

7. Feb. 2011 8:38
2. Feb. 2011 14:07

No. 3850 P. 1
No. 9181 P. 1: 1

2 February 2011

The Law Society of the Northern Provinces
The President: Mr SA Thobane



Per telefax: (012) 323 0825

Per e-mail: communication@lansb.org.za

Dear Mr Thobane

FAST FAX, 1 FEBRUARY 2011

MEDICAL AID / ROAD ACCIDENT FUND CLAIMS

1. The fast fax issued by the Law Society of the Northern Provinces ("The Law Society") dated 1 February 2011 and headed "URGENT NOTICE TO MEMBERS: MEDICAL AIDS / ROAD ACCIDENT FUND CLAIMS") has come to our notice.
2. We are extremely perturbed by the tone and impression created by the fast fax.
3. We would like an urgent meeting to be formally convened with the management committee of the Law Society. In order that we may fully address our concerns to the Law Society and to enable us to prepare to have a meaningful discussion with the law society we kindly request that you furnish the following information to us as a matter of urgency:
 - 3.1 how did it come to be that the matter was brought before the council;
 - 3.2 when did the matter come before the council;
 - 3.3 how was the council constituted, how was the council which considered the matter constituted;
 - 3.4 did the Law Society receive a complaint from any member of the public in relation to the matters set out in the notice, if so;
 - kindly identify the complainant;
 - please furnish us with a copy of the complaint/s.

3.5 Did the council receive a complaint from any attorney? If so:

155 West Street, Sandton, PO Box 766722, Sandton 2146; Tel 011 660 19 88 or 011 473 6077 (KEM Service);
(011) 520 2800 (Sandton office); Fax (011) 520 2200; www.lansb.co.za

Directors: M J Mphahlele (Chairperson), A Gore (Group CEO), Dr J Brownberg (CEO), Dr B A Bhek, P Cooper, S E Ertstein (USAL
Member), H D Kallner, M S Koozopis, Dr T V Koozopis, H P Koozopis, V Koozopis, A L Coetzee (USAL, A Pollard,
J M Potlerton (CEO), S E Seboka, T Suckberg, M Suckberg, Dr P M Thabane, S V Thabane (Executive Secretary), M J Thabane

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8. By virtue of what facts and circumstances did the council deem it necessary to issue a cautionary notice to members as a matter of urgency without canvassing the views of the medical aids and the collection agents involved?
9. Why did the council not – prior to issuing the notice – simply call upon the medical aids and or medical aid collection attorneys to furnish proof of the contractual obligation on medical aid members to refund payments received from the RAF Fund?
10. On what basis did the council deem it prudent to issue legal advice without being fully apprised of all of the facts?
11. In particular, why was the council concerned as to whether the contractual obligation on medical aid members existed at the time the member first had joined the medical aid?
12. Of what relevance was it to the council whether such contractual obligation arose when the member first joined the medical aid or whether it arose at some stage thereafter?
 - on what facts did the council rely upon for the matter set out in paragraph 3.2 – in particular in which instances did the medical aid allege that there was a variation to the initial contract of medical aid insurance.
 - Why was it relevant to the council whether such variation was signed prior to the incident or thereafter.
13. Did the council rely on any draft provided by any person to form the basis of the fast fax – if so, who furnished such draft, under what circumstances and a copy is requested.
14. What has been the extent of the investigation by the council into the matter?
15. What regard did the council have to the fact that one of the attorneys, who is involved in the dispute with the medical aids is a past president of the Law Society and on our understanding still an influential member of the council? (The member being referred to is Mr Ronald Bobroff).
16. What weight, if any did the council give to the consideration that Mr Bobroff who's currently involved in a dispute with Discovery Health in relation to his refusal to pay monies over to Discovery in circumstances where Discovery has a clear contractual entitlement to that?

155 West Street, Sandton, PO Box 766722, Sandton 2146; Tel 011 559 89 77 or 011 559 8377 (Client Services);
(011) 559 3888 (Switchboard); Fax (011) 559 2938; www.discovery.co.za
Directors: M M Mzwane (Chairperson), A Gore (Group CEO), Dr J Breenberg (CEO), Dr B A Bunt, P Cooper, S B Epstein (VIA),
A Finkler, M O Kariuki, M S Kuperman, Dr F W (Asaph) M P Kuperman, V M Kuperman, A S Kuperman, A S Kuperman, A S Kuperman,
J M Kuperman (CEO), S E Kuperman, J Kuperman, B Kuperman, Dr P Kuperman, S V Kuperman (Executive), Secretary: M J Kuperman.
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17. Unfortunately, the council chose to issue an urgent notice to members. The effect of the notice has immediate and vast ramifications for Discovery and other medical aids. In these circumstances there is a compelling requirement that the Law Society responds to this letter with the same urgency with which it issued the fast fax notice.
18. Please let us have your written response to all of the matters set out above by close of business Friday 4 February 2011.
19. We also request, that a meeting be scheduled with the management council within five (5) days of receipt of your response.

Yours faithfully

Jeff Katz

Legal Services

Tel: 011 529 5143

Fax: 011 539 5143

155 West Street, Sandton: PO Box 786122, Sandton 2146; Tel: 0860 89 86 77 or 011 529 5143 (Client Services);
(011) 529 5143 (Switchboard); Fax: (011) 529 5143; Email: info@discovery.co.za
Director: M. H. M. M. (Chairman), A. G. G. (Group CEO), D. J. M. (Group CFO), D. A. B. (Group COO), S. B. G. (Group CIO),
R. F. (Group HR), M. S. (Group Legal), D. T. (Group IT), V. M. (Group Marketing), A. L. (Group Sales), A. P. (Group
Finance), R. C. (Group HR), E. S. (Group HR), P. S. (Group HR), D. P. (Group HR), S. V. (Group HR), S. V. (Group HR), M. J. (Group HR).

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