

Dear Mirah,

I have been asked by Mr Bobroff to respond to your enquiry on his behalf.

My client responses are in italics.

From: Mirah Langer <mirah@sajewishreport.co.za>

Date: 15 June 2021 at 2:24:00 am AEST

To: ronaldb@bobfroff.co.za

Cc: bobroffronald@gmail.com

Subject: South African Jewish Report query

Dear Mr Bobroff

I trust this email finds you well.

I am a journalist with the *South African Jewish Report* newspaper. I have been assigned by our editor to work on some information we have received with regards to the recent Appeals Court judgment. I would like to check this information with you and give you the opportunity to comment on this and elements of the judgment.

Noted

Here are the following queries:

1. Could you please comment on the following:
 - That you transferred money to Bank Leumi of approximately 15 to 20 million rand for forty years and used to meet representatives of the bank twice a year at Fluxmans and hand over money to them.

That is correct. The moneys constituted my life's savings.

- That Bank Leumi flew the money out in diplomatic bags on El Al flights.
- that Bank Leumi had a database of all Jewish professionals in South Africa.

In respect of both these questions, I have seen press reports published in the Times of Israel confirming the modus operandi of Bank Leumi and the scandal surrounding them. At the time that I was banking with Bank Leumi I was unaware of the taint.

- That part of your motivation for banking in Israel was as a reflection on the Holocaust context that taught one not to keep one's money in the same country in which one live.

The Holocaust has left an indelible mark on my family. It may well have influenced me and the choices I made.

- That another part of your motivation was Zionist and to support the state of Israel as a moral duty.

Yes, I am a Zionist. That said, I am disappointed in the path that Israel has taken in recent years.

- That you were shown legislation that proved Israel would never disclose your accounts to another country, unless a retrial in Israel, for terrorism, human trafficking, or drug dealing proved you guilty.

That was what I was told.

- If so, could you comment on the fact that it was Israeli authorities that initiated contact with South Africa over concerns about irregularities with family bank accounts in 2017?

There were no irregularities. The banking authorities regarded a transaction whereby my son requested the transfer of a significant sum of money to another bank as a suspicious transaction and alerted the SA authorities.

2. Can you comment on whether you believe there is a lynch mob mentality in South Africa and if so, who you believe is behind this?

Yes, I do believe that I have been unjustly vilified. I believe that I have conducted myself honourably throughout my long legal career in South Africa. I have little doubt that the campaign against me was orchestrated by Discovery because of a conflict that arose between us over my work on behalf of road accident victims.

3. You have made various allegations about Van Wyk whose affidavit played a key role in the appeal – can you explain what you believe the reality of her situation to be?

Ms Van Wyk is a convicted fraudster and a thief. She failed to disclose her criminal record and her dismissal from her previous employer for theft of R1.3 million when she applied for employment. She was recruited as a mole by an attorney, Mr Millar, who was, I believe, instructed by Discovery to tout members of the medical aid

scheme administered by them and who had been our clients, to bring a mass of civil claims, for alleged overreaching, against me and my firm.

This was done to exploit a judgement of the SCA, pertaining to the interpretation of the Contingency Fees Act, in the De la Guerre matter.

The material allegations made by Ms van Wyk, including the claim that we debited each client with a standard R1500 fee for postage and petties, are false. The subsequent investigation by, and report of, the Law Society's Monitoring Unit confirmed this.

4. Did you used to buy other people air tickets to travel overseas and then use their travel allowance to get traveller's cheques which you would then give to Bank Leumi?

I did move my after tax earnings to Israel for the reasons explained. I applied for amnesty from the Reserve Bank for the monies that I moved to Israel and this application was granted on the conditions stipulated. Neither I nor our firm have any tax liability to SARS.

- In relation to travelling overseas and money transfers, can you comment on the extract below from the judgment that characterizes some of your practices as money laundering?

In a supplementary answering affidavit, filed at the eleventh hour, the Bobroffs contended that they had over the years frequently travelled abroad, usually accompanied by their spouses, and that they had deposited their travel allowances in various banking accounts abroad. To this end, they had opened and closed numerous accounts for the reason that they had been advised by the banks that it was a simple matter for banking authorities in South Africa to determine whether the travellers' cheques had been deposited into international bank accounts, and to then take steps to attempt to attach the credit amounts. The purpose of the exercise was accordingly to disguise the origin and identity of the money. This practice bore all the hallmarks of money laundering

The finding that the movement of the money to Israel bore the hallmarks of money laundering is wrong and completely misplaced. The profits of the business were not the proceeds of crime. Nor was there any intent to hide the origin of the money. It is significant that the moneys in Israel were held in our own names. If we had any intention to hide the origins, we would not have done so.

5. With reference to the following extracts from the judgment: *“The Bobroff’s overreaching, coupled with their decision to retain their gains and investing or reinvesting same for their own benefit, after 2014, knowing that they were not entitled to the money, constituted theft.”*

“The Bobroffs are, as I have said, experienced attorneys well acquainted with the demands of litigation, and they have chosen not to engage with the damaging allegations of dishonesty, theft and fraud levelled against them. I am therefore satisfied, on a balance of probabilities, that these offences were established.”

What is your comment on the finding that you have committed theft?

The finding is plainly wrong and this is why my attorneys are preparing an application for leave to appeal to the Constitutional Court.

At worst, by virtue of the decision of the Court in the De la Guerre matter, there has been a civil wrong and those who believe that they have been overcharged are free to institute civil proceedings for the recovery of the fees that they paid.

Save for those Discovery members touted by Mr Millar, they have not done so.

RBF delivered an exceptional service to road accident victims.

We consistently recovered greater benefits for them than did most other law firms (certainly this is true of Mr Millar). This is why RBP was so successful and why, in 40 years of practice, there were no complaints of overreaching before Discovery and Mr Millar took up the space afforded them in the De la Guerre matter. There are many attorneys who will testify to the fact that we delivered an exemplary service to our clients.

6. Can you comment on whether you now believe, you should, and will, pay back the clients with whom you were working on the basis of a common law contingency fee agreement?

Persons who believe that they were overreached are free to file civil proceedings for the recovery of the overreach. The fact is that, other than for the handful of clients touted by Mr Millar and his employer Discovery, they have not done so. This is testimony to the exceptional value for service that RBF provided to its clients.

I am satisfied that the fees that RBP charged were fair and reasonable and commensurate with the results achieved and that there has been no overreach. I believe this whatever the CF Act provides.

Unfortunately, my deadline is tight and a response is please needed by tomorrow (Tuesday) mid-morning SA time.

I note that the SA Jewish Report has consistently maintained the narrative that I am the archetypal 'thieving Jewish lawyer'. I invite you to reflect on this.

I am confident that I will be vindicated by the Constitutional Court and I invite you to reflect on this possibility.

My attorney has been requested to furnish you with the application for leave to appeal when it is failed later this week.

Many thanks.

Mirah

Kind regards.

Richard Spoor
Director, Richard Spoor Inc.