



PRETORIA ATTORNEYS ASSOCIATION
PRETORIASE PROKUREURSVERENIGING
MOKGATLHO WA BAEMEDI BA PRETORIA

T: (012) 323 2520 / 323 6201

F: (012) 323 4388

E: ppv@ppv.co.za

Po Box | Posbus | Lepokisi Poso 3864

Pretoria

0001

Room | Kamer | Ofisi 5.15

Fifth Floor | Vyfde Vloer | Floro Ya Bohlane

High Court Building | Hooggeregshofgebou | Kgotlakgolo Ya Molao

Madiba Street | Madibastraat

Pretoria

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CHAIRPERSON'S REPORT FOR THE PRETORIA ATTORNEYS ASSOCIATION 2019/2020

1. The Chinese language uses the same word for crisis and opportunity. The PAA had adopted this view for 2020, out of necessity and survival.
2. 2020 has so far been, to say the least, a tumultuous year. Attorneys have faced and continued to face extreme hardship. Not all attorneys and their firms survived financially, and others struggle to survive the financial impact the Covid 19 and subsequent lockdown has caused, but attorneys are problem solvers and will prevail. We will find opportunity in the crisis.
3. Our Government's failure to properly manage its resources has now caught up with it. Its' personnel and infrastructure has been woefully mismanaged. This failure to plan ahead has caused a backlash as State Departments are not working with a full complement of personnel and close down on a regular basis for decontamination, while the lack of bringing infrastructure, specifically IT, out the stone age, compounds the problem. The cracks, which have always been exposed, are turning into

chasms. The Legal Practice Council has also shown its inadequacy to face the challenges and has not been supportive to attorneys or been able to efficiently communicate with them. The Attorneys Associations are the only entities looking after the interests of attorneys. I repeat my message from my address last year: attorneys must stand firm and speak with a unified voice.

4. We as a profession cannot simply sit back any longer with the attitude that there will be someone else to take care of the profession's problems. Attorneys must own that responsibility. The Association is frequently asked by stakeholders for input on practice directives, policies and legislation. This is communicated to members, but rarely do we get response from our members, save from those on the Executive. We are constantly investigating and trying to find ways to better communicate with our members and to obtain feedback and participation. We appreciate the praise that we receive from our members. We also know that there are those who criticize. I implore those who criticize our Association to rather take up the fight with us and to come to a constructive solution, rather than to cause separation and division. We urge members to provide us with their recommendations and suggestions in this regard. Become involved!
5. We realised even long before lockdown, when the Gauteng Law Council was disbanded and we did not receive our annual grant as the GLC's funds were paid over to the LPC, that we need to diversify our means of earning income. During the lockdown this became more urgent.
6. The Association's main source of income, being the income generated by our office at the High Court, was severely affected by the lockdown. We had considered various options to supplement our income and sustainability in the long run. One of the options that we need to reconsider is the way we collect our

annual membership fees. Our annual fee is currently R363.00 per member. This is not a sufficient amount to sustain delivery of our services. We must increase the amount per member substantially, but I believe that this amount should be apportioned in smaller payments monthly. I suggested to the Executive that members may choose to still pay on an annual basis but will in turn receive a discount. I have also suggested that medium and large firms also benefit from a discount on a pro rata basis. This suggestion should be adopted and implemented by the new Executive committee, when the next payments are due in June 2021. The new Executive will keep you advised.

7. Members are reminded that it is not the firms which are members of our association, but individual members. We therefore urge you to remind your colleagues and professional staff, to sign up as members, inclusive of candidate attorneys who may sign up for free. The more members we represent, the stronger our voice. We are also not in competition with other associations, so we urge members to remain involved with other associations as well, and we also invite colleagues from other associations to join us. This association is not a political animal and its main purpose is to make it easier for our members in the Tshwane region to practice, irrelevant of race, religion and political views.
8. Although we are well represented and our functions remain well-attended, we need all Tshwane based attorneys to be informed for what the Association stands, and how we as attorneys can use the Association to reach its goals and serve its purpose. This means that attorneys must become involved.
9. We, as the Association's Executive, again re-affirm our goal to keep this Association the strongest and most relevant regional voluntary association in the Republic, and to keep delivering the

high level of service our members have always expected and received from us.

10. We have been working harder than ever. We, however, need members' input and advice. I implore that members who specialize in their respective fields to make contact with the relevant chairs of subcommittees. Become involved. Help the Association expand and to make specialised and relevant input in your field of specialisation.
11. High Court litigants experienced a serious breakdown of services and communication from the North Gauteng in the peak of the Covid crisis. A perfect storm, amidst the Covid-19 crisis, broke out due to following: The lack of guidance and communication from both the Legal Practice Council and the Department of Justice and Constitutional Development; two departments within the Registrars' office closing down for an extended period due to Covid-19 infections; key personnel within the Registrar's office falling ill, the neglect of having a proper communication system in place with the relevant authorities in the instance of such a calamity; the North Gauteng High Court's IT infrastructure which is in dire need of upgrading; and the legal profession's longstanding tolerance of corruption in the system, while certain attorneys support it.
12. Due to the perfect storm referred to above, a backlog of issuing process and obtaining court dates had occurred. The PAA had provided the use of our offices and personnel to assist with eradicating the backlog. A calamity was avoided when our members, together with Dawie Bekker, who heads the High Court subcommittee and the employees of the PAA, rolled up their sleeves and assisted the Registrars and personnel of the Court. We have only postponed a complete breakdown. The Department of Constitutional Development and Justice must seriously revisit the

way it manages its personnel, infrastructure and funding. We are not out of the woods yet. Many of you have become aware of the growing difficulties encountered when dealing with the High Court administration during lockdown. The problem had escalated to such an extent that it received attention in the Afrikaans media, which reached top management in the Department of Justice and Constitutional Development.

13. The backlog of procedural documents which were not issued, was in excess of 6000 documents. By the end of August 2020 our office, together with the personnel of many law firms, assisted in eradicating the backlog of 4673 summonses, directed 1362 matters to Judicial Case Management and issued 1755 unopposed motions.
14. The office of the Gauteng Judge President Dunstan Mlambo has been hard at work addressing the situation. I wish to thank Judge President Dunstan Mlambo for engaging with attorneys and in particular our association to help seek a solution. The Judge President and Chief Registrars of both Gauteng divisions has involved our association, together with the constituent associations of the Gauteng Attorneys Association, with the drafting, reviewing and implementing of Consolidated Directives.
15. Our division remains the busiest High Court Division in the country. Approximately 120 matters are enrolled on a daily basis on the trial court roll. All relevant notices received from the office of the Registrar, or the offices of the Deputy Judge President are circulated for information purposes to our members. I would like to give the members of the subcommittee, Alastair Smith and Annemarie Kritzinger, a special word of thanks. Alastair was always available on short notice to attend meetings with either Dawie or myself, and provide input due to his extensive High Court experience. Annemarie gave very valuable and comprehensive

input on the directives. Peta Fernie is assisting the PAA regarding taxations. We always welcome any proposals from our members, as they are urged to do so.

16. It pleases us greatly to report on the overwhelming support we received to alleviate the crisis at the High Court. The following firms sent their staff to assist in the crisis at the High Court. These firms and their attorneys, CA's and support staff did so out of their own volition, without receiving remuneration:

ADAMS & ADAMS

- Claudette Ferreira
- Refeitse Moloto
- Peggy Mkhwanazi
- Nathi Masango
- Tshidi Molepo
- Kabelo Kutu
- Phumi Mntambo

AM VILKAZI ATTORNEYS

- Moses Kgaphola
- Nelisiwe Khoza

HACK, STUPEL & ROSS

- Viwe Skosana
- Nthabiseng Mohlamonyane
- Nisha Ramjee

HAASBROEK & BOEZAART

- Simone Hartzer

KRITZINGER PROK

- Anika Schmulian

As well the many other firms and attorneys who offered their services, but could not be accommodated due to lack of space.

17. The PAA joined FourieFismer Inc and Lindsay Keller Attorneys as an applicant in a review application against the RAF (The FSF review application) to set aside decisions by the RAF instructing their panel attorneys to hand over their files, dispense all services of the panel along with the cancellation of the 2018 tender. The implications of the RAF's decisions would have an immediate and grave impact on the administration of justice, claimants, members of the association and public at large. The RAF's decisions were taken without any proper consideration of an alternative cost-effective model and in a legally accepted manner. These decisions have a direct impact on both Plaintiff and Defendant attorneys as members of the association.

18. I need to stress that this application was brought with the intention that it is in the interest of all litigants, inclusive of both Plaintiff and Defendant attorneys, as well as claimants or anyone wishing to have access to the court. Our application is incorrectly grouped with litigation brought exclusively by erstwhile RAF panel attorneys. This is not correct.

19. The decisions followed by notices to panel attorneys were susceptible to review. The court found that these decisions were administrative actions the RAF made as an organ of state and in this instance the RAF is exercising its public power in complying with its social responsibility to the public. The learned judge stated the following:

“This is an exceptional case and a constitutional crisis looms. This could have grave effect for claimants and thus it be averted to protect their rights. The RAF is the only institution responsible to

compensate victims of motors vehicle related accidents and the RAF has a social responsibility to continue doing so in a legally accepted manner. Unfortunately, the court has to intervene to protect the general public of South Africa as their rights in terms of the Constitution are being threatened. The court cannot sit back supine whilst the RAF is finding its feet at the behest of eroding the Constitutional rights of the public at large. The status quo has to prevail to allow the parties to reach an amical just and equitable solution to protect the rights of the South African public."

The review application was successful and the status quo should be retained for six months as far as the existing panel is concerned. The respondents were ordered to pay the taxed costs of the applicants including the cost of two counsels where so employed.

The respondents thereafter launched an application for leave to appeal which was heard on 12 June 2020 and refused on 19 June 2020. Various reasons were set out as to why leave should be granted. The court dismissed this application with costs. In a nutshell the learned judge ruled that she agrees with the respondents that the applicants' grounds for review are in essence purely an attack on the reasoning and not against the order.

The RAF still did not adhere to the judgment of 1 June 2020, varied on 9 June 2020. On 20 June 2020 the FourieFismer applicants brought an application to execute in terms of section 18(3) of the Superior Court Act 10 of 2013. Judgment was received on 8 July 2020 in favour of the applicants, including party & party costs. On 30 June 2020 the RAF petitioned for leave to the Supreme Court of Appeal. The Respondents thereafter brought an application in terms of section 18(4) of the Superior Courts Act 10 of 2013, which application was granted. The appeal process is ongoing by way

of petition to the Supreme Court of Appeal. The judgments were published on our webpage.

20. A similar crisis was brewing amongst the property law attorneys when similar dysfunction was occurring at the Deeds Office and the Tshwane Municipality's Clearance Figures Department. The Property Law Subcommittee had gone to great lengths to bring the situation to normality. The PAA had met with the South African Revenue Service and managed to resolve all issues experienced by Conveyancers with respect to transfer duty receipts and related matters. We are also proud to announce that we have worked actively with the management of the Pretoria Deeds Office to ensure the closures and backlogs were kept to a bare minimum in extremely challenging times.
21. The Pretoria Attorneys Association, together with the management of the Pretoria Deeds Office, liaised regularly during the pandemic. The PAA had also successfully engaged with the Chief Registrar of Deeds on a number of occasions, including when a crisis arose in the availability of copies of Title Deeds. These are examples of where the relationship the PAA has with the Deeds Office has made conveyancing easier for our members.
22. Most importantly, the PAA has had numerous engagements with the City of Tshwane over the past few years and even more so during the pandemic. Even though we have thus far been unable to eradicate the backlogs at the rates clearance certificate department, the PAA has managed to keep our members informed regarding the conversion to an electronic system and has raised a plethora of issues at the City of Tshwane, many of which have been resolved through such engagements.

23. We are also assisting with the court application pending against the City of Tshwane and will keep our members posted in this regard.

24. Furthermore, thanks to the efforts of the property committee and the engagement of our Association with National Treasury, the Association was instrumental in removing certain misconceptions about conveyancing and the importance of conveyancers in ensuring “security of title.”

25. The Property Law Committee currently consists of:

Gareth Shepperson	Delport van den Berg
Anton Theron	Tonkin Clacey
Miriam Jansen van Vuuren	Friedland Hart Solomon & Nicolson
Jodie van Broekhuizen	MacRobert Inc
Patricia Morgan	Klagsbrun Edelstein Bosman De Vries
Kenny Matseke	Matseke Attorneys
Nicole Pagel	Stegmanns Inc
Donald Mokgehle	Adams & Adams
Willie-Brown Van Der Walt	Willie-Brown Van Der Walt Attorneys

26. Our members are further advised of the danger in becoming involved with corrupt activities when dealing with Registrars, Clerks of Court, RAF officials and municipal representatives. Such acts tarnish our profession in a period when we should be seen as the guiding light in a troubled period. We must not allow ourselves, or any one in our profession to become involved in corruption. Not only is the fragile state of the current system at risk, but many small firms and their clients are being ousted from the legal process, while the corrupt is accommodated. Members are strongly encouraged to report corrupt activities.

27. Funding is highly appreciated. I specifically wish to thank the following firms who had made contributions through the year:

27.1 Kritzinger Inc;

27.2 MacRoberts Inc;

27.3 De Broglio Inc

27.4 Louw Genis & Radjoo Inc;

27.5 Arnoud van der Boud Inc;

27.6 Van Rensburg Inc; and

27.7 Charl Du Plessis.

I apologise if I have not mentioned all members who have contributed, as we had received payments after our audit, and we have not yet finalised a list of all payments received. We will rectify any omissions in future.

28. Our Executive Committee for 2019/2020 comprised the following sub-committees and their respective chairpersons:

Tiaan Joubert	Chairman Magistrate's Court
Millie-Shantall-Lurie	Vice-Chairperson CIPC Treasurer
Bhavna Singh	Secretary
Dawie Bekker	High Court Administration of the offices of the PAA
Gareth Shepperson	Property Law
Riana Heunis	Communication and Marketing

	Candidate Legal Practitioners and Training
Jessie Naicker	Social Committee
	Communication and Marketing
Karen van Niekerk	Master's Offices and Insolvencies
Anton Theron	Strategy and Planning
	Liaison
Dawie Beyers	Bursary Scheme and members affairs
Khumo Mokate	New Membership and Recruitment
Mari Wilsnach	External Information and Communications
	Technology
Andre du Plessis	Intellectual Property

29. These attorneys sacrifice fee-earning hours and personal time for the betterment of our profession. I would like to thank them for their hard work and effort. The various sub-committees reports can be found on our website. For brevity sake, I will refer to only certain aspects, which were dealt with by our sub-committees during the past year. Please note that I am repeating certain highlights and this is a summary. Please read the sub-committees' reports to properly gauge the work that we do.

30. I would first of all like to thank Millie Shantall-Lurie who had not only acted as the Deputy Chairperson of the Association since 2017, and the convenor of the CIPC subcommittee, since 2010, but had also taken on the additional responsibility of acting as our treasurer in the interim. This is an exceptional burden to bear as the Association has always been flush. We still have a positive balance in our bank account, but should we not make necessary changes, that will soon end. The Association has once again received another unqualified audit report. We also investigated the possibility to apply to SARS for Section 18A status but we were advised by our auditor that we are not able to do so since we fall under the ambit of Section 30B of the Income Tax Act.

31. Millie is assisted by Elzaan Rabie on the CIPC portfolio. Twanie de Witt and Marriette Breedt from our auditors have provided Millie with their service and advice.
32. Our previous treasurer, Mr Ruan Botha, had after six years decided to resign earlier than anticipated due to personal reasons and his workload. It is also saddening that after numerous years being hosted by VDT attorneys, we will no longer be able to use their facilities for our monthly meetings. In the interim, we will be holding our meetings on digital platforms, which meetings will be held at least two to three times per month during the lockdown period. I would like to thank Friedland Hart Solomon & Nicolson Attorneys who have made their office available to us, as soon it is practical to hold meetings in person again.
33. I would also like to thank Ms Bhavna Singh, our Secretary, who has meticulously kept the minutes, of all our meetings, and made arrangements for the nominations and AGM. Bhavna is also actively involved with the administration and arranging of our functions with the social and marketing subcommittees. She had done this while being the mother of a baby boy who was born in July.
34. Anton Theron acts as our liaison. He was instrumental in the formation of the Gauteng Attorneys' Association (GAA), of which we are a constituent member. The GAA operates on a larger regional level, enabling the Association and its sister associations, to increase their footprint and make their voices heard. The GAA enables our associations to deal with issues that affect all attorneys in the expanded region in the same way. The GAA's 3rd AGM was held digitally on the 15th of October 2020. The PAA had 5 members who served on the GAA executive: being Myself, Millie Shantall-Lurie, Anton Theron, Dawie Beyers and Jessie Naicker. I

was honoured to have been elected as the GAA's deputy chairperson for 2019/2020.

35. We have also made valuable connections with the Cape Town Attorneys Association, the Tygerberg Attorneys Association, the Goldfields Attorneys Association and other voluntary associations in Mpumalanga, Kwa Zulu-Natal and the Free State.
36. The GAA is represented on the Law Society of South Africa as a provincial body on its House of Constituents. We are currently the only functioning voluntary association on this body representing the HOC. The GAA had again elected me to be the representative for 2020. This allows our association's concerns, as well as those attorneys practising in the Gauteng Province, to be heard on a national level.
37. The PAA is represented on the Gauteng Provincial Efficiency Enhancement Committee (PEEC), which is chaired by Judge President Dunstan Mlambo. The PEEC comprises of all stakeholders in the judiciary and law enforcement sectors, including but not limited to, the Justice Department, Correctional Services Department, SAPS, the Judiciary, National Prosecutions Authority and our organised profession. All relevant issues challenging the justice system in the province is discussed at this forum at a high level. Dawie Bekker and Bhavna Singh of our High Court subcommittee, as well as myself, attends these quarterly meetings.
38. The Road Accident Fund & Personal Injury portfolio has been incorporated in the High Court portfolio. In August 2020 the RABS bill was finally defeated after APRAV and its alliance of partners fought to have it voted against. The current CEO's focus has now shifted to alter the current RAF system. APRAV is busy with workshops with all stakeholders to find ways to fix the current

system. The PAA was also involved in a review court application against the RAF. Dawie Bekker's report contains more detail.

39. Mr Dawie Beyers attended to our CAs on the Bursary Scheme portfolio. Bursaries were awarded according to each applicant's needs and personal circumstances. Their previous results, academic achievements and some other criteria were also taken into account. Dawie has provided a report with a full list of all the candidates and their progress. Dawie has after serving for 15 years on the Exco, 5 years of which he was chairperson, decided not to stand for re-election. He has, however, committed to assist the Association and its subcommittees when called upon. It is a great loss of experience, but we applaud and thank him for the immense amount of time, energy and passion he provided.
40. Our prestigious Lifetime Achievement Awards will not be awarded this year, as we would prefer to present these awards personally at a fit and proper function, which the current situation does not allow.
41. The Candidate Attorneys committee, chaired by Riana Heunis, was launched in 2019. The aim of the sub-committee is to assist with the training of practitioners in various fields of law and of practice. Their maiden workshop was held at the Wingate Park Country Club on 3 October 2019 and the intention was to follow up with similar workshops, but once again Covid interfered. However, a new opportunity presented itself and we are now focusing on presenting more webinars and hopefully face to face seminars, which is more fully explained in Riana's report. Riana will not stand for re-election as she has embarked on furthering her studies.
42. In 2019 we launched the Membership and Recruitment portfolio, chaired by Khumo Mokate. Khumo. This subcommittee will ensure

that members renew membership on a yearly basis and be up to date with their membership fees. Khumo has also actively recruited new firms to register their professional staff as members, up to the point when the financial burden of the lockdown interfered. Khumo has also indicated that she will not stand for re-election due to her workload as a director in her firm. I would like to thank Khumo for her valuable contribution.

43. Andre Du Plessis heads the Intellectual Property sub-group, which was created to provide its members with such a channel of communication and point of contact for all trade mark related matters. A member of the Association can forward the trademarks query to the Association, who will then take it up with Ms. Fleurette Coetzee. This will ease the Registrar's burden of dealing with continuous queries from attorneys. Depending on the query, the PAA can answer the query directly, alternatively, the query can be taken up by the PAA with Ms. Fleurette Coetzee directly, who has been very willing to assist us and for which we thank her dearly.
44. It is well known that we have two well-functioning and fully utilised offices at both the North Gauteng High Court and Pretoria Magistrate's Court, the management of which is overseen by Dawie Bekker. Rochelle Roux manages our High Court offices and assists with registration of our seminars and social functions. I thank our dedicated staff who had during these stressful times assisted our members and had taken care of the interests of the members of the Association: Rochelle, Steven, Lulu, Lana, Tumi and Virginia.
45. Karen Van Niekerk will not stand for re-election. She was a member of the executive since 2007. She will be missed as she has broad knowledge on matters relating to the Master of the High Court.

46. I had chaired the Magistrates' and Regional Court portfolio. Due to Covid there was not much on which to report. Despite closures, restricted access and decontamination processes, the Court was managed well and performed despite its limitations. As the restrictions are lifted and things return to normal, we will need members to assist with the various components such as Section 65 matters, maintenance court, small claims court, Regional Divorce Court, Children's Court, several district courts, and criminal courts. We again request that members make themselves available to assist with Pretoria Magistrates Court portfolio in all its various divisions.
47. The Social subcommittee is convened by the hard-working and competent Jessie Naicker. This portfolio works closely with the Marketing subcommittee convened by the just as hard-working and competent Riana Heunis. Our annual function will not take place this year due to obvious reasons. However, next year marks the Associations' 75th year anniversary, which we hope to celebrate.
48. The Association will fortunately still host our annual Golf Day for our members tomorrow the 23rd of October 2020 at the Wingate Country Club. We would also like to thank Mr Trevor Poole and his team at Wingate Country Club. This Golf Day is, as usual arranged by one of our senior colleagues, and passionate golfer, Mr Gerhard Painter of Friedland Hart Solomon & Nicolson Attorneys, as well as Jessie Naicker, Riana Heunis and Bhavna Singh. We were not able to host our annual Fun Run and business breakfast, but we plan to resume with these activities in 2021.
49. I wish to thank all the hard-working members of our executive, as well as our members for their support. Good luck to the new executive for the 2020/2021 term.

Yours faithfully,

Tiaan Joubert
(Chairperson)