



STRICTLY CONFIDENTIAL
FOR THE INFORMATION OF
GSA MEMBERS ONLY

VERENIGING VAN ADVOKATE

SOCIETY OF ADVOCATES

MOKHGATLO WA BAEMEDI

**MINUTES OF AN URGENT SPECIAL GSA EXCO MEETING
HELD AT CENTAUR HOUSE ON NOVEMBER 26TH 2020 at 18h30**

Acting Chairperson: Adv. Pierre Louw

1. **Welcome:** The acting-chair welcomes all present and expresses the GSA's appreciation for their attendance at such short notice. PL
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- Present:** Adv. Pierre Louw; Adv. Johann Hattingh;
Adv. Tilania du Preez Adv. D'vida Wessels
Adv. Maryke Pienaar Adv. Abby Thantsa
Adv. Ettiene Raubenheimer MP
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2. **Apologies:** Adv. J Brenkman Adv. Neels Killian
Adv. Z Roloff Adv. Sean Kelly
Adv. M Malovhela MP
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3. **Constitution:** The acting-chair states that a *quorum* persists and declares the special meeting as properly constituted. PL
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4. **General matters:** Matters listed to be raised under 'General' are:
- (1) Addressing member concerns – re: having signed new pupil contracts; ALL
 - (2) The HvR - GSA Pupillage Bank Account “
 - (3) The Lionel Marx - Legally Law receipt of pupil monies “
 - (4) Claim of Adv. Makua i.r.o. the GSA name. “

5. HvR Suspension Letter to the LPC:

It is resolved: that a formal letter will be drafted by PL and sent to the LPC outlining the suspension and subsequent resignation of Adv. Hennie van Rensburg SC from the GSA and the *sequelae* thereto.

Proposed	T.du.P	Seconded:	E.R.	Objection:	None	PL
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6. Adv. Lionel Marx Letter of the GSA's disassociation with LM to the LPC:

It is resolved: that a formal letter will be drafted by PL & ER and sent to the LPC outlining the resignation of-, and the GSA's disassociation with Adv. Lionel Marx and the *sequelae* thereto.

Proposed:	J.H.	Seconded:	E.R.	Objection:	None	PL & ER
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7. 2020 Pupils Strategy - dealing with 2020 Pupils:

7.1 Our position regarding HvR's scheduled 'Moot' Courts this weekend:

- It is recorded that JH received a letter from HvR enquiring whether HvR should proceed with the 2020 Pupillage 'Moot-Court' on the weekend of November 28th & 29th 2020.
- It is further recorded that HvR advised PL that HvR intends to continue.
- **It is resolved:** that the GSA does not intend to assume *locus standi* in the concerns of HvR, or be seen to obstruct the planned activities of HvR.
- It is further accordingly resolved that JH will not respond to HvR's letter.

Proposed:	J.H.	Seconded:	T.du.P	Objection:	None	Info
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7.2 Formation - designated committee - to deal with pupil issues

- **It is resolved:** that JH will first discuss the current situation with Adv. Johan Engelbrecht SC and that ER will liaise further with the Chairperson of the Education Committee of the LPC. JH
ER
- It is further resolved that ER will communicate with pupil representatives - to make clear that requirements of the LPA & Regulations i.r.o the ratification of Practical Vocational Training of candidate legal practitioners i.e. pupils - and the peremptory effect thereof. ER

Proposed:	J.H.	Seconded:	T.du.P	Objection:	None	As indicated
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7.3 Feedback to pupils: *én masse* or individually?

- **It is resolved:** that the GSA will not have an individual discussion with 2020 pupils & that ER will draft a formal letter to all HvR pupils, setting out the requirements for Practical Vocational Training to be admitted or not.

Proposed:	T.du.P	Seconded:	J.H.	Objection:	None	E.R.
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8. 2021 Pupils

HvR / LM repayment of 2021 Pupil deposits made. Complete?

- It is recorded that Adv. Rosa Hawman will deliver documents and a recordal of WhatsApp communications between 2021 pupils from which details of these pupils including names and contact details can be gleaned.

It is resolved: that a Forensic Investigation into the affairs of HvR & LM must be launched, including the determination of whether the 2021 pupil-deposits made into LM's Legally Law (Pty) Ltd account has been repaid.

It is further resolved that - on the completion of the envisaged investigation, the GSA will report the outcome to the LPC for further action against the individuals - if so required.

Proposed:	J.H.	Seconded:	E.R.	Objection:	None	P.L. & M.P.
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9. Next GSA - AGM PL submits that in the light of the extraordinary and challenging issues being faced by the GSA at this stage an AGM must be scheduled as an absolute priority.

It is resolved: that the next GSA AGM is DV provisionally scheduled for the afternoon of Saturday, February 13th 2021

Proposed:	T.du.P	Seconded:	M.P.	Objection:	None	Info
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10. General: 10.1 Addressing member concerns – re: having signed new pupil contracts;

It is submitted that GSA members who signed the recently circulated Pupils contracts should withdraw from these contacts as they are effectively void for non-compliance with the LPA and Regulations.

It is resolved that post JH’s consultation with Adv. Johan Engelbrecht SC, a definitive communication will be made to our affected members.

Proposed:	J.H.	Seconded:	T.du.P	Objection:	None	J.H.
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10.2 The HvR – GSA Pupillage Bank Account;

- It is recorded that that three separate accounts for the GSA are registered with ABSA Bank - to wit: A current account utilized for monthly member contributions; an Investment Account - and - a GSA Pupillage account;
- The origin of the latter account requires clarification, as it is unclear as to: who opened the account and by which intrinsic or extrinsic knowledge and/or authority (if any) this occurred;
- It is further recorded that indications are that: HvR has had sole and full control over the latter account and a bank card attached to this account; has received deposits into the said account-, has made payments from the account-, and has made cash withdrawals from the

account - all without authority or knowledge of the majority of the GSA Exco;

It is further recorded that Prisppek (auditing consultants for the GSA) had confirmed in writing that they had never had any knowledge of the said account, never had access to any relevant corroborative financial documentation-, and concurrently had never audited the said account;

10.3 The LM - Legally Law Pupillage Bank Account;

It is further recorded that - evidence available shows that Adv. Lionel Marx via the bank account in the name of his company Legally Law (Pty) Ltd, had received R15,000 per pupil for a 2021 pupillage program managed by him and HvR under the misrepresentation that the program was formally sanctioned by the GSA.

It is therefore resolved that:

HvR must be instructed to provide proof of all transactions from this account to the GSA; PL

JB must stop the account with immediate effect and retrieve the card from HvR; JB

PL will instruct Prisppek Accountants to prepare all relevant documentation to facilitate a Forensic Audit of the HvR - GSA Pupillage account; PL

PL will consult with Prisppek Accountants to determine the requirements to facilitate a Forensic Audit of the said account. PL

The GSA will seek appropriate recourse should any professional-, or criminal-, or delictual turpitude on the part of either of HvR and/or LM be found. ALL

Proposed:	J.H.	Seconded:	T.du.P	Objection:	None	As indicated
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10.4 Claim of Adv. Lex Makua to the GSA name:

It is recorded that Adv. Abbey Thantsa is currently dealing with the matter;

ER highlights that the *prior tempore potior iure* precept in law applies in favour of the position of the GSA;

It is further recorded that - in response to the issue raised by Adv. Lex Makua - PL on September 24th 2020, conveyed all relevant precepts of- and precedent in- law to the advocate.

Adv. Lex Makua took umbrage to the communication. Hence the involvement of Adv. Thantsa.

It is resolved: that the matter will stand over for report back by Adv. Thantsa, and discussion at the next EXCO. In the interim PL will again circulate a copy of his correspondence with Adv. Makua dated September 24th 2020 to members of the EXCO.

Proposed:	T.du.P	Seconded:	A.T.	Objection:	None	A.T. & P.L.
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The meeting concluded @ 21h50 PL again thanked the EXCO for their attendance at short notice and for the constructive manner in which all matters were addressed.

A special word of thank-you was recorded to MP for her kind gesture of providing coffee to members present and for her preparedness to assist in the recording the minutes.

Date of next Meeting: To be determined & communicated.

Ratification of these minutes at the next upcoming EXCO:

The Minutes recorded herein above have been perused by a *quorum* of the GSA EXCO, amendments have been indicated (if any) and the contents thereof has been ratified as a true and proper rendition of the resolutions recorded.

RATIFIED ON THIS THE 3rd DAY OF DCEMBER 2020 AT CENTAUR HOUSE, PTA

Proposed by:	Adv.	Johann Hatting SC	Seconded by:	Adv.	Tilania du Preez
Electronically Signed (Acting Chair):	Adv.	<i>P J Louw</i>	Electronically Signed (Acting Secretary):		<i>M Pienaar</i>