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CHAIRPERSON'S REPORT FOR THE PRETORIA ATTORNEYS' ASSOCIATION 2020/2021

It is my honour to present the Chairperson's report for the 2020/2021 term. Last year our AGM was held virtually. This year we are fortunate to hold our AGM in person, as well as on a digital platform. This is the association's 75th AGM.

I would firstly like to thank our esteemed guest and speaker, the honourable Judge Mabindla Boqwane, the youngest female Justice at the SCA, who addressed the meeting on the obstacles she faced as a woman and having overcome these, and transformation within the profession.

Since my first term as chairperson of this esteemed association, I had advised our members in my reports that changes for the legal field and its practitioners, are inevitable. Change is part of life and practice, but it came in an unprecedented magnitude.

We, as attorneys, have always faced challenges, but even more so now. Many attorneys had also faced extreme hardship in these trying times. Not all attorneys and their firms survived financially, and others are still struggling to survive the financial backlash the Covid 19 crisis and subsequent lockdown caused. But attorneys are proven problem solvers and will prevail. Please save a prayer or thought for those of us who have recently lost family, friends and colleagues.

We need to embrace change. There is an African proverb that says that if the rhythm of the drum beat changes, the dance step must also adapt.

Not only has the face of our association gradually changed to reflect a larger demography of our society, the way we had functioned has also changed, and expanded exponentially. We, as one of the largest and oldest voluntary associations, are at the forefront of championing the interests of our members.

My message from previous years remains firm: attorneys must stand firm and speak with a unified voice. Independent associations are springing up over the country. Attorneys are slowly owning the responsibility to address our own concerns through a unified profession.

The Legal Practice Council remains oblivious to our challenges, and we are neither receiving support, nor efficient communication. The voluntary attorneys' associations remain the only entities looking after the interest of attorneys, and they are growing in number and stature. The various independent associations had taken the unprecedented

step by identifying members to be nominated for the National LPC elections and actively encouraging their respective members to support the nominees and to vote. This has caused that many of the attorneys voted onto the National LPC is either a member of a voluntary association or has good relations with one or more of these associations. We will see in due course if this will have a positive impact on the way the LPC deals with attorneys.

Our members are again advised of the danger in becoming involved with corrupt activities when dealing with Registrars, Clerks of Court, RAF officials and municipal representatives. Such deeds tarnish our profession in a period when we should be seen as the guiding light. 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.

A very relevant issue is the breakdown of services at the Masters' Office. The breakdown of services at the Master's' Offices, as well as the hacking of the Department of Justice's IT infrastructure, are well known and publicised.

Many applications to compel the Master to deliver on its mandate is before court. The Judge-President had picked 6 pending matters to be heard before a full bench in the Gauteng High Court on the 2nd and 3rd November 2021. The PAA is amicus curiae in this full bench matter. The experienced Mr Willem Bouwer was recently co-opted on the PAA exco to assist in the crisis. The media has also requested our views.

The JAA had arranged a meeting with the Director General and other stakeholders in August. The PAA was represented by its chairperson. The outcome of the meeting was that the DG took note of our

concerns and voiced his extreme unhappiness regarding the lack of accountability of the personnel of the Masters' Office.

Another meeting was arranged with the Deputy Minister of Justice and Constitutional Development, the Chief Master, the Masters of the various provincial Masters' Offices and various other stakeholders and representatives on the 5th of October 2021. The Chief Master was unfortunately a robbery victim just before the meeting. The meeting went on, and the DM took note of our concerns. The DM recorded his displeasure with the vague feedback of the IT representative regarding reparations after the hacking of the IT infrastructure. As the Chief Master was not present, a follow-up meeting was proposed by the DM. We will keep our members appraised.

The functioning of our High Courts remains a contentious issue. The PAA received unprecedented amounts of enquiries and complaints from members as well as non-members regarding the practice directive issued on the 18th of February 2021. The High Court Committee was approached by various other personal injury practitioners on the possibility to bring a review application in respect of the directives. On 26 February 2021 a meeting was held, and it was decided to first obtain an opinion from a senior counsel. It was advised not to proceed with such a review application.

On 13 May 2021 a PEEC meeting was attended which was chaired by the Honourable JP, Mlambo. This quarterly meeting involves practitioners/stakeholders from both divisions of Pretoria and Johannesburg. It was indicated to the JP that the rolls in Pretoria is much busier and different issues are experienced by practitioners. The JP then suggested that a GEEC forum must be established, and a meeting must take place only involving stakeholders from Pretoria. The first GEEC meeting was held on 28 September 2021. Various stakeholders attended the meeting, which was chaired by the honourable ADJP Molopa Sethosa. The honourable DJP, Ledwaba

also attended the meeting. This meeting also entails reports by stakeholders, including a report by the Chief Registrar. We as the association welcome this platform as reports are circulated to address the issues at hand and solutions discussed for implementation. Feedback on this meeting was circulated during October 2021 to members. The final GEEC meeting for the year will be held on 30 November 2021.

The review application brought against the RAF and Minister of Transport, with the PAA as a co-applicant was successful. The RAF and the Minister of Transport lodged an appeal against the judgment of Huges, J. Both appeals have lapsed, due to no record being filed timeously. Both the RAF and Minister of Transport were ordered to simultaneously file a proper record/record together with an application for condonation. This was recently done and both applications for condonation are being opposed, predominately on the basis that the matter has become moot.

The PAA is also acting as amicus curiae in opposing an application brought by the RAF wherein the RAF intends to interdict attorneys and the sheriffs from executing warrants due to non-payment. This matter will be heard on the 26th of October 2021.

The only way forward to resolve complaints such as waiting periods for trials, motion dates, taxations and default judgments will be to constantly engage the judiciary to find and implement ways to improve the systems at court. The association actively engaged with the judiciary to find solutions to day-to-day difficulties experienced by practitioners.

We would also like to thank Dawie Bekker from FSF Inc who heads our High Court Committee, as well Mr Alastair Smith from Maritz Smith Inc Attorneys, Mrs Annemarie Kritzinger from Kritzinger Attorneys and Peta

Fernie, an attorney and cost consultant for their valuable time and effort during the year.

We still have two well-functioning and currently under-utilised offices at both the North Gauteng High Court and Pretoria Magistrate's Court, the management of which is overseen by Dawie Bekker. Rochell Roux manages our High Court offices and assists with registration of our seminars and social functions. Lana Cordier still oversees the accounts. I would like to thank our dedicated staff, Rochele, Steven, Lulu, Lana, Tumi and Virginia, who stressful times assists our members and takes care of the interests the members of the Association.

Conveyancers also had their challenges. Gareth Shepperson heads our property subcommittee, who liaises on a regular basis with the management of the Pretoria Deeds Office. The PAA engages with the Chief Registrar of Deeds and the personnel on a regular basis, and several crises are averted due to the intervention of the members of our property subcommittee. The constructive relationship the PAA maintains with the Deeds Office makes conveyancing easier for our members.

Covid Regulations severely restricted the number of people allowed in the Deeds Office, causing the existent backlog to grow. This was exacerbated by the occasional positive test and resultant closure for decontamination.

The dire situation continued into mid-2021 and, at its height, the backlog was at least 25,000 deeds. The Property Committee worked with the Deeds Office Management to keep a lid on the backlog and ease any tensions that arose. As things developed, the Deeds Office was very successful in ensuring that any downtime from decontamination of their offices was drastically reduced and that the

backlog was addressed. We are pleased to report that the backlog has largely been eradicated.

The PAA wholeheartedly welcomed the return of the Registrar (Audrey Gwangwa) to her post and trusts that her competent management and the stability created by someone in a permanent capacity will continue to elevate Deeds Office performance. I would like to thank Gareth Shepperson, Anton Theron and the rest of the Property Committee for their hard work.

The Property Committee for 2020/2021 consisted of:

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

Gareth has stepped down as head of the Property committee, but intends to stay on the exco in a new portfolio, Liaison and Marketing. Donald Mokgethle will now head the property subcommittee.

The PAA remains a valuable contributing member of the GAA which operates on a larger regional level, enabling the Association and its sister associations, to increase their footprint and make their voices heard. The GAA's 4th AGM will be held digitally on the 2nd of November 2021. The PAA had 4 members who served on the GAA

executive: Myself, Millie Shantelle-Lurie, Anton Theron and Vijayta Rana. I was honoured to have been elected as the GAA's deputy chairperson for 2020/2021. Vijayta Rana has recently been elected as the new secretary of the GAA.

The GAA is represented on the Law Society of South Africa as a provincial body on its House of Constituents. The GAA had again elected me to be the representative for 2021. This allows our association's concerns, as well as those attorneys practising in the Gauteng Province, to be heard on a national level.

Our Executive Committee for 2020/2021 comprised of the following sub-committees and their respective chairpersons:

Tiaan Joubert	Chairman
Millie-Shantall-Lurie	Vice-Chairperson
	Treasurer
Bhavna Singh	Secretary
Dawie Bekker	High Court
	Administration of the offices of the PAA
Gareth Shepperson	Property Law
Manisha Mooloo	Diversity, Transformation and New Membership
Jessie Naicker	Social Committee, Communication and Marketing
Willem Bouwer	Master's Offices and Insolvencies
Anton Theron	Strategy and Planning
	Liaison
Vijayta Rana	Bursary Scheme and CA's
Mari Wilsnach	External Information and Communications Technology
Andre du Plessis	Intellectual Property and CIPC

Monthly meetings were held virtually at first, and as the lockdown levels dropped, we had meetings at the offices of VZLR, FHSN and Delport van den Bergh Inc, in a round robin fashion.

These attorneys on the exco 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's sake, I had only referred to salient points, and I had repeated certain highlights, and this is a summary. Please read the sub-committees reports to properly gauge the work that we do.

Members are reminded that it is not the firms which are members of our association, but individual members. Therefor we 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. Although we are well represented and our functions remain well-attended, we need all Tshwane based attorneys to be informed of what the Association stands for, and how we as attorneys can use the Association to reach its goals and serve its purpose. This means that attorneys must become involved.

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 receive from us.

We have been working harder than ever. We however need members' input and advice. I implore those members who specialize in their respective fields to contact the relevant chairs of subcommittees. Become involved. Help the Association expand and to make specialised and relevant input in your specialty field.

I would like to thank Millie Shantall-Lurie who had acted as the Deputy Chairperson of the Association since 2017 and had also acted as our treasurer for her second term. This is an exceptional burden to bear as the Association has always been flush. We remain in the black due to Millie's input, tight purse and necessary changes.

We have taken a knock financially during the last two years. The Association's main source of income, the income generated by our office at the High Court, remains severely affected by the lockdown. Our annual membership fees were increased at our previous AGM. This has significantly assisted in sustaining delivery of our services. However, we are slowly but surely clawing back to financial well-being. The Treasurer's report will show that we are still in a financially healthy position, and we have plans for our future. I wish to thank our members for their positive support in this regard.

Thank you to our auditor, Twannie de Witt as well as Marriette Breedt who provides Millie with their service and advice.

Thanks to Mrs Bhavna Singh, our Secretary, who has meticulously kept the minutes, to 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.

Anton Theron acts as our liaison. Anton has after serving for 5 years on the exco, 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. He was instrumental in the formation of the Gauteng Attorneys' Association (GAA), of which we are a constituent member.

It is the associations honour to present Anton Theron with the Distinguished Service Award in recognition of his exceptional service to the PAA and legal fraternity.

Vijayta Rana 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 considered. A total amount of R28410-00 was paid towards bursaries in 2021. Vijayta has provided a full report of their progress. Due to our financial constrains we continued to fund and honour existing bursary candidates but could not accept new bursary candidates for the year 2021. We will reconsider our postion in the new financial year.

The first function for candidate attorneys was meant to be held on 19 February 2021, but due to COVID Level 3 restrictions, we could not proceed. A tour of the High court could also not take place, due to restrictions as a result of limited or no access to Court.

The Transformation, Diversity and New Membership portfolio, has been taken over and chaired by Manisha Maganbhai-Mooloo. We had collated comments received from some of our members regarding the draft legal sector code and submitted same to the to the Steering Committee of the LPC on 15 March 2021 for their consideration. To date, we have not received any feedback in response to the PAA's submissions although the Steering Committee are presently considering the input received by all the legal practitioners and firms who had submitted comments.

As part of its transformation objectives, the PAA identified the need to extend support to its junior members and contemplated the roll out of a mentorship program, the purpose of which is to tap into the existing knowledge, skills and experience of its senior members and transferring these skills to its junior members to assist them in advancing their careers. This is the first time that the PAA has

implemented this program. The support and enthusiasm from members is encouraging – 15 senior attorneys and 12 junior attorneys expressed an interest in participating in the mentorship program.

It is worth mentioning that from the 12 junior attorneys assigned, there are 3 young sole practitioners who are receiving practice management guidance as part of their overall mentorship from established senior members.

We are also grateful to senior members who have reached out and those who continue to reach out to extend their time, assistance and experience to young members.

We are looking to hosting interactive talks and discussions in safe spaces aimed at addressing issues of empowerment, transformation, diversity and inclusion as well as mental health and support within the legal fraternity with the view to broadening the membership, participation and inclusivity of the PAA.

Andre Du Plessis heads the Intellectual Property subcommittee and had also taken over the CIPC subcommittee from Millie, as she had taken up the role of Treasurer. The IP subcom provides our members with 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 Office of the Registrar of Trade Marks and Ms. Fleurette Coetzee, Senior Manager: Trade Marks. This will ease the Registrar's burden of dealing with continuous queries from attorneys.

Dawie De Villiers had chaired the Magistrates' and Regional Court portfolio. We had a successful meeting with the members of the Pretoria North Attorneys Association and discussed the possibility of closer relations, and even merging. Despite closures, restricted access and decontamination processes, the Court was managed well and

performed despite its limitations. We have established an open-door approach with the office of the Acting Chief Magistrate I Du Preez. No Stakeholders' meetings are currently being held due to the pandemic, but this may change in the very near future.

As the restrictions are lifted and things return to normal, we still 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. I implore our members to make themselves available to assist with Pretoria and Pretoria North Magistrates Courts in all its various divisions.

The External Information & Communications Technology committee is chaired by Mari Wilsenach. The hosting of webinars commenced during the end of last year, and the Association has thus far hosted a number of these, including:

- The Trial Advocacy Webinar, presented by Prof. Willem Gravett and Dr. Llewellyn Curlewis;
- An Introduction to Mediation Webinar, hosted by Adv. Lizelle Roos.
- "*Caselines*": Understanding and effectively utilising the E- Filing Platform. Ms. Amarentiea Pienaar, whose knowledge and expertise garnered much interest and approximately 270 attendees. We wish to continue with a series of '*caselines*' webinars, as the system is continually changing, and practitioners are required to adapt accordingly. We do also wish to thank GhostPractice for having sponsored the webinar.
- Protection of Personal Information Act 4 of 2013 ("POPIA") presented by Mr. Manie Bezuidenhout.

Our Association is intent on hosting several more webinars, and seminars, to cater for the wide- ranging topics that are relevant today. In this regard, we wish to invite our members to make

suggestions on topical issues, or even make themselves available to host such future events.

For the remainder of 2021, we shall, via the Gauteng Attorneys Association, be hosting a Conveyancing post- mortem examination seminar, which will serve as a great basis for preparation of the February 2022 examinations.

The Social subcommittee is convened by the hard-working and competent Jessie Naicker. The Association had hosted our annual Golf Day for our members on the 18th of September 2021 for the first time on the Gary Player Golf Course at Sun City. This Golf Day was arranged by Jessie and hosted by one of our senior colleagues, and passionate golfer, Mr Gerhard Painter. We held an amazing auction at the prizegiving dinner. The Golf Portal in association with Louis Oosthuizen exhibited various Louis Oosthuizen merchandise which we auctioned. All funds received over the reserve price came to the Association.

The Golf Portal was one of our main sponsors. The prizes auctioned, included a midweek break away booking and two rounds of golf for 4 people at Nkonyeni Golf resort and Spa in Swaziland. Other sponsors included Taurus Capital, Ghost Practice, Medcor Consulting Services and Legal Serve.

We were not able to host our annual Fun Run and business breakfast, but we plan to resume with these activities in 2022.

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.

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 2021/2022 term.

“Change is inevitable. Growth is optional.” C.S. Lewis

Yours faithfully,

Tiaan Joubert
(Chairperson)