTIE BLOEM ATTORNEY  
 SCHOEMAN ATTORNEYS  
 KOENANE ATTORNEYS  
 E L MARAIS ATTORNEYS  
 MODISE & MODISE ATTORNEYS  
 STANDER & GREEN ATTORNEYS  
 ELMARIE VOSLOO ATTORNEYS  
 ERASMUS VENTER ATTORNEYS  
 BLAIR ATTORNEYS  
 MADUBA ATTORNEYS INCORPORATED  
 ROTHMANN ATTORNEYS INCORPORATED

JACOBS ATTORNEYS  
 STRAMPE DU PLESSIS ATTORNEYS  
 MUDZUSI TP, INCORPORATED  
 NICO NAUDÉ ATTORNEYS  
 DU RANDT LAW INCORPORATED  
 PHETHENI ATTORNEYS  
 PEDZISAI-PION INC.  
 TSHANGANA ATTORNEYS  
 MAVUYA INCORPORATED  
 OLIVIER PROKUREURS  
 MINETTE DU PREEZ ATTORNEY  
 DYEYI ATTORNEYS  
 CHRISTO FABER PROKUREUR

LEON VERMAAK ATTORNEY  
 NGWANE & ASSOCIATES  
 PISTORIUS PROKUREURS INGELYF  
 POSWA INCORPORATED  
 BRITS & MATTHEE PROKUREURS  
 HANEKOM ATTORNEYS  
 CONRADIE ATTORNEYS  
 DUVENHAGE ATTORNEYS INCORPORATED  
 PRETORIUS ATTORNEYS  
 CALLIS ATTORNEYS INC.  
 MHLOKONYA ATTORNEYS  
 RC ISHMAIL INCORPORATED  
 DE LANGE ATTORNEYS  
 AP BELOT ATTORNEYS  
 STEENKAMP & JANSEN INC.  
 SHARDELOW SMITH ATTORNEY  
 YDE ATTORNEYS  
 L M MOKHELE ATTORNEYS INC.  
 MICHAEL DU PLESSIS ATTORNEYS INC.  
 MAKUBALO ATTORNEYS  
 WESSELS ATTORNEYS  
 GEORGE S DU PREEZ ATTORNEYS  
 PIETER SKEIN ATTORNEYS  
 DANIE WESSELS ATTORNEYS  
 J C H SWANEPOEL ATTORNEYS  
 MARIUS VAN ZYL INCORPORATED  
 WYNAND LIEBENBERG ATTORNEYS  
 PEYPER AUSTEN ATTORNEYS  
 MAREE & MAREE ATTORNEYS & CONVEYANCERS  
 MABITLE L S ATTORNEYS

KALAOTE ATTORNEYS  
 BLIGNAUT ATTORNEYS  
 MARLENE DE LANGE ATTORNEY  
 VORSTER ATTORNEYS  
 M A MOGOTSI ATTORNEYS  
 RAYNARD & ASSOCIATES INCORPORATED  
 NONGCALI SINAZO ZIBI ATTORNEYS INC.  
 WILLERS ATTORNEYS  
 G F WESSELS & CO.  
 MAREE & VENNOTE  
 STEFAN DE BEER & CO.  
 VAN DER BERG ATTORNEYS & CONVEYANCERS  
 LOCKMAN & ASSOCIATES INCORPORATED  
 ZIM ATTORNEYS INCORPORATED  
 EBERSÖHN ATTORNEYS, NOTARIES & CONVEYANCERS



MODISENYANE ATTORNEYS INC  
MLOZANA ATTORNEYS INCORPORATED  
TAYLOR ATTORNEYS  
DE BEERS ATTORNEYS INC.  
ALET GERBER ATTORNEYS & CONVEYANCERS  
BEZUIDT ATTORNEYS  
GWABENI ATTORNEYS INC.  
NOKO INCORPORATED ATTORNEYS  
DIALE, MOGASHOA INC  
LEKHU PILSON ATTORNEYS INC  
DU PLESSIS ATTORNEYS  
MARTIN & DE BEER INC  
MOLEME ATTORNEYS  
VZLR INC.  
BOOYSEN & FOURIE ATTORNEYS INC.  
KAMBI & ASSOCIATES  
GUSTAV Gerdener ATTORNEYS  
EASTHORPE ATTORNEYS  
ODENDAAL ATTORNEYS INC.  
SETENANE ATTORNEYS  
P P HENECKE ATTORNEYS  
DUBA ATTORNEYS  
STIGLITZ-BOTES ATTORNEYS  
NICOLE JACOBS BOUCHER INC.  
BADENHORST ATTORNEYS INC.

MASIA ATTORNEYS INC.  
BOTSHABELO JUSTICE CENTRE  
BENJAMIN VEZI ATTORNEYS  
BAFANA MONYAMANI ATTORNEYS  
AJ MARX ATTORNEYS  
M C RADEBE ATTORNEYS  
MAOBA ATTORNEYS  
MAREE & VENNOTE INGELYF  
COMBRINK ATTORNEYS  
WESSELS PROKUREURS  
DU PLESSIS LE ROUX ING  
DANSTER T P ATTORNEYS  
L M MOKHELE ATTORNEYS INC.  
CRAUSE PROKUREURS  
ADELE MOSTERT PROKUREURS  
BOTH, W J  
KHUMALO M J ATTORNEYS  
MALAN ATTORNEYS  
STARK ATTORNEYS  
KUBUSHI-MOLEMELA

PEETE PEETE & PARTNERS  
ANDRE NAUDÉ PROKUREURS  
RADEBE, S J ATTORNEYS  
N. S MAKWELE ATTORNEYS  
MAPONYA INC  
BUTHELEZI. M ATTORNEYS  
COLESKE ATTORNEYS  
MMIHI RAMAGAGA ATTORNEYS  
DAFFUE, MEYER & SMIT  
UYS, DR J F  
PRELLER INGELYF WELKOM  
RAMPAI & PARTNERS - CLOSED  
BUYS, FANUS

CILLIERS, BPJ PROKUREURS  
DE KLERK, A A & SCHOEMAN  
JAKE MOLOI MOHAPI & ASSOCIATES  
MAREE GOUWS  
SCHOEMAN KELLERMAN & KOTZE ING  
FANUS BUYS INGELYF  
DE WET & VENNOTE - CLOSED  
SESELE ATTORNEYS  
BL KRETZMANN ATTORNEYS  
ARNOLD DE JAGER BREPOLS & KAPP  
PEYPER SESELE INGELYF  
FINGER ATTORNEYS  
KEMI AKINBOHUM ATTORNEYS  
KEMI AKINBOHUN ATTORNEYS  
MASOLE & PARTNERS  
GK MAJAPHAGE ATTORNEYS  
NKUNA S N ATTORNEYS  
SESELE ATTORNEYS  
NGWANE & ASSOCIATES  
BEYERS-HAASBROEK INC. T/A PIET HAASBROEK  
ATTORNEYS

MANDIE J V RENSBURG ATTORNEYS  
WESI ATTORNEYS  
BOTH, SCHOEMAN ATTORNEYS  
MODIAKGOTLA ATTORNEYS  
RIAAN JACOBS PROKUREURS  
DÖMAN WEITZ ATTORNEYS  
PHATSHOANE HENNEY COLLECTIONS INCORPORATED  
POTGIETERS INCORPORATED  
KHANYILE INCORPORATED  
CLAUDE REID INC  
SYMINGTON & DE KOK  
BOCK VAN ES BOSHOF KLEYNHANS INGELYF  
LANDMAN & KIE  
MCINTYRE & VAN DER POST  
ROSENDORFF & REITZ BARRY  
RAFFERTYS  
BEUKES & BEUKES  
DE WAAL & VAN ROOYEN  
ROSSOUW & PARTNERS INC.  
BRAND WESSELS & BLIGNAUT

BREYTENBACH MAVUSO INGELYF  
DU PLESSIS, BOSCH & MEYEROWITZ INC  
GROBLER, P A  
NIEMANN GROBBELAAR INC.  
SMITH & VAN HUYSSTEEN  
BEYLEFELD & VERCUCEL  
MARAI, C G & KIE  
BOCK & VAN ES BOTHAVILLE  
CAREY BOTH, INGELYF  
GP NIEUWOUDT & PARTNERS  
VENTER, P S & KIE  
VILJOEN G J & KIE  
BOTH, J G  
FOURIE-MYBURGH INC  
HENDRIKZ & DE VLETTER  
EDMEADES, DE KOCK & CO  
STEINBACH & OELOFSE

CARROLL, VAN DE WALL & JOUBERT  
KOCK, J J C  
LOMBARD & VAN ROOYEN  
STEYL WESSELS & CO  
KRUGER, LEO C J  
GREWARS  
SNYMAN & CO  
CLAASEN & VAN DER WATT & VISSER  
M P DE JAGER PROKUREURS  
MULLER, C J & KIE  
BALDEN VOGEL & VENNOTE INGELYF  
WRIGHT, PHILIP D & SIEBRITS  
CORNELIUS & VENNOTE INGELYF  
CRONJE & VENNOTE INGELYF  
PHILLIP VAN DER MERWE & VENNOTE ING  
KALLA DU PLESSIS & KIE  
EDELING & IMMELMAN PROKUREURS  
MAREE & VENNOTE INGELYF HENNENMAN

DE VILLIERS & STENVERT INGELYF  
MAREE & BERNARD  
DE VILLIERS, A H  
DU TOIT & ROSS  
KRUGER, LEO C J KOFFIEFONTEIN  
CORNELIUS & PARTNERS INCORPORATED  
BOTH A YAZBEK & JOOSTE INGELYF  
DE VRIES, DAAN  
DU RANDT & LOUW ING  
GRIMBEEK VAN ROOYEN & VENNOTE ING  
KROG, WILLEM (WILLEM KROG)  
DU PREEZ, L & CO  
LEON MARÉ ATTORNEYS  
VAN RENSBURG PROKUREURS  
MALHERBE I A J (LUCKHOFF)  
CROWTHER & PRETORIUS ATTORNEYS  
THERON & NEETHLING  
TC BOTHMA INGELYF  
KROHN INGELYF  
SLABBERT ROSSOUW & VENNOTE

DREYER, C PROKUREURS  
ATSEPES INCORPORATED  
COETZEES INGELYF  
DE KLERK, MANDELSTAM  
DU TOIT & MANDELSTAM INGELYF  
EBEN KRIEK INCORPORATED  
TERBLANCHE PROKUREUR  
BOSMAN ID - PROKUREUR  
THERON & KIE  
MALHERBE, I A J  
BLIGNAUT & WESSELS  
ALBERT HOFFMAN PROK  
CHRISTIE VAN WYK PROKUREURS  
WOTSHELA, M Z  
CHARL COETZER PROKUREURS  
FOUCHE ATTORNEYS  
DE BEER & CLAASSEN INGELYF  
MOLENAAR & GRIFFITHS INCORPORATED  
PIENAAR & GRESSE  
THERON, A V & SWANEPOEL

VAN STADEN, A J A & KIE - CLOSED  
CROWTHER & PRETORIUS ATTORNEYS  
KRÜGER VENTER INC.  
N O OELOFSE INGELYF  
POTGIETERS  
F.B. COETZER PROKUREUS  
DAWID SENEKAL INCORPORATED  
RICHTER & HILL  
ZIETSMAN INGELYF  
ERASMUS & KIE  
ANTON KRUGER PROKUREURS  
MASHILO & COMPANY  
ROMA BADENHORST ATTORNEYS  
PRETORIUS & BOSMAN  
  
VAN DER MERWE, HENNIE - CLOSED  
KING, F STEWART & PRETORIUS  
DALY & NEUMANN INC  
KLOPPERS, JAC S & DE LA REY  
GORDON TAKA ATTORNEYS  
ULYATE & ULYATE  
VAN DEN HEEVER AND CO  
VAN ROOYEN MOSTERT FOURIE - CLOSED  
FOUCHE VAN RENSBURG INGELYF  
PRETORIUS, DE BEER & RHEEDER  
PIET KOTZÉ & VENNOTE  
KOTZÉ (VICTOR) & SMIT  
BOTH A, FANIE & KIE  
CLOETE, NEVILLE & CO  
MALHERBE, SAAYMAN & SMITH  
ELLEN PIKE PROKUREURS  
VAN SOELEN HELLMUTH & VAN DYK - CLOSED  
KEZIA PRETORIUS  
MOODIE

ROODT & VENNOTE - CLOSED  
NEUHOFF & VAN DEVENTER ING  
HUTCHINSON PROKUREURS  
BARNARD & VENTER PROKUREURS  
MAREE GOUWS INGELYF  
REDELINGHUIS  
JAAP VENTER PROKUREURS, THEUNISSEN  
ARNOLD DE JAGER BREPOLS & KAPP  
VAN WYKS KORPORATIEWE PROKUREURS  
CHRISTINA MARAIS PROKUREURS  
OCHSE & VAN RENSBURG  
PHOOFOLO E H & CO  
PHALATSI N W & PARTNERS  
DA ROCHA NORDENG  
GRIMBEEK & VENNOTE  
ANDRE HEIBERG EN KRUGER  
ARNOLD DE JAGER BREPOLS & KAPP  
STEPHANIE OBERHOLZER PROKUREURS  
CHRISTO DIPPENAAR PROKUREURS  
MAFUBELU & PARTNERS  
SCHROEDER ATTORNEYS  
HUGO & TERBLANCHE  
HELMUT BURGER PROKUREUR  
PEYPER PROKUREURS INGELYF

OCHSE & VAN RENSBURG  
 GRIMBEEK & VENNOTE  
 PEYPER PROKUREURS  
 DU PLESSIS S J PROKUREURS  
 MYNHARDT PROKUREURS  
 MITCHELL & CO  
 DAAN DE VRIES PROK  
 MARK WEBBER ATTORNEYS  
 STEYN FERREIRA & BEZUIDENHOUT ING  
 HEWETSON INCORPORATED  
 MCKECHNIES PROKUREURS  
 HEWETSON INCORPORATED (THEUNISSEN)  
 VAN VUUREN PROKUREURS  
 THABANE ATTORNEYS  
 MAKUME S J ATTORNEY  
 ADRIAN'S PROKUREURS  
 KOLBE KOLVER PROKUREURS  
 MOTLATSI MOLOTSI ATTORNEYS  
 VAN DEN BERG ADW PRS

AZAR & HAVENGA PROKUREURS ING  
 ENGELSMAN BENADE & G  
 ROSTRON PROKUREURS  
 ERASMUS P-L PROKUREUR  
 JACQUES GROENEWALD  
 DU RANDT - CILLIERS  
 SEFO A G ATTORNEYS  
 BAHLEKAZI N M & ASSOCIATES  
 VAN RENSBURG PROKUREURS  
 BARNARD & VENTER INGELYF  
 VAN NIEKERK HENRY PROKUREURS  
 STANDER PROKUREURS  
 MARTIN LOVIUS  
 L W VAN DER MERWE PROKUREURS  
 SAS RAUTENBACH PROKUREURS  
 ELMARIE VAN DER SCHYFF PROKUREURS  
 RICHTER VAN DER WATT (VILLIERS)  
 HEYNS PROKUREURS  
 KLEYNHANS PROKUREURS  
 A WOLMARANS ATTORNEY

HOWELL PROKUREURS  
 BODA & KHAN  
 CRONJE & VENNOTE  
 LOMBAARD PROKUREURS  
 VINCENT H TORR PROKUREURS  
 JOHAN SCHONKEN PROKUREUR  
 NDLOVU J V & CO  
 BRINK ROUX PROKUREURS ®  
 BRINK ROUX ATTORNEYS WESSELSBRON  
 JACO DEMPSEY PROKUREURS  
 GIORGI & GERBER INC.  
 DE VILLIERS & STENVERT ING (BOSHOF)  
 CLAASEN PROKUREURS  
 NICO VAN DER WATT  
 FLOORS VISSER  
 SCHULTZ G J PROKUREUR  
 MONYANE & LINGANI ATTORNEYS  
 HAMMAN OPPERMAN PROKUREURS  
 MATSEPES INCORPORATED WELKOM

THABANE & MOLOI  
 ERNEST MAHANKE ATTORNEYS  
 MPHALANE & CO  
 CHRISTO FABER PROKUREUR  
 KROONSTAD JUSTICE CENTRE  
 LOUW & LOUW-VAN WYK INCORPORATED  
 ADRIAAN ODENDAAL & ASSOCIATES ING  
 LETSELA M ATTORNEYS  
 DURAAN FOURIE PROKUREURS  
 LAMPRECHT PROKUREURS  
 SANET SIMPSON PROKUREURS  
 VAN LINGEN INC.  
 SELMÉ PRETORIUS PROKUREURS  
 JC DE CLERK PROKUREURS  
 VAN ASWEGEN, IGJ , INGELYF  
 DANIE STEYN PROKUREURS  
 JACO VAN WYK PROKUREURS  
 HANSIE CLAASEN PROKUREURS  
 ANDREW VAN DEN HEEVER  
 H V JORDAAN INGELYF  
 MAGDA SCHOEMAN PROKUREURS  
 GRUNOW E PROKUREURS  
 SWARTZ PROKUREURS  
 OOST PROKUREURS  
 ADELE RADEMEYER  
 COOPER BEZUIDENHOUT INC  
 STEENKAMP & FOURIE PROKUREURS

M G R RAFFERTY PROKUREUR  
 J L JORDAAN PROKUREURS  
 LETSELA ATTORNEYS  
 RETIEF PROKUREURS  
 VENTER PROKUREURS  
 OCHSE & VAN RENSBURG  
 JOE SCHOEMAN PROKUREURS  
 SAREL VENTER INCORPORATED  
 DE HART KRUGER BASSON SCHOEMAN  
 DAUW LABUSCHAGNE PROKUREURS  
 MOLOI ATTORNEYS  
 LANGENHOVEN INGELYF  
 SKINNER & LODEWYCKX  
 FUSI MACHEKA & PARTNERS  
 BOTHA MARAIS PROKUREURS  
 ELLA S PIETERS PROKUREURS  
 ERASMUS & KIE (WELKOM)  
 BOKWA & WESSELS ATTORNEYS  
 SHINAAZ ISMAIL ATTORNEYS  
 MALAN INGELYF  
 KOLOANE & SEREKEGO ATTORNEYS  
 HUMAN VISAGIE PROKUREURS  
 MYBURGH ATTORNEYS  
 T C BOTHMA INGELYF

FORSTER & FORSTER PROKUREURS  
 HUMAN PROKUREURS  
 CECIL H KRUGER PROKUREUR  
 MAREE & FERREIRA  
 SAMPSON PROKUREURS  
 M J L DE LANGE PROKUREUR  
 W J BOTHA PROKUREURS



CORNE MARAIS ATTORNEYS  
COMBRINK COETZEE INGELYF  
MATSEPE  
SADLER PROKUREURS  
THABO GRIMBEEK PROKUREURS  
RAFFERTY BOTHA SENEKAL PROKUREURS  
BASSON PROKUREURS  
GEORGE MAREE INCORPORATED  
STEYN LYELL & MAEYANE ING  
KETJA ATTORNEYS  
LOUW MAREE INGELYF  
J C VENTER PROKUREUR  
CRONJE & BUITENDAG  
RICHTER - VAN DER WATT  
MAJAVU INCORPORATED  
CHRISTO DE VOS INGELYF  
STEFAN VAN RENSBURG PROKUREUR  
S A REDELINGHUIS & CO  
NDOBELA ATTORNEYS  
FUSI MACHEKA INCORPORATED  
LAMPRECHT PROKUREURS  
NONXUBA INCORPORATED  
HENNIE VENTER PROKUREURS

WILLEM LOMBARD PROKUREURS  
DU TOIT LUUS PROKUREURS  
MONICA VAN DER BERG PROKUREURS  
PRETORIUS PROKUREURS  
H S MARAIS PROKUREURS  
T G MOHOJE ATTORNEYS  
SESELE VAN RENSBURG  
JANSEN PROKUREURS  
N O OELOFSE (MARQUARD) INGELYF  
S W VAN DER MERWE PROKUREUR  
JANSEN VAN VUUREN PROKUREURS  
MARAIS PROKUREURS  
HEYNIKE E G E PROKUREURS  
HUGO & TERBLANCHE  
LEGAL AID SOUTH AFRICA  
DEON TALJAARD PROKUREUR  
FRANK BOTHA PROKUREURS  
MANONG BADENHORST BOTMA PROKUREURS  
DU PLESSIS BOSCH & MEYEROWITZ INC.  
CHRISTO JACOBS INGELYF

DONDOLO MANELI ATTORNEYS  
DU TOIT DROSTKY ATTORNEYS  
SONETTE O'REILLY PROKUREURS  
MELATO ATTORNEYS  
ANDREW VAN DEN HEEVER  
MABALANE SEOBIE INC.  
STOFFBERG L PROKUREURS  
GDT@LAW  
GOODRICK & FRANKLIN ING.  
MONIQUE VAN TONDER PROKUREURS  
HANNO BEKKER PROKUREURS  
KAMATI & MACHEKA ATTORNEYS  
GEYSER PROKUREURS  
GRAHAM ATTORNEYS

JEANETTE WELGEMOED PROKUREURS  
J C BURGER PROKUREURS  
THULO ATTORNEYS  
SCHILLING INCORPORATED  
MATEE ATTORNEYS  
LEBEA & ASSOCIATES ATTORNEYS  
RADEBE, SJ ATTORNEY  
CHRISTO DREYER ATTORNEYS  
STRYDOM PROKUREURS  
PIETER GROVÉ PROKUREURS  
PIETER GROVÉ  
MINNAAR & DE KOCK  
MAKHALEMELE & ASSOCIATES  
FLEMIX & ASSOCIATES INCORPORATED  
WYNAND RAUTENBACH ATTORNEY  
GERDA SMALL ATTORNEYS  
HEIDTMANN, A E PROKUREURS  
LIZA VERMEULEN ATTORNEY  
L G C LIELIES ATTORNEYS  
VAN LINGEN & VENNOTE  
BEYERS-HAASBROEK INC.

MACHAKA ATTORNEYS  
VAN EEDEN ATTORNEYS  
STARK ATTORNEYS  
LEKHOTLA ATTORNEYS  
M B NKONOANE INCORPORATED  
BADENHORST ATTORNEYS  
THEMBA NGCANGISO ATTORNEYS  
HAASBROEK & WILLEMSE INC.  
STARK ATTORNEYS TROMPSBURG  
ANDREW VAN DEN HEEVER ATTORNEYS

LEACH ATTORNEYS  
MOROKA ATTORNEYS INCORPORATED  
MAREE & BERNARD  
MOEMI MODUPE ATTORNEYS  
LEHUPELA ATTORNEYS  
RAPULENG ATTORNEYS  
MONYAMANI & NGCANGISO INC.  
CHEMALY INCORPORATED  
LEON ELS ATTORNEY



The background of the slide is a photograph of green grass with numerous small, clear dew drops clinging to the blades. The lighting is soft, creating a gentle bokeh effect in the background. At the top of the slide, there are two overlapping geometric shapes: a blue triangle on the left and a tan triangle on the right.

“

The glory of justice and the majesty of law are created not just by the Constitution - nor by the courts - nor by the officers of the law - nor by the lawyers - but by the men and women who constitute our society - who are the protectors of the law as they are themselves protected by the law.

Robert Kennedy

”

## CHRONOLOGICAL LIST OF PRESIDENTS, SECRETARIES, CHIEF EXECUTIVE OFFICERS, EXECUTIVE OFFICERS, TREASURERS AND COUNCIL MEMBERS AND PERIODS OF OFFICE SINCE THE SOCIETY'S INCORPORATION UNDER ORDINANCE NUMBER 9 OF 1903 O.R.C.

### PRESIDENTS

NAME	FROM	TO
A Fischer	14 May 1903	31 July 1905
JG Fraser	31 July 1905	3 March 1906
JWG Steyn	3 March 1906	7 August 1915
CA Hill	13 August 1915	10 April 1918
WHC McIntyre	10 April 1918	31 March 1926
RG Vorster	1 April 1926	31 March 1932
JS Franklin	1 April 1932	31 March 1936
JHB Reitz	1 April 1936	31 March 1940
JS Franklin	1 April 1940	31 March 1944
GJ Goodrick	1 April 1944	31 March 1946
CH De Wet	1 April 1946	31 March 1950
W Leinberger	1 April 1950	31 March 1954
FS Webber	1 April 1954	31 March 1958
JH Pretorius	1 April 1958	21 March 1962
DGJ van Rensburg	22 March 1962	25 March 1966
GR Ashman	25 March 1966	25 March 1970
T Vorster	25 March 1970	26 March 1974
CHP van der Post	25 March 1974	31 March 1976
JD Symington	31 March 1976	19 October 1979
JFAS van der Walt	19 October 1979	30 October 1981
PGL Cooper	30 October 1981	29 October 1982
AN Oelofse	29 October 1982	29 October 1985
CHP van der Post	29 October 1985	31 October 1986
JN Coetzer	31 October 1986	28 October 1988
MGR Rafferty	28 October 1988	26 October 1990
DW Venter	26 October 1990	30 October 1992
M de Kok	30 October 1992	28 October 1994
DB Bekker	28 October 1994	30 October 1996
JD Anderson	30 October 1996	23 October 1999
JJ Maree	23 October 1999	3 November 2001
JB Mthembu	3 November 2001	25 October 2002
MA Mathebula	25 October 2002	31 October 2003
E Horn	31 October 2003	28 October 2005
NW Phalatsi	28 October 2005	27 October 2006
TV Matsepe	27 October 2006	26 October 2007
HC van Rooyen	26 October 2007	16 October 2009
JJ Mhlambi	17 October 2009	15 October 2010
MK Moroka	16 October 2010	28 October 2011
J Fouché	29 October 2011	25 October 2013
JJ Mhlambi	25 October 2013	31 October 2014
VM Morobane	1 November 2014	30 October 2015
D Milton	31 October 2015	21 October 2016
SS Jonase	22 October 2016	31 January 2017
C Siyo	24 February 2017	12 December 2017
VM Morobane	24 November 2017	

### SECRETARIES & TREASURERS

NAME	FROM	TO
WDE Watkeys	14 May 1903	23 June 1904
JM Titley	23 June 1904	30 January 1908
CJ Reitz	30 January 1908	28 February 1944
JS Franklin	1 March 1944	20 July 1959



JBS Franklin (Asst)	1 November 1952	20 July 1959
JBS Franklin	20 July 1959	17 August 1972
M. Strasheim (Asst)	20 February 1962	17 August 1972
JR Grimbeek (Asst)	1 July 1972	30 September 1973
GP Greyvenstein (Asst)	1 September 1973	1 May 1975
GP Greyvenstein (Sec.)	2 May 1975	20 October 1988
B de Wet (Sec.)	21 October 1988	31 December 1999
N Soldo (F.O)	1 November 2010	30 June 2017
R Sykes (FO)	13 August 2018	

## CHIEF EXECUTIVE OFFICERS & EXECUTIVE OFFICERS

NAME	FROM	TO
GP Greyvenstein (EO)	21 October 1988	22 January 1999
GP Greyvenstein (EO)	23 January 1999	31 December 1999
MG Molapo (EO)	1 November 1999	30 September 2000
H Samuel (EO)	1 November 2000	30 November 2000
B de Wet (CEO)	1 January 2001	14 November 2004
MJ Sehume (EO)	1 February 2001	31 January 2006
A Stanton (CEO)	15 November 2004	31 January 2010
MA Mohobo (EO)	1 April 2007	31 January 2010
MA Mohobo (CEO)	2 February 2010	30 June 2013
AM Obbes (EO)	10 February 2010	8 June 2014
CJ Marais (CEO)	9 June 2014	31 December 2017
AM Obbes (EO)	1 January 2018	31 January 2018
T. Leope (CEO)	1 February 2018	

## COUNCIL MEMBERS

NAME	FROM	TO
A Fisher	14 May 1903	17 April 1905
JWG Fraser	14 May 1903	3 March 1906
JWG Steyn	14 May 1903	31 July 1905
JN Blignaut	14 May 1903	31 July 1905
GA Hill	14 May 1903	16 April 1919
CL Botha	31 July 1905	14 June 1917
PJE Hugo	31 June 1905	14 June 1917
	1 April 1920	30 March 1933
WDE Watkeys	31 July 1905	14 June 1907
JWG Steyn	3 March 1906	7 August 1917
WHC McIntyre	14 June 1907	30 March 1933
	1 April 1937	19 January 1938
FG Hill	14 June 1907	30 March 1909
	1 April 1922	30 March 1924
GEO Scott	1 April 1909	25 April 1917
JN van Soelen	1 April 1909	30 March 1917
DJ de Villiers	3 November 1915	30 March 1919
HM Layton	1 April 1917	30 March 1919
JC Daniëls	1 April 1919	30 March 1920
D Davidson	6 June 1917	30 March 1919
RG Vorster	1 April 1919	30 March 1933
JHB Wessels	9 June 1919	30 March 1920
BWE Edmeades	1 April 1920	30 March 1921
	1 April 1924	30 March 1934
CJ Goodrick	1 April 1920	30 March 1921
	1 April 1922	30 March 1924
	1 April 1944	30 March 1946
R de Villiers	1 April 1921	30 March 1922

JHB Reitz	1 April 1921	30 March 1922
	1 April 1933	30 March 1940
JF Franklin	1 April 1924	30 March 1944
CJ Oberholzer	1 April 1933	30 March 1937
	1 April 1938	30 March 1950
GH Smit	1 April 1933	30 March 1934
JG Olivier	1 April 1933	30 March 1942
EE Jarvis	1 April 1934	30 March 1936
T Maré	1 April 1936	30 March 1941

### COUNCIL MEMBERS continue

NAME	FROM	TO
DF Marais	1 April 1940	30 March 1944
JA du Toit	1 April 1942	30 March 1953
OT Carey	1 April 1943	30 March 1953
CH de Wee	1 April 1944	30 March 1956
FS Webber	1 April 1949	30 March 1958
FS Smuts	1 April 1950	30 March 1957
LR Botha	1 April 1953	31 March 1958
GF van L Froneman	1 April 1957	1 July 1961
CH de Wet	1 April 1958	21 March 1962
JH Pretorius	1 April 1956	18 March 1964
T Vorster	22 March 1962	26 March 1975
W Leinberger	1 April 1964	9 March 1968
WS Webber	29 March 1968	26 March 1975
WWB Haveman	1 April 1958	29 March 1968
DGJ van Rensburg	1 April 1953	26 March 1971
CHP van der Post	18 March 1964	25 October 1991
TL Searle	29 March 1968	23 March 1972
JH Berning	26 March 1971	23 March 1972
GR Ashman	22 March 1972	21 March 1973
RJN Brits	23 March 1972	21 March 1973
PD Pretorius	23 March 1972	21 March 1973
JGB Blignaut	21 March 1973	30 March 1977
BJC Heyns	21 March 1973	11 May 1977
MCJ Bobbert	21 March 1973	31 October 1980
JD Symington	21 March 1973	3 October 1981
JFAS van der Watt	21 March 1973	28 October 1994
PJ de Waal	26 March 1975	2 February 1979
PGL Cooper	23 March 1975	29 October 1982
AN Oelofse	30 March 1977	27 October 1989
JN Coetzer	27 October 1978	6 March 1998
J Breytenbach	19 October 1979	25 February 1982
KWJ Brink	31 October 1980	13 April 1985
JH van Deventer	30 October 1981	29 October 1985
DW Venter	29 October 1982	11 March 1995
MGR Rafferty	29 October 1982	28 October 1994
C Meltz	29 October 1985	29 October 1993
M de Kok	29 October 1985	27 October 1995
JD Anderson	25 October 1991	5 November 2004
JA Beukes	28 October 1994	28 October 2000
MA Peete	20 October 1995	6 March 1998
KJ Moloi	22 January 1998	27 July 1998
MB Molemela	22 January 1998	29 October 1999
MA Mathebula	24 October 1998	28 October 2005
TV Mtati	6 March 1998	8 October 2005
MA Peete	6 March 1998	2 September 1999
DA Howell	3 November 2001	25 May 2003
DB Bekker	27 October 1989	

JJ Maree	28 October 1993	
HC van Rooyen	28 October 1994	
E Horn	4 May 1995	
JJ Mhlambi	22 January 1998	30 October 2015
	22 April 2016	25 November 2016
JB Mthembu	22 January 1998	3 December 2010
TV Matsepe	28 January 2000	
J Fouché	27 February 2004	
D Milton	4 November 2004	
MN Mbhele	28 October 2005	30 April 2009
	28 October 2013	30 October 2015
MK Moroka	28 October 2005	28 October 2013
NB Dyeyi	16 October 2009	26 October 2012
SS Jonase	28 January 2011	31 January 2017
NW Phalatsi	23 October 1999	27 October 2011
N Jali	28 October 2011	30 October 2015
VM Morobane	26 October 2012	
NP Maduba	29 January 2016	
C Siyo	22 April 2016	
MA Mohobo	17 March 2017	
DS Qwelane	17 March 2017	

## PANEL OF EXAMINERS:

### ATTORNEYS ADMISSION EXAMINATION

**Convener:** JJ Maree

**Court Procedure:** TV Matsepe; HF Venter;  
O van Schalkwyk; V Morobane; P Skein; JA Callis; A Raynard

**Estates:** C Cilliers; DB Bekker; C Stander; E Horn;  
Z Nhlapo; V Johnson

**Attorneys Practice:** DS Qwelane; W Phalatsi;  
DP Rossouw; PMS Strauss; J Bloem; K Verwey

**Bookkeeping:** DP Molyneaux, JH Truter, WJ Flemming,  
AH Taute, J Fouché, A Hechter

### NOTARIES

**Convener:** DT Majiedt

**Examiners:** DR Henney; A Fourie; MP Thoabala,  
JH van Schalkwyk

### CONVEYANCING

**Convener:** S De Lange

**Examiners:** RB Cloete, AG Sefo, NW Phalatsi,  
L van Aswegen

B Ntlonti	2017-08-24
E Rix	2017-08-31
Z van Biljon	2017-08-31
C Woodruff	2017-09-07
J Venter	2017-09-07
AA Cilliers	2017-09-21
M Labuschagne	2017-10-05
NJ Mokoena	2017-10-26
NA Mgojo	2017-10-26
JGL Claasen	2017-10-26
LHW Cato	2017-11-02
KD Mogorosi	2017-11-16
LB Mzinjana	2017-11-30
K Mogami	2017-11-30
N Cloete	2017-11-30
S Hoeksma	2017-12-07
TP Xaba	2017-12-07
NQ Mokhele	2017-12-07
J Labuschagne	2017-12-14
E Rossouw	2017-12-14
M de Swardt	2017-12-14

EC Venter	2018-01-11
AMR Leeuw	2018-01-15
Halgreen	2018-01-25
AJ Vermaas	2018-01-25
A van Jaarsveld	2018-02-01
GE Thobegane	2018-02-01
SE Pule	2018-02-08
Y Vosloo	2018-02-08
L Nel	2018-02-15
RB Jansen	2018-02-20
A Nel	2018-02-22
C Delpont	2018-02-22
M van der Merwe	2018-02-22
JA Schoeman	2018-03-01
KN Theko	2018-03-01
CMA de Koker	2018-03-01

## ADMISSIONS:

### ATTORNEYS

NAME:	DATE:
ME Vinger	2017-07-27
FC Mokotjo	2017-07-27
NN Mayise	2017-08-03
TP Lenka	2017-08-03
MC Tshabalala	2017-08-03
G Botha	2017-08-17
K Botha	2017-08-17
EC Eggink	2017-08-24



LW Abdol	2018-03-05
TP Serekego	2018-03-05
C Lillie	2018-03-15
A Moolman	2018-03-08
S van Jaarsveldt	2018-03-08
CM Schietekat	2018-03-08
TJ Makokwe	2018-03-08
CS van Tonder	2018-03-15
I Pilon	2018-03-15
L Theron	2018-03-15
FJH Le Riche	2018-03-15
DJ Viviers	2018-03-15
KH Tshipa	2018-03-22
C de Villiers	2018-03-22
SO Shivuri	2018-03-22
C Mukhari	2018-03-22
TK Dintwe	2018-04-05
LE Lewis	2018-04-12
KD Mere	2018-04-12
RER du Plessis	2018-04-19
J Cronje	2018-04-26
KM Moruri	2018-04-26
MV Setenane	2018-05-03
JT Motaung	2018-05-03
LST Molehe	2018-05-10
NCS Lubile	2018-05-10
NP Mazibuko	2018-05-24
JM Goosen	2018-05-24
L Bouwer	2018-05-24
KJ Barkhuizen	2018-05-24
PW Botha	2018-05-24
KJ Nthontho	2018-05-31
JM Jaquire	2018-06-07
MC Tladi	2018-06-14
T du Preez	2018-06-14
LE Moseme	2018-06-21
SR Jina	2018-06-28
OW Seonya	2018-06-28
TL Ponoane	2018-06-28

**ENROLMENTS:****ATTORNEYS****NAME:****DATE:**

T Thiye	4-Jul-17
KJ Moche	4-Jul-17
BI Salman	5-Jul-17
A Gerber	12-Jul-17
S Langenhoven	12-Jul-17
F Kader	12-Jul-17
OMN Mogase	18-Jul-17
MT Rampete	4-Aug-17
R Mbewe	4-Aug-17
HM Roodt	7-Sep-17
JN Dlamini	7-Sep-17
MR Rifles	13-Sep-17
AAK Mawela	18-Sep-17
G sepeng	18-Sep-17
LN Mashinini	18-Sep-17
I Mphephu	18-Sep-17

RS Ntloedibe	18-Sep-17
MV Noko	27-Sep-17
PJ de Beer	27-Sep-17
MD Diale	27-Sep-17
KS Mogashoa	27-Sep-17
ME Pilson	28-Sep-17
JM Lekhu	28-Sep-17
CJ Grobler	20-Nov-17
RA Chemaly	20-Nov-17
SL Seane	27-Nov-17
NS Mlombo	27-Nov-17
HF Gonzales	8-Dec-17
TW Snyman	14-Dec-17
J Robbertse	14-Dec-17
D Sono	13-Mar-18
HE Austen	17-May-18
L van Zyl	9-May-18
LB Nemakwarani	11-May-18
HV Rapapali	13-Mar-18

**ARTICLED CLERKS REGISTERED CONTRACTS****1 JULY 2017 – 30 JUNE 2018****A**

Allison A Me  
Anderson MTR Mr  
Armoed ASJ Mr

**B**

Boikanyo F Ms  
BRUWER L MISS  
Bruwer MC Me  
Burger T Me

**C**

Coertzen P Me  
Coetzee L Me  
Coetzer A Me  
Coffee JGC Mr  
Cronje LC Mr

**D**

Daffue DM Me  
De Beer CZ Ms  
De Swardt H Mr  
Deeuw T Mr  
Diba FB Me  
Dietrichsen RL Me  
Du Plessis GN Mr  
DU TOIT B J MR  
Du Toit GD Mr  
Du Toit MG Mr

**F**

Fischer CC Me  
Fouche D Mr  
Fourie E Mr  
Fourie A Me  
Fourie A Me

**G**

Gcolotela K Me  
Geldenhuys V Mrs  
Gerber NC Me

Grobler CJ Me  
Grove A Me

**H**

Hamman S Me  
Harms VE Mr  
Hartel BA Mr  
Havenga CM Ms  
Human L Me

**J**

Jaca S Me  
Job GM Mr  
Johnson C Me  
Jordaan GK Me

**K**

Keegan ML Mr  
Kemp MP Me  
Ketiwe A Mr  
Keyser B Me  
Kgarume AEP Mr  
Khanyase SJ Mr  
Kheswa S Mr  
King KS Me  
Kiri MT Ms  
Kiri MT Ms  
Kruger M Ms  
Kubayi YT Me

**L**

Lambrechts E Me  
Lebeko M Mr  
Lebeko P Me  
Lekabe OM Mr  
Lekhalanyane RKNT Ms  
Leshoro MH Mr  
Lesufi MS Me  
Lewis D Ms  
Litheko KP Ms

## M

Mabalane N Ms  
MACHOLO J T MR  
Madiehe P Me  
Mahlatsi TM Me  
Makhetha O Miss  
Malamlala A Ms  
Malangu KE Mr  
Malebaco K Ms  
Malebanye TM Me  
Malema RD Mr  
Maqala TS Mr  
Marais JJ Mr  
Marnewick JJ Mr  
Marx MA Mr  
Masemola TB Mr  
Matekana MG Me  
Mathebula M Miss  
Mayet Z Me  
Meyer MM Me  
Mienies SM Me  
Mienies SM Me  
Mncwabe S Mr  
Modise FK Mr  
Mogotsi RPB Mr  
Mohoalali DP Me  
Mokobe TIG Mr  
Moloi WT Mr  
Mongale Kr Mr  
Moribe OJ Mr  
Moroane MS Mr  
Mosiako VY Mrs  
Mototo KM Mr  
Motsamai BKA Mr  
Mpiti JPP Mr  
Mpudi GE Me  
Mpuru T Me  
Mseleku B Mr  
Muller PJ Mr  
Mzamo M Me

## N

Naude ED Me  
Nel JP Mr  
Ngesi PBZ Me  
Ngubeni B Mr  
Ngwanduli RJ Mr  
Nkabinde S Me  
Nomongo S Ms  
Nortje M Me  
NORTJE J MR  
Nqweniso SC Mr  
Nthunya MJ Ms

## O

Odendaal M Mr  
Odora H Ms  
Oosthuizen PC Ms  
O'reilly AD Mr  
Orffer M Me  
Osanyin-tuyi O Me

## P

Petu VJ Mr  
Photolo NJ Me  
Potgieter FJ Mr  
Prinsloo JJ Me

## R

Radyn L Me  
Rakhudu PAK Ms  
Ranyathole LJ Mr  
Rieckert SD Mr  
Rossouw AA Mr

## S

Scholtz HE Me  
Scott M Me  
Sebogodi RTT Ms  
Seroalo KT Me  
Sonnekus M Mr  
Steenkamp L Mr  
Steyn IM Mr  
Stoltz AWK Mr  
Streso R Mrs  
Swart S Mr

## T

Taljaard L Ms  
Thebe BKI Mr  
Thekiso K Mr  
Tlali MK Ms  
Tshabalala XE Mr  
Tsie L Mr  
Tsubane PS Mr

## V

Van Den Berg A Me  
Van Der Berg J Mr  
Van Der Merwe JC Mr  
Van Der Merwe JC Mr  
Van Der Schyff RLEJ Mrs  
Van Der Wat A Ms  
Van Loggerenburg JG Mr  
Van Rooyen JA Mr  
Van Tonder GJ Mr  
Van Wyk BEC Mr  
Van Wyk EDP Ms  
Vermeulen ME Ms  
Vorster V Me

## W

Ward E Mr  
Wessels DC Mr  
Westraadt C Me  
Williams OL Me

## Y

Yashe LM Mr



Education is the most powerful weapon which you can use to change the world."



### ENROLMENTS & ADMISSIONS:

#### NOTARIES

##### NAME:

R Ebersohn  
CJ Grobler

##### DATE:

9-May-17  
20-Nov-17

### ENROLMENTS & ADMISSIONS:

#### CONVEYANCERS

##### NAME:

RE Bersohn  
KJ Moche  
A Gerber  
CJ Grobler

##### DATE:

9-May-17  
4-Jul-17  
12-Jul-17  
20-Nov-17

### COUNCILLORS ATTENDANCE REGISTER FROM 1 JULY 2017 TO 30 JUNE 2018:

Mr V Morobane (President from 13 Dec 2017)	12
Mr CT Siyo	11
Ms D Milton	12
Mr TV Matsepe	11
Mr D Bekker	7
Mr HC van Rooyen	8
Mr DS Qwelane	10
Mr JJ Maree	12
Mr J Fouchè	12
Mr E Horn	11
Ms NP Maduba	9
Mr MA Mohobo	8

#### IN MEMORIAM

DH Botha - 19 Aug 2017 • LL Mphumela - 7 Feb 2018  
DG Roberts - 16 Mar 2018 • JD Botha - 19 Mar 2018  
MY Mayat - 1 Mar 2018 • DEB Human - 24 Jun 2018  
AE Heidtmann - 18 May 2018



“

It seems to me  
that an unjust law  
is no law at all.

- Saint Augustine



Interest earned on trust monies 2017	
YEAR	RAND
2010	R 11 198 338
2011	R 8 245 277
2012	R 8 012 534
2013	R 7 964 064
2014	R 11 722 771
2015	R 13 736 002
2016	R 15 651 165
2017	R 17 144 961

Interest earned on trust monies for the first 6 months of 2017 with comparative figures		
MONTH	2018	2017
January	R 1 175 210,00	R 1 175 967
February	R 1 268 693,45	R 1 367 344
March	R 1 049 594,94	R 1 315 174
April	R 1 384 516,88	R 1 288 317
May	R 1 384 516,88	R 1 518 433
June	R 1 631 628,00	R 1 626 516
<b>TOTAL</b>	<b>R 7 894 157</b>	<b>R 8 291 751</b>

## APPRECIATIONS

**The Council wishes to thank the following persons and institutions for their assistance and co- operation in the interest of the profession during the profession during the year under review:**

The Honourable Chief Justice Mogoeng Mogoeng of the Constitutional Court and Honourable Judge Mandisa Maya, President of the Supreme Court of Appeal of South Africa;

Mr Masutha, Minister of Justice and Constitutional Development;

The former Judge- President of the High Court of South Africa (Free State Provincial Division), MB Molemela;

The current Acting Judge-President CJ Musi and all Judges of the High Court of South Africa (Free State Provincial Division)

The Premier of the Free State, Mr Sefora Ntombela;

The Co-chairpersons and members of the Council of the Law Society of South Africa;

The Chief Magistrate of Bloemfontein;

The Chief Magistrate of Welkom;

The Chairperson, members of the Board of Control, the Secretariat and the staff of the Attorneys Fidelity Fund; The Chief Executive Officer; Director: Professional Affairs; Director: Communications and Director: Finances of the Law Society of South Africa and their staff;

The Director: L.E.A.D of the Law Society of South Africa and his staff;

The Chairperson of the Free State Bar Council and members of the Bar Council;

The Editor, Deputy Editor and the staff of De Rebus;

The Council, Executive Officers and Directors of the other Law Societies;

The Rector of the University of the Free State and the Faculty of Law of the University of the Free State;

Circle Chairpersons and committee members;

All committee members of the Law Society;

The attorneys acting for the Law Society;

All members of the Law Society of the Free State;

The Director and personnel members of the Law Society of the Free State





BA LKGOTLA LA MOLAO LA FREISTATA  
DIE PROKUREURSORDE VAN DIE VRYSTAAT  
THE LAW SOCIETY OF THE FREE STATE

# Quintessentially Free State.

near Ficksburg, Free State, South Africa



BA LEKGOTLA LA MOLAO LA FREISTATA  
DIE PROKUREURSORDE VAN DIE VRYSTAAT  
THE LAW SOCIETY OF THE FREE STATE