




## SOCIETY OF ADVOCATES OF KWAZULU-NATAL

### LITIGATION SUB-COMMITTEE REPORT

This report has been prepared by the Litigation Sub-Committee of the Society of Advocates of KwaZulu-Natal, to be presented to the Annual General Meeting of the General Council of the Bar to be held on 14 July 2018.

The following are the pending striking-off applications with which the Society is involved:

- (a)  Advocate P. Hunt (Ms)
- (b)  Advocate C. Ludick (Ms)
- (c)  Advocate J.N.N. Ngema
- (d) Advocate A. Brink.

 Only Hunt is a member of the Society. The other Advocates are not

A report on each of these matters follows hereunder.

The Complaints Committee considered the complaint and recommended that an application be brought for her striking off.

A firm of attorneys have been appointed to represent the Society in the matter and senior and junior counsel have been instructed to draw the necessary application papers. These are presently awaited.

Advocate J.N.N. Ngema

A complaint was received regarding Ngema's conduct before Court. The matter was referred to a Complaints Committee who then offered Ngema the opportunity of responding thereto. He indicated an intention to do so and requested copies of the relevant documents. However, Ngema has not responded and a decision was taken to apply for his striking-off or suspension from the roll.

Senior counsel has been appointed to draft the necessary application papers.

Advocate A. Brink

Brink made serious allegations regarding the conduct of Mr Justice Mlambo and Mr Justice Waglay, who are currently the Judge President of the North Gauteng High Court and the Labour Court respectively. The allegations arose from their refusal to recommend Brink for appointment to the staff of the Legal Aid Board in Pietermaritzburg. Brink alleged that the two Judges acted *mala fides* in doing so with the intention of damaging his career.

The complaint involved many volumes of documents. After considering the same, the Committee decided that Brink's allegations were unfounded and contemptuous of the two Judges. It accordingly recommended that striking-off proceedings be brought against him.

When Brink learnt of this decision, he contacted the Society and requested to be allowed to make representations before any final decision was made in this regard. The Society agreed that he may do so. Brink then delivered written representations which, together with annexures, exceeded 250 pages. The Complaints Committee re-considered the matter in the light of these representations but still determined that an application should be brought for his striking-off.

Simultaneously with lodging the written representations, Brink lodged a complaint with the Secretariat of the Judicial Services Commission ("the JSC") regarding the conduct of Justices Mlambo and Waglay. This complaint has apparently been referred to the Judicial Misconduct Sub-Committee of the JSC.

Whilst the Society is of the view that there is no substance to Brink's complaint, it is of the view that it would be advisable to await the decision of the Judicial Misconduct Sub-Committee on the complaints, before proceeding with the striking-off application.

DATED AT DURBAN THIS                      DAY OF JULY 2018.