



10th ANNIVERSARY COMMUNIQUE

INTRODUCTION

The SASLAW pro bono team are proud to share this 10th Anniversary Communique with SASLAW members and stakeholders.

The pilot project started in the Johannesburg office on the 4th of February 2011. It was quite a daunting day, but we felt as prepared as we could be, with all the processes in place, the experience of Probono.Org at our side, the support of the Judge President Mlambo and the Labour Court Judges, the willingness of the attorneys to dispense advice, and the expertise of Anton Myburgh SC, Nick Robb, Greg Fourie SC and Tanya Venter who had put the processes in place. Natasha Moni assisted in the office, brought in some coffee, and away we went. We have learnt so much since that day. We have tweaked the processes, fine-tuned our offering, worked well with the Court personnel, formed partnerships with suppliers, attracted funding, and educated administrators and students. But at the heart of this all, we have held true to the project's mission statement:

The SASLAW pro bono project at the Labour Courts serves to deliver a quality advisory service and defined Labour law legal services to those who otherwise do not have access to justice.

As can be seen by the statistics 10 years on, 27 000 clients have been assisted by the committed attorneys and advocates

Clare Fincham

OFFICE MANAGER'S INPUT

Helen Sithole - Johannesburg Office

The office has now adjusted to the hybrid level of operating with clients being assisted both physically and online via emails. This has made many people access justice during these trying times which has seen the office witness an increase in retrenchment cases. The project has witnessed success stories such as Mr. Abram Mokoena who was assisted in getting R75 000 and another client Ms. Otilia Sibanda was assisted in getting R15 000 in a settlement agreement with their respective former employers. We are thankful to all the participating firms and funding contributors for making this project a success. There are many other success stories like the ones mentioned above that would not have been possible without the dedication of the attorneys and advocates in the Society.

Jacqueline Keet - Johannesburg permanent attorney

2020 was my first year as the Permanent Attorney at the Johannesburg office. I came to realise how many clients do not have the resources or the means to proceed with their matters without being assisted by an Attorney. This was evident in the various amendments that I had to draft on behalf of them. COVID made it difficult for them to proceed with their matters, but I was in contact with many clients via email and WhatsApp. The clients are very appreciative of the assistance that they receive from the SASLAW pro bono offices and I enjoy working with them and my fellow colleagues.

Diane Cochran - Durban office

I joined the SASLAW Pro Bono Project in KZN in September 2016 to run the offices in the Durban Labour Court. Since then, the hundreds of faces, with hundreds of personal stories is what stands out for me. Whilst it is frustrating not being able to assist each and every one with their cases, there are the success stories that make the project so worthwhile, and giving access to justice to someone who may otherwise not have had a chance is a very rewarding thing. Working with the attorneys who give freely of their time and expertise to help others is definitely a highlight for me & I have personally seen such success from our student program allowing Law Students an amazing insight into the world of Labour Law and assisting with exposure to firms and attorneys as well as increasing their chances of pursuing their careers in law. Recently I was part of the team which setup the virtual offices in the Durban Labour court and I am excited about how this has assisted with matters being able to proceed in our current restrictions.

Stacey-Lee Bell - Port Elizabeth office

Since starting with the Pro Bono project in March 2018 we have grown the Eastern Cape branch quite substantially. Having committed attorneys and more willing to come on board. The passion that comes from the attorneys and me to help clients with big or small matters leaving no stone unturned provides a comfort of happiness when you see the smile of appreciation from them, it makes helping others that much more encouraging.

Fatima Rustin - Cape Town office

The SASLAW Pro-Bono office has allowed me to experience serving the most vulnerable in the legal community. The clients attending the office were not only in need of advice but sometimes just a word of kindness and encouragement. The circumstances surrounding most clients encouraged us as administrators to access all resources to assist clients as far as possible. I have always respected and appreciated the relations between SASLAW, the participating attorneys and stakeholders such as the Registrar and Staff of the Labour Court, Legal Aid SA and participating firms and the common understanding and support to the success of the project. The demand for legal assistance and client support has undoubtedly increased each year which in turn advanced the requirements of administration and additional roster of attorneys and firms. The opportunity to participate in giving back to community alongside a well-respected society will always be appreciated.

Excerpt from the SASLAW 20th Anniversary publication (July 2017) - Richard Maddern, former National President of SASLAW

“At the outset, it should be stressed that while I have been asked to provide an exposition of SASLAW’s pro bono project in this chapter, the success of the project cannot be attributed to any one person or even group of people. Instead, it is attributable to every single person who has been involved directly or indirectly in the project over the past six years, which has enabled us to assist 16 000 indigent clients while logging 11 500 pro bono hours. In a country where access to justice presents many challenges, this is a phenomenal achievement by all concerned. More than anything, the project is the glue that binds SASLAW’s members together, and it is, collectively, our pride and joy. On behalf of SASLAW’s national committee and the directors of SASLAW Pro

Bono NPC, a heartfelt 'thank you' to each and every one of you who has played a role in the project. Long may it continue!

In October 2010, the then Judge President of the Labour Courts, Dunstan Mlambo, approached the then president of SASLAW, Bradley Conradie, to secure the assistance of the Society in providing pro bono services at the Labour Courts across the country. The response was swift: on 22 October 2010, by way of a resolution adopted at SASLAW's annual conference in Cape Town, the national committee was given an open mandate to provide Judge Mlambo with whatever assistance he required. Following the extension of the mandate, members of the national committee got to work in the months of November and December 2010. Meetings were held with Judges Mlambo and Gush, with representatives of eight large firms of attorneys in Johannesburg with established labour law departments and pro bono programs, 1 and with [ProBono.Org](#), 2 with a view to investigating the provision of pro bono services by them. By 7 December 2010, a broad outline of the proposal for a pro bono pilot project had been prepared and was adopted by the national committee.

A task team was then assembled from within SASLAW comprising Anton Myburgh SC (the then national president), Tanya Venter (the then vice president), Shamima Gaibie, Fritz Malan and Greg Fourie. Kisha Candasamy of [ProBono.Org](#) was co-opted onto the task team for the duration of the pilot project to represent [ProBono.Org](#).

On 27 December 2010, a proposal for the pro bono pilot project prepared by the task team was submitted to Judge Mlambo. The proposal envisaged the establishment of an advice office at the Labour Court in Johannesburg to be funded by SASLAW, which set aside R50 000 for the provision and running of the office during the pilot project. Following circulation to all members of SASLAW, and after being tabled at a meeting of the relevant committee of the Johannesburg bar council, the proposal was tabled at a workshop held at the University of the Witwatersrand on 28 January 2011. Immediately after this workshop, the national committee adopted the proposal as the approved plan for the pro bono pilot project. The approved plan envisaged that by 30 June 2011, the pro bono task team would produce a pilot project report outlining the success, or otherwise, of the project. Five months of frenetic pilot project activity thus got underway. On 29 July 2011, the pro bono task team, then consisting of Anton Myburgh SC, Tanya Venter, Greg Fourie, Kate Savage, Shamima Gaibie, Kisha Candasamy and Richard Maddern, presented a report on the pilot project. The report recorded that the pilot project had been an overwhelming success, resulting in a total of 1013 clients (at an average of 42 per week) being seen at the advice office. 94 attorneys from 46 different firms had logged 809 pro bono hours during the pilot project in the advice office.

The Johannesburg advice office Mzamo Nkosi was appointed as the first permanent administrator of the Johannesburg advice office. The initial task team was then disbanded and a subcommittee of the Gauteng chapter, comprising Greg Fourie and Richard Maddern, was established under the national committee's

general oversight. The day-to-day oversight of the advice office was conducted by Kisha Candasamy of [ProBono.Org](#) and the Gauteng chapter subcommittee. Administrative support was also provided twice a week by interns from Tokiso. It was, however, to SASLAW's national and Gauteng administrator, Clare Fincham, that the day-to-day administration fell. In particular, the organising and maintenance of the roster of the attorneys to attend at the advice office to perform their pro bono duties, was her responsibility. It was recognised at an early stage that the longevity of the project could only be secured with the continued buy-in of the attorneys to render the pro bono services. This task, with its constant challenges, is a role which Clare still performs for the Johannesburg advice office to this day. Clare has established herself as a doyen of the pro bono project, and is indispensable to its success. The Johannesburg advice office was officially opened on 27 September 2011 by Judge Mlambo. In opening the office, he acknowledged that it was the first court based advice office fully manned by lawyers in the country. He said: 'Courts are the centres where society looks to for the resolution of their legal disputes. It makes sense therefore to ensure that all sectors of society should not view the courts with trepidation but they should have the confidence that, within such structures, they will have access to the tools that enable them to have meaningful access to justice.' For those who had been involved in the pilot project from the outset, the ribbon cutting ceremony was a moment to cherish. More than anything else, it symbolised the completion (and start) of an initiative that saw the coming together of SASLAW members like no other before it - a spirit that the project continues to engender to this day.

By October 2011 the Johannesburg advice office was fully functional. The project roll out With the election of the national committee at the annual conference in Port Elizabeth in October 2011, a permanent portfolio responsible for the pro bono project was created and Richard Maddern then assumed this role.

By this time (October 2011), an agreement had also been concluded with Legal Aid represented by its chief legal executive, Patrick Hundermark, in terms of which it would provide a paralegal once a week to assist in the advice offices. Legal Aid would then also render services relating to the enforcement of CCMA awards. It further undertook to assist with the expansion of the pro bono project at the Labour Courts in Durban, Port Elizabeth and Cape Town. It warrants particular mention that Judge Mlambo was then, and remains, the chairperson of the board of directors of Legal Aid. This paved the way for a synergistic relationship between SASLAW, the Labour Courts and Legal Aid in relation to the pro bono project.

The advice office in Durban started every Wednesday from August 2011 under the guidance and leadership of Alex Rocher of the KZN chapter and Shamika Dwarika of [ProBono.Org](#). Sandra Briant, the chapter administrator, assumed responsibility for all the administration. The Durban advice office was officially opened by Judge Mlambo on 29 November 2011. Since then, oversight has been exercised by these members of the KZN chapter committee: Voreshka Gosai; Sanelisiwe Nyasulu; Raoul Kissun; and Kurshivan Munsamy.

The Cape Town advice office started operating every Friday from September 2011. Gillian Lumb and Adv Tanya Golden of the Western Cape chapter assumed responsibility for the office and the administration was dealt with by Gameida Gierdien, the chapter administrator. The advice office was officially opened on 27 August 2012 by Judge Mlambo. Since then, oversight has been exercised by these members of the Western Cape chapter: Jason Whyte; Ebrahiem Abrahams; Nicola Arendse; and Anli Bezuidenhout. The administration has been handled by Fatima Rustin, the current chapter administrator.

The Port Elizabeth advice office was established under the guidance of Marion Fouché and Theo Potgieter, with Johann van der Walt assisting with the administration. It was officially opened in July 2012 by Johann van der Walt. Since then, the advice office has been managed by the chapter presidents, Theo Potgieter, Johann van der Walt and Peter Kroon SC.

Letters of gratitude from Judges Mlambo and Van Niekerk were received.

The former wrote: 'The statistics were only a dream when we started but have become reality. Thank you to all SASLAW members for the commitment and willingness to serve. It is this response that has enabled the Court to become more relevant to the community it serves. Thanks must also go to the SASLAW leadership for embracing the project and supporting it in all conceivable ways. We at the Court, are at a loss for words to describe our gratitude to SASLAW for helping to turn the Court around.' Recounting his first-hand experience of the pro bono project as a sitting judge, Judge van Niekerk said this: 'I'm writing to express my appreciation for the sterling work by the Durban pro bono office during the course of the week 5 to 9 March 2012. The particular matter to which I refer concerned a number of individual applicants who found themselves in a situation where the union that had initiated motion proceedings, withdrew the day prior to the hearing. The application had been opposed. The applicants concerned were unable to appreciate the nature of their predicament, nor were they in a position to advance their interests on the day. After a call to the pro bono coordinator in Durban, and despite the fact that pro bono representatives were not scheduled to be in attendance that day, Mr Rocher of Farrell Inc arrived at the Court within 30 minutes to consult with the individual applicants. By lunch time a settlement agreement had been concluded with the employer's counsel, an attorney, and the agreement made an order of court. The applicants all confirmed their satisfaction with the outcome. The matter was an old one, and the applicants had been unemployed for some years. But for the intervention of SASLAW's pro bono initiative, the resolution of the matter would have been further delayed.

This case illustrative, both of the way in which the pro bono initiative has greatly enhanced access to justice by those who are unable to afford it, and the extraordinary dedication of SASLAW members who participate in it.'

SASLAW has over the years received many messages of congratulations, but understandably these early expressions of gratitude have a special place in the history of the pro bono project.

By January 2012, SASLAW had been funding the Johannesburg advice office for a year and the other advice offices for varying periods since August 2011. Outside funding needed to be found. As important as the pro bono project was proving to be, it could not undermine the financial stability of SASLAW itself. Appeals were addressed to law firms, counsel and various institutions to secure funding. It was recognised that some of the larger firms had their own pro bono initiatives to fund and consequently their appetite to donate to the pro bono project would not be the same as those firms who were not so beholden. The appeal for funding was well received, particularly from members within SASLAW and their firms. This should have come as no surprise. It is these members and their firms who have continued to appreciate the significance of the project, and have thus been happy to donate to it. Long term sponsorship agreements were concluded with several donors, notably Cliffe Dekker Hofmeyr and Anton Myburgh SC. Over the years, the Gauteng Law Council and Cliffe Dekker Hofmeyr have consistently sponsored the project. Others who have done so on an ad hoc basis are: Adv Bob de Witt; Anton Bakker Attorneys; BHC Attorneys; Bernadt Vukic Potash & Getz; Bowman Gilfillan; Dr Carl Mischke memorial fund; Cheadle Thompson & Haysom; Cowan Harper Attorneys; Crafford Law; ENSafrica; Fasken Martineau; Gael Barrable Attorneys; Gildenhuis Malatji; Adv Greg Fourie; Adv Hans van der Riet SC; Hlatshwayo Du Plessis Van Der Merwe Nkaiseng; Hogan Lovells SA; Kirchmanns; LabourNet; Labuschagne van der Walt; MacGregor Erasmus; MacRobert Attorneys; Adv Marlene Jennings; Moni Attorneys; Norton Rose Fulbright SA; Adv Peter Kroon SC; Adv Richard Moultrie; Sabinet; Shepstone & Wylie; TD Potgieter & Attorneys; Webber Wentzel; Werksmans Attorneys; Wright RoselInnes; Sakhile Transcription Services; Billion Group; and Seartec.

Recently, Anton Myburgh SC also contributed his share of the royalties derived from Reviews in the Labour Courts to the project.” July 2017

Webber Wentzel funding of the Johannesburg Permanent Attorney - 2020 and 2021

“Access to justice is a basic principle of the rule of law. SASLAW Pro Bono, through its work of providing legal information, legal advice and legal representation, is a stellar example of how simple it is to make justice more accessible for South Africans. This is achieved by the work of the volunteers, and the directors and administration of the SASLAW Pro Bono project in the four Labour Courts. Amidst the global pandemic, everyone is affected, but particularly marginal workers are bearing the brunt of lack of process, etc. It is therefore particularly necessary in 2021 for SASLAW to have the capacity to assist and provide the appropriate

legal support, and we believe that the continued employment of a permanent attorney in SASLAW Pro Bono's Johannesburg office will provide some such capacity. It is for this reason that the corporate social investment programme of Webber Wentzel has agreed to fund this expense.” The Directors of the project are very grateful to the firm for their very generous support.

Odette Geldenhuys | Partner

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SASLAW PRO BONO STATISTICS - NATIONAL 4 February 2011 - 28 February 2021

REGION	CAPE TOWN	DURBAN	JOHANNESBURG	PORT ELIZABETH	TOTAL
Clients Seen	4506	3643	18 010	859	27 018
Hours Spent in Office/Online	1929	2919	12 990	1266	19 104
No. of Attorneys	47	56	178	17	263
No. of Firms	27	32	101	12	172
No. of Matters taken on by Attorneys	736	696	780	94	2 306
No. of Matters taken on by Legal Aid	209	229	941	3	1 382
No of new clients seen by the Permanent Attorney in the Johannesburg Advice Office			1 328		1 328

STUDENT PROGRAMME

In early 2017, the Johannesburg office engaged with the University of Johannesburg (UJ), to start a student programme. Since then, 3365 hours have been served by students from UJ and UNISA in this office. The students have made their time and services available to the project on a voluntary basis for the purposes of gaining additional exposure and experience in Labour Court litigation practice, practice management, client management, drafting of court pleadings and general administrative duties, such as time recording and data capturing. Many of the students have been able to secure articles with various firms involved in the project. The student programme has been successfully rolled out to the other offices.

CANADIAN FELLOWSHIP PROGRAMME

The University of Toronto have selected the three students for 2021. Unfortunately, no international travel is allowed for their fellowship programme for 2021. Therefore, an online programme has been created, with some physical interaction in Canada with partner firms. Thanks must go to LabourNet, Legal Resources Centre and Lawtons for agreeing to offer training and the opportunity to participate in projects this year in South Africa. The students will view the activities in the pro bono office in Johannesburg too, via live video.

Thank you for your wonderful contributions in time and energy to the project around the country. If you have any questions, **wish to participate in the project, or donate and receive a Section 18A certificate**, please contact Helen at the Johannesburg office.

Directors

SASLAW Pro Bono NPC

March 2021

Nick Robb, Shamima Gaibie, Ludwig Frahm-Arp, Ebrahiem Abrahams, Michael Yeates, Lusanda Raphulu

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