THE JOHANNESBURG ATTORNEYS' ASSOCIATION

Dear Members

Call for comment on Judgment: Hawarden V ENS

The attached judgment refers. A summary of the facts, taken from the judgment, are:

'The plaintiff made an electronic payment of the amount of R5.5 million into what she believed was the ENS account, details of which had been emailed to her by a conveyancing secretary in the employ of the defendant. The ENS account details were set out in a pdf attachment under cover of an email. Unbeknown to the plaintiff, her email account was hacked and the email containing the ENS account details was intercepted by an unknown fraudster and altered to reflect the fraudster's bank account details, resulting in the funds electronically transferred by the plaintiff being deposited in the fraudster's bank account as opposed to the ENS account.

The court held ENS liable for Mrs Hawarden's loss because the court found that ENS was negligent in not having taken the "necessary safety precautions that are designed to safeguard against the risk of harm occasioned by Business Email Compromise from eventuating."

The Gauteng Attorneys' Association (a federation of the Johannesburg and Pretoria Attorneys' Associations, West Rand Legal Practitioner's Association and Soweto Legal Fraternity) is deliberating on whether to enter the appeal as amicus curiae to put forward the views of attorneys. In order for the GAA to be able to do so, it needs to gauge whether the attorneys in Gauteng believe the judgment to be wrong/flawed, and whether they want the GAA to put their views forward.

Due to the limited timeframe within which the decision to intervene needs to be made, the JAA (as a member of the GAA) is calling for comments on the attached judgment from members on an urgent basis.

Members are asked to email nsaulikoren@bbm.co.za with any comments they might have, specifically whether they believe the judgment to be right or wrong, any errors of law that might be present, and whether members with the GAA to intervene as amicus.

The GAA is also calling for contributions (in the form of monetary donations) from members to fund the engagement of senior counsel in the amicus application (should this go ahead).

Any member who would like to contribute can contact the JAA's office manager at viv@jaa.org.za for directions on where contributions can be paid.

Click Here to access documents online.

Bank Approved Beneficiary Registration Process

Due to the rampant increase in cybercrime and the attack on conveyancers trust accounts, the JAA have prepared a concise guide for members to follow to be loaded as a Bank Pre-Approved beneficiary on each banking platform with the relevant documents. Please note that it is necessary to be loaded on the bank platform from which the payment is MADE and not RECEIVED, hence the necessity to be loaded on platforms not necessarily the same as your own trust account.

Please visit www.jaa.org.za and go to INFORMATION – CONVEYANCERS & PROPERTY – BANK APPROVED BENEFICIARY REGISTRATION PROCESS. An instruction and all relevant documents will be found there. Please start with the JAA instructions first.

Click Here

Legal Practice Council Notice – Law Library



The Legal Practice Council (LPC) has observed with concern a number of embarrassing court incidents recently, where officers of the court have been criticised for using unreliable sources of legal information for judgements. The LPC reminds all legal practitioners that the LPC Law Library service is a free service that is available to assist with legal information. The LPC Law library facilitates easy access to the latest credible and up to date researched legal information. The library subscribes to reputable legal databases such as My LexisNexis, Juta Law and Sabinet.

Click Here to access documents online.

Safari 53 – An aerial view of the Credit and Compliance



The objective of this 53rd SAFARI into CREDIT is to bring together the Credit and Compliance Industries and their Service Providers for an Aerial View of the Credit and Compliance Landscape. We will deliberate on the happenings, look at the numbers and discuss solutions to keep our heads above the water line. The Safari will be held on the 27th of July 2023 at the Indaba Hotel in Fourways. JAA members qualify for a R200-00 discount.

Click Here to access documents online.

Help at High Court with the JAA

The JAA is busy compiling a list of outstanding dates in the High Court - there are many complaints of dates not being allocated and we need concrete examples so that we can take this up urgently.

If you are having an issue getting a date please send me an e-mail to info@aricumlaw.co.za with the following information:

1. Case number
2. Date that you applied for a date
3. Which roll you're applying for a date on
4. Date that you escalated in terms of the directives, and to which email address
5. Any other escalation steps that you've taken.

GAA/JAA Courtonline systematic errors survey

Please tell us about your difficulties with Courtonline by completing the short survey below, in order that we can report the systemic errors to the judiciary at the High Courts in Gauteng. We hope to be able to assist in providing accurate information such that fixes to the existing system issues can be identified and cured.

Click Here to access the survey.

Lexu and the JAA High Court Tour

The JAA is hosting a tour of the Johannesburg High Court on the 27th of July 2023 for candidate attorneys. Meet the Registrar and find out how the navigate the Johannesburg High Court. The cost per person is R300 – 00 per Candidate Member and R400 per Non - Member. Click the link to book. Members must be signed as the discount will be applied at check out.

https://www.jaa.org.za/shop



JAA on Social Media

Our social media profiles are updated daily with legal news, overviews and opinions. It's a great way to stay on top of the fast pace of news in Johannesburg, and an easy avenue to contact us or share your thoughts. Like, follow and share on our platforms:

www.jaa.org.za

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