

FORM A ANNEXURE

Your ref: NH/mg

With reference to the Legal Practice Council ('LPC') KwaZulu-Natal Provincial Office's letter to me of 8 November 2024, informing me – '*We confirm that the complaint [of professional misconduct, made by Legal Aid South Africa ('LASA') in November 2015] has been considered by an Investigating Committee and that the Committee is satisfied that there is prima facie evidence that you are guilty of misconduct which warrants misconduct proceedings to be instituted against you. The Committee has referred the matter to a Disciplinary Committee for adjudication*' – the following records are requested:

1. If this records request is responded to by a deputy information officer, a copy of his or her written delegation under section 17 of the Promotion of Access to Information Act.
2. The decision of the Investigating Committee, identifying its members and bearing their signatures.
3. The minute/transcript of the Investigating Committee's discussion of the complaint ('Complaint').
4. The record of the Investigating Committee's referral of the Complaint to the Disciplinary Committee.
5. Any and all further communications between these two committees.
6. Any record(s) identifying all the members of the Disciplinary Committee.
7. Any and all records vouching that before their discussion of the Complaint and their decision to refer it '*to the Disciplinary Committee for adjudication*' after finding '*that there is prima facie evidence that you are guilty of misconduct which warrants misconduct proceedings to be instituted against you*', each of the Investigating Committee's members were furnished with the



decision of Constitutional Court Justice Elizabeth Nkabinde and Supreme Court of Appeal Justice Ephraim Makgoka, serving on the Judicial Service Commission's Judicial Conduct Committee ('JCC') Appeal Committee, in which decision they upheld my appeal against JCC member Justice Dumisani Zondi JA's dismissal of my criminal and other impeachable misconduct complaints against then-LASA chairperson Dunstan Mlambo JP, and recommended that he be called to answer them before a Judicial Conduct Tribunal.

8. Any and all records vouching that each of the Investigating Committee's members were furnished with the subsequent decision of the small Judicial Service Commission to reject Justices Nkabinde and Makgoka's finding and recommendation, on the basis alleged that I'd provided '*no prima facie evidence*' against Mlambo JP in my eight complaints against him comprising a total of 3014 pages, including 64 supporting documents.
9. Any record vouching that each of the Investigating Committee's members were furnished with the transcript of the discussion by the Judicial Service Commission (JSC) of Justices Nkabinde and Makgoka's finding and recommendation – during which then-JSC chairperson Raymond Zondo CJ, the country's top jurist at the time, repeatedly and insistently warned his fellow commissioners that their decision of the matter would be exposed to judicial review and reversal, like several other unlawful JSC decisions in the past (he said) should they persist, against his advice, in disposing of it without affording me the right to respond to the masses of new evidence and new documents improperly put up by Mlambo JP with his submissions, i.e. what should have been only his representations/argument regarding the merits or otherwise of the JCC Appeal Committee's recommendation that he be tried by a Judicial Conduct Tribunal on my criminal and other impeachable charges.
10. Any records vouching that prior to their discussion, and in order to consider



the Complaint properly, each of the Investigating Committee's members were furnished with copies of (a) my eight complaints to the JSC against Mlambo JP copies of which I'd provided to the Society of Advocates of KwaZulu-Natal ('Society') as my original, first and complete response to the Complaint LASA made to it in November 2015; (b) Mlambo JP's two responses to my complaints; (c) my two comments on his two responses; and (d) my second response to the Complaint after the LPC inherited it from the Society unresolved, decided to investigate the matter *de novo*, and invited me to respond to it again.

11. Any and all communications to and from the LPC in the matter of my complaints against Mlambo JP and/or LASA's Complaint against me, after the JSC rejected the JCC Appeal Committee's recommendation that the President convene a Judicial Conduct Tribunal to try my comprehensively documented and substantiated criminal and other capital charges against Mlambo JP, which Constitutional Court Justice Nkabinde and Supreme Court of Appeal Justice Makgoka thoroughly and conscientiously canvassed and evaluated in their meticulous and exhaustive 42-page decision, on the basis alleged very contrariwise by the JSC majority that I'd presented '*no prima facie evidence*' against him at all. None.

NOTE:

Only the LPC's information officer or deputy information officer holding a written delegation issued under section 17 of PAIA may lawfully and competently respond to this request.

Under section 25 of PAIA this request must be responded to as soon as reasonably possible, and in any event not later than 30 days after receipt of this request.

If any requested record doesn't exist or can't be found, this must be certified on affidavit under section 23.

The only grounds on which a request for a record may be lawfully refused are set out in PAIA sections 34 to 45.



FORM A ANNEXURE – FOUR FURTHER RECORDS REQUESTED

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12. The *'letter from the Legal Aid SA who had confirmed through a mandate from the new CEO that he wished to continue with the complaint'** of professional misconduct made against me. (*Per LPC Senior Legal Officer Nadira Harripersad's email to me of 30 May 2025.)
13. The LPC's *preceding* correspondence with LASA enquiring as to LASA's wishes about the LPC's disposal of the complaint in light of my comprehensive response to it in June 2021.
14. The LPC's *subsequent* correspondence with LASA informing it that, notwithstanding my said response, the LPC had decided nonetheless that I was *prima facie* guilty of professional misconduct for persistently complaining, in my several litigations against LASA and to the JSC, about Mlambo JP's repeated criminal and other impeachable misconduct as then-chairman of LASA (which complaints about Mlambo JP's criminal and other capital misconduct the JCC Appeal Committee found on 19 February 2024 to have indeed been well-made by me on the documentary and other evidence I'd adduced, and that they were answerable before a Judicial Conduct Tribunal).
15. The LPC's PAIA manual published under section 14 of PAIA, read with the criminal penalty provisions of section 90(2): *'An information officer who wilfully or in a grossly negligent manner fails to comply with the provisions of section 14 commits an offence and is liable on conviction to a fine, or to imprisonment for a period not exceeding two years.'*