

The end of first term of 2021 is upon us and it was a busy few months for PIPLA.

We formally commented on the proposed Legal Practice Code. In doing so, we were constrained by a lack of funds and could only brief counsel to comment on the most onerous aspects of the proposal, notably the *pro bono* provisions that will be impossible for most practitioners to comply with. We would have preferred the luxury of a wider comment but hope to at least to have made a targeted impact.

A burning issue this term was the adoption of Practice Directive 1 of 2021. We commented extensively on the early drafts and are gratified that most of our suggestions were taken up in the final directive. We took the view that objecting to the adoption of the directive would be unsuccessful and we focussed on reshaping the most problematic aspects, which was achieved. I am also happy to report that the Judge President has placed us on his list of recognised organisations, and we will be among the first to know of future developments.

We also intervened as a party in the matter of the *RAF v Sheriff Pretoria North & Others*. This is the notorious application where the RAF seeks to indefinitely ban the use of wits to enforce payment. Pipla's position is that a stay of writs for the first 180 days is acceptable but not after the expiry of the initial period. Judgment in the matter is reserved but the RAF undertook to make payments on matters older than 180 days if notified of the matters. The was dealt with in a previous Pipla newsletter that deals with this case in detail, and I urge you all to go and read it. In short, we are pleased with the intervention and look forward to the judgment.

The litigation high-light of the terms undoubtedly Pipla's involvement as *amicus curae* in the application for leave to appeal in the matters of *Taylor & Matonsi V Raf*. This is an appeal against two judgments of Judge Fisher where she holds that a court is entitled to intervene in a settlement reached with the RAF (and by implication any government entity) on the basis that it is "public money". The case affects the jurisdiction of the courts, the rights of plaintiff and defendant, and it also interferes in the functioning of the RAF. All parties, including the RAF, are seeking leave to appeal

in a very strange matter where all the parties are united in the contention that the judge was incorrect. Judgment was reserved and we await the outcome with baited breath.

Argument took place on 1 April and was extensive, lasting the entire day. Pipla was represented by Adv N Horn and Adv A Joubert SC who did a fantastic job. I can't summarise the argument in this short newsletter, but the heads of argument are **absolutely top notch** and can (actually - should) be read here https://www.pipla.co.za/newsletter/documents/document.cfm?docID=12 .

Finally, I would like to thank our generous financial contributors who made this all possible. In particular I would like to thank the Johannesburg Attorneys Association for an especially generous donation to our fighting fund. But equal thanks to each and every contributor. We realise that times are difficult and whether your contribution was R50 or R50,000, every cent helps and is appreciated. We will be sending out further appeals for financial support in the near future and we ask that you consider helping out. We do not enjoy pressing our members for help but do so because without your support we cannot engage with the many pressing issues facing us all.

Thank you

Adv Justin Erasmus
Chairperson