

Introduction

The pro bono project around the country continues to offer access to justice to indigent clients. Just over 20 000 clients have been assisted since February 2011. These numbers would not have been achieved with the continued support of the attorneys, advocates and administrators. The professional and good quality service offered is very much appreciated by the Directors of the project.

As the Pro Bono office is always striving to improve the service that is rendered, an assessment of the advice office was conducted, and it emerged that the very practitioners who are generously offering their time to the advice office are sometimes actually creating more problems than they are solving.

In this regard, a number of clients that are seen at the advice office are returning in circumstances where the first practitioner to have seen the client was either not assertive enough or did not assess the prospects of success carefully enough, and in so doing conveyed to the client what the client wanted to hear rather than telling the client what they needed to hear.

It is imperative that if a client does not have prospects of success, that this needs to be conveyed to the client as this not only provides the client with closure, but it is obviously also extremely unfair on the client to mislead the client and thereby cause them to keep returning to the advice office only for them to eventually be told by a more assertive and thorough practitioner that they do in fact not have excellent prospects of success.

It goes without saying that the whole purpose of the advice office is to assist the clients, and in deserving cases this must certainly be done, however, by the same token, when there are limited, or less-than-excellent prospects of success, practitioners are kindly urged to please provide clients with honest assessments of their matters.

Craig Berkowitz - Gauteng chapter Pro bono portfolio holder

Advice Office Updates

Durban

The KZN Probono office continues to run well. Numbers overall have declined compared to previous years. We feel this is possibly due to Probono.org running their own Labour Clinic on a Tuesday. There is however still a steady stream of clients. We did again host a student during the vacation

period in July and this proved very helpful with both interpretation and running of the office, we will hopefully have another few students coming through after exams in October. We try to have three attorneys attending the office on a weekly basis, we have unfortunately had a number of occasions where attorneys call last minute to cancel and we still struggle to get attorneys to take on matters. We currently have 58 attorneys being rostered for attendance.

We are happy to announce our Probono Award winners from KZN for 2018. The individual award going to Andrew Prior from Prior & Prior Attorneys for always going the extra mile for our Probono clients and for being reliable and in attendance a number of times a year.

Our Firm award was given to Garlicke & Bousfield attorneys who give many many hours to our clinic in Durban, help with interpretation and take on many matters on a weekly basis.

Diane Cochran

Cape Town

The Western Cape Pro-Bono office has been operating smoothly with at least two attorneys being rostered for clients each week. Firms and attorneys in Cape Town have shown generous commitment to the office and support to the clients visiting the office. The staff, registrar and general manager of the Labour Court have built good relations with the SASLAW team which assists with the smooth facilitation of the weekly NPC office operation.

Students of the University of Stellenbosch and Cape Town are being rostered each week to assist with pro-bono clients completing the SASLAW form, and where attorneys and clients agree the students are provided the opportunity to sit in on the consultations which are providing them with practical experience in the industry. This is very well received by the student and has strengthened relations with SASLAW and the universities.

We are pleased to confirm that Mika Klitzner of Bagraims Attorneys won the Individual Pro-Bono award and the team of MacRobert Attorneys won the team award for best overall pro-bono hours and assistance to the NPC office for 2017/2018.

We are very grateful for the commitment to the team of attorneys who offer their assistance to the NPC Western Cape Program.

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Directors: Richard Maddern, Nick Robb, Shamima Gaibie; Ludwig Frahm-Arp; Ebrahim Abrahams; Michael Yeates

Fatima Rustin

Johannesburg

Natasha Moni donated a Nespresso machine to the Joburg office with the following note':

“Dear Shiralee and fabulous SASLAW pro bono staff. Thank you for all you do. Enjoy Mandela Day.”

Thanks Natasha for this very generous donation!

Helen Sithole has taken over from Ada, as the administrator in the office. Helen has had experience in Pro bono work in Zimbabwe, where she worked for the Zimbabwe Women Lawyers association assisting clients with their matters.

The students from University of Johannesburg and UNISA are doing well and assisting the attorneys and Shiralee with drafting and administration matters.

Thanks to Adv Andre Landman and Kathleen Holmes for the extraordinary amount of work done in the Johannesburg office this year. They were both the recipients of the Johannesburg Pro bono award at the Annual Conference in September.

Clare Fincham and Shiralee Taylor-Bravi

Port Elizabeth

The Eastern Cape sector has had a good number of potential clients that have attended at our office each Monday however majority have sadly had no merits of success or cannot be assisted due to ongoing matter with the bargaining counsel. Those that do have merits have been assigned to an attorney. Thankfully even if an attorney has conflict of interest in a matter we can assign to another attorney for further advice.

The labour court general office and I work well hand in hand and are of great assistance, we are planning on trying a new development as we are only at our office on a Monday morning and potential clients come during the week, the general office will scan and mail me documents and I thus can forward on to an attorney for assistance to see if it is worth the client to travel out again or not.

We currently have 22 attorneys on our roster.

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Miss Kelsey Smailes of Kaplan Blumberg has been a tremendous help this year with her willingness to assist at a drop of a hat or to provide advice where she can, we are happy to announce that Kelsey Smailes has won the individual award for Probono

Stacey-Lee Bell

Statistics 2011 - 2018

SASLAW PRO BONO STATISTICS - NATIONAL 1 February 2011 - 24 August 2018					
Region	Cape Town	Durban	Johannesburg	Port Elizabeth	Total
Clients seen	3145	3024	13337	602	20108
Hours spent in office	1276,5	2151	10378	740	14545,5
No of attorneys	123	58	139	23	343
No of firms	85	32	65	18	200
No of matters taken on by attorneys	522	591	632	65	1810
No of matters taken on by Legal Aid	186	215	830	3	1234
No of new clients seen by the Permanent Attorney in the Johannesburg Advice Office			173		173

Success Stories

The Cape Town office has had successful conclusions of pro-bono clients by the following attorneys:

MARAIS MULLER HENDRICKS ATTORNEYS

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Clive Hendricks and team appeared at the CCMA on behalf of 11 applicants. The company was represented by Ramsay Webber attorneys and Johannesburg counsel. The company initially offered temporary contracts to all clients. This offer was rejected. The company then offered full-time employment. Clients also rejected this offer because almost all of them already found alternative employment; Clients wanted compensation. The company then initially offered 3 months and we managed to settle on 5 months remuneration for each client.

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The clients would like to extend their heartfelt thanks to SASLAW.

Johannesburg Office

Mafu & others v Zabanqondo Security JR 234-17

The employees were dismissed when their employer's contract with its client was terminated. The employer gave them only 5 days' notice and did not follow any procedures. At CCMA, the commissioner found that they were permanent employees and that a retrenchment procedure should have been followed before dismissing them. The employer had alleged that they were on fixed-term contracts subject to continuation of its contract with the client but had not been able to provide proof of such fixed-term contracts to the satisfaction of the commissioner. There was no possibility of reinstatement. They were awarded 12 months compensation.

The employer took the award on review raising issues around the alleged fixed-term contracts and amount of compensation. The employees opposed the review with the assistance of the pro bono office. The review was heard on 2 August 2018. Advocate Andre Landman was briefed pro bono. The Court dismissed the review, with costs, and upheld the compensation of 12 months.

Directors

Thank you for your wonderful contributions in time and energy to the project around the country.

Directors

SASLAW Pro Bono NPC

September 2018

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