

The Law Society of the Northern Province

Attention: Mr J Janse van Rensburg
Mr MJS Grobler
Mr J Fourie

Your reference	Our reference	Date
Mr J Fourie (JP) 7824/2011	Mr D R Scholtz 2235462	19 October 2012

Dear Sirs

Apparent complaint by Norman Berger & Partners Inc ("Norman Berger") against Ronald Bobroff & Partners Inc

1. As you are aware, on 10 September 2012 we addressed a letter to you in connection with the above matter. On 11 September 2012 Mr Grobler addressed a letter to the writer, in which he acknowledged receipt of our letter, and stated that our letter would be considered by the Law Society and that he would communicate with the writer as soon as circumstances permitted.
2. The writer has not heard further from Mr Grobler. However, our clients, Messrs Ronald and Darren Bobroff, received your letters dated 5 October 2012, which were delivered to our clients by courier on 10 October 2012, shortly before midday. A similar letter was not delivered to the third director of the firm, Mr Steve Bezuidenhout.
3. The letters in question attached a report by Mr Vincent Faris dated 27 August 2012 and require our clients to respond with their comments by Monday 22 October 2012. Our clients note that Mr Faris refers to previous correspondence and discussions, although no mention is made as to the date and place of such discussions. Our clients cannot therefore comment on these but reserve the right to do so.

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4. Our clients are eager to dispel any adverse allegations made by Mr Faris, whom our clients believe was instructed and paid by Discovery Medical Aid, as part of their ongoing vendetta against our clients. However, at the outset our clients question the propriety of Mr Faris accepting instructions to be party to an attack on a sitting Councillor of the Law Society while he serves as a member of the Society's Finances and HR Committee. Our clients submit that Mr Faris should have sought permission from the Council to co-operate with Discovery before he accepted these instructions.
5. You will recall that, in our letter to you dated 10 September 2012:
 - 5.1 we noted that Mr Bobroff Snr., as a member of the Council of the Law Society, had received the Minutes of the Council Meeting on 31 August 2012, which recorded *inter alia* that:

"Mr Janse Van Rensburg reported that Mr Norman Berger and Mr Anthony Millar had requested an appointment with the Director and that he and the Director held a discussion with Mr Berger and Mr Millar on 23 August 2012, when they submitted a forensic report to the Law Society which was compiled on behalf of their clients in respect of the De La Guerre and Gordon matters. He said that the report had been prepared by Mr V Faris and that it had been referred to the Disciplinary Department and the Members Affairs Department for consideration in the normal course."
 - 5.2 we enquired:
 - 5.2.1 whether the so-called "forensic report" was presented to the Law Society in support of, attached to, or part of any affidavit of complaint complying with the provisions of Rule 94.3 of the Rules of the Law Society. We assumed that the report would indicate the sources of the information on which the report was based and how that information came into the possession of Messrs Berger and Millar; and
 - 5.2.2 if not, on what basis was the "forensic report", and any accompanying documentation, being considered in the first place?
 - 5.3 we also called on you to provide our clients with a copy of the "forensic report", together with any supporting or accompanying documents and the complaint, if any, itself.

6. Our clients assume that the report by Mr Faris, which was received by Mr van Rensburg on 23 August 2012, was the same report to which Mr van Rensburg referred at the Council meeting on 31 August 2012. However, we note that the report by Mr Faris, which you have now sent to our clients, is dated 27 August 2012. Accordingly, please let us know whether this report differs from that which was apparently submitted on 23 August 2012 to Mr van Rensburg by Messrs Berger and Millar and, if so, in what respects the report differs.
7. Mr Bobroff Snr. has also noted from the Agenda for the Council Meeting, which was held on 26 September 2012 (which he did not attend), that a report from the Members Affairs Department was to the effect that "*we have received correspondence from Norman Berger & Partners Inc, including a report by Mr Faris dated 22 August 2012*". This indicates that the Law Society must have received two reports by Mr Faris which were dated 22 and 27 August 2012 respectively.
8. Accordingly, in order to enable our clients to consider the report by Mr Faris dated 22 August 2012, which the Council resolved should be sent to our clients for comment, as well as the report by Mr Faris dated 27 August 2012, which was attached to your letters to our clients dated 5 October 2012, we request that you forward the earlier report to us, together with any accompanying correspondence and any affidavit of complaint in terms of Rule 94.3, which may have been lodged with the Law Society.
9. Given that your letters dated 5 October 2012 were received by our clients around midday on 10 October 2012 and that the earlier report by Mr Faris was not attached thereto, please confirm that you will afford our clients at least fourteen(14) days after receipt of the documents referred to in 8 above, within which to comment on both reports, and any accompanying documents.
10. We look forward to hearing from you as a matter of urgency.

Yours faithfully



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