



13 December 2023

Dear Legal Practitioners,

Misleading claims by the RAF CEO against Legal Practitioners and the Legal Practice Council

Over the last few days, allegations were made by the Road Accident Fund CEO, Mr Collins Letsoalo, that the Road Accident Fund (RAF) had reported thousands of lawyers to the Legal Practice Council (LPC) and that the LPC had done nothing about these complaints.

Attempts to drive this narrative had been made sporadically over the last three years. The LPC has over this period reached out and written to the RAF and communicated directly with the CEO on all matters that the RAF has raised with the LPC. The statements by the CEO unjustifiably tarnish the image of legal practitioners in general and the LPC in particular.

In the last week, the RAF CEO continued in this vein. For example, he said that the LPC (the statutory regulator of the legal profession) is “not even a watchdog” and labelled the LPC as a gentlemen’s and ladies’ club, insinuating that it protects legal practitioners as opposed to regulating them.

The LPC has had to respond to these misleading claims over the last two days on a number of public platforms.

Some of the misleading claims made by the RAF CEO were:

- 9,000 complaints against legal practitioners were submitted by the RAF to the LPC for investigation where there was a prima facie case that moneys were swindled from the claimants – and the LPC had done nothing.
- On one platform, he gave an example of the Minister receiving a complaint about a claimant who only received R57,000 for the children instead of the R5.6 million that was paid by the RAF to the legal practitioner.
- He reported 102 law firms to the LPC as far back as 2020 and that nothing had happened to even 1 of those firms.

The LPC wishes to confirm and state categorically that:

- The LPC has received 13 complaints against legal practitioners directly from the RAF and the LPC has dealt with or is currently dealing with those complaints. Furthermore, the LPC has engaged directly with the RAF regarding these complaints. Six of these matters have been finalised and 8 are still ongoing, mainly due to court process or specific investigations still required.
- The LPC does not have any complaint of a claimant who was awarded R5,6 million and was only paid R57 000 by their legal practitioner.
- The LPC received in excess of 14 000 complaints this year from members of the public, and only about 14% (1 800 complaints) relate to complaints about the Road Accident Fund.
- Every complaint received is dealt with in accordance with the provisions of the Legal Practice Act and the Rules.
- The LPC has on a number of occasions written directly to the RAF CEO and to the RAF updating them and dealing with any query they brought to our attention.

The RAF CEO referred to cases of duplicated payments made to legal practitioners. The issue of duplication of payments by the RAF to legal firms occurred as a result of a systems error at the RAF and the lack of processes (at the time) around payments of claims. In 2020, the RAF approached the LPC formally advising it of the extent of the duplicate payments it had made. At the time, the RAF provided a list of 102 firms who it had paid twice.

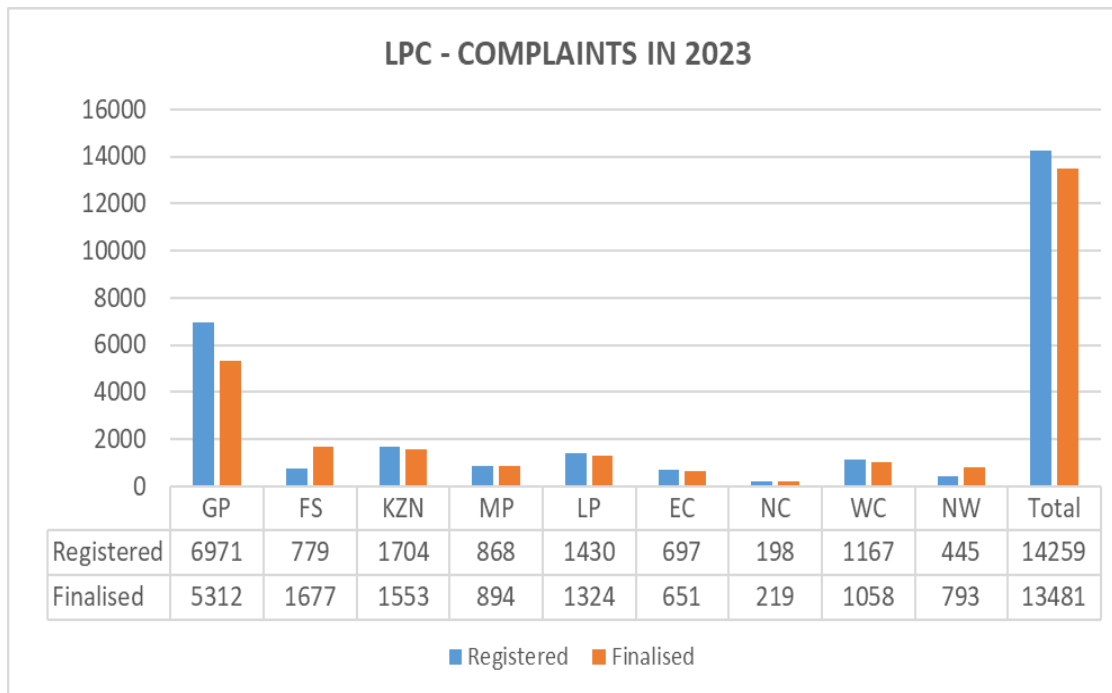
To assist RAF with this problem, the LPC immediately approached all the firms that were in the list provided to the LPC and required them either to:

- pay back the duplicate amount to the RAF, or
- confirm, through documentary proof, that they were not holding on to any funds not due to them or their clients.

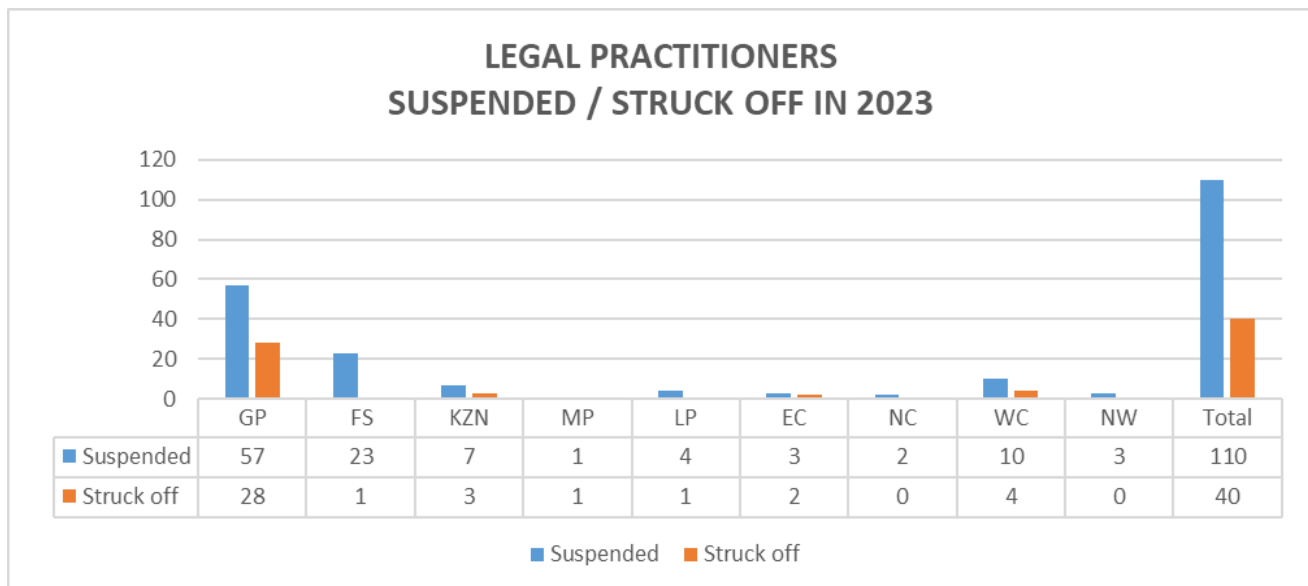
The LPC received great co-operation from the affected legal firms, with 99% of these firms proving that they had either paid back the funds or they did not receive any undue payout. The firms that did not comply (and these are the 13 complaints that are on our system) were taken through the LPC's disciplinary process.

The LPC continues to act with speed

During the period from 1 January to 30 November 2023 the LPC 14 259 complaints of alleged misconduct against legal practitioners. The Council finalised 13 481 complaints during the same period.



From 1 January – 30 November 2023 110 legal practitioners were suspended from practising and 40 legal practitioners were struck from the roll following complaints relating to misappropriation of trust funds, practising without a fidelity fund certificate, failure to submit audits or other serious cases of professional misconduct.



The claims by the RAF CEO are unfortunate and the LPC holds the view that both organisations should be collaborating and not working against one another. We thank all the legal practitioners who continue to do excellent work in supporting clients and members of the public with integrity and professionalism.

Kind regards

Legal Practice Council