

A Non Profit Organisation

SAAPIL



South African Association
of Personal Injury Lawyers

OUR REF: AB

YOUR REF: 1456/2012 MR J FOURIE/EvdW

22 April 2013.

Mr J Fourie,
Per Email: fourie@Lsnp.org.za

Dear Sir

RE: NORMAN BERGER / ANTHONY MILLAR – TOUTING

We refer to your letter 10 April 2013 in which you request details of the Private Investigator to obtain the various affidavits to the Law Society.

// We refer you to the affidavit forwarded to you on the 9 May 2012 – almost a year ago – by Investigator Petrus Stroebel and in which he states in paragraph 3 thereof "Mr Ndebele said a black man 38 years of age, name unknown to him, came on 07-05-2012 at 08h00 to him at the hostel, and said that he needs to go with him to their offices (Norman Berger). The man drove a blue Hyundai Getz, Registration number is unknown to him. At the offices of Norman Berger, the black male took him to an office, where a black lady and a fat young white male spoke to him, and told him to sign no documents "with any other person". The names of the black female and white male are also unknown to him. The Black man took him back to the hostel at 09h00."

// As you will note from paragraph 1 of Mr Stroebel's affidavit his personal and contact details are as follows:

Employed at Zinandi
Residing at: 7 Misty Mountains, Rangeview, Krugersdorp
Contact details: Cell – 082 9627919 – Work: 0829627919 – Email: pierrestr@yahoo.com //

// We have also been handed a letter addressed by you on the 19 March 2013 a to Ms F J Guibomane indicating that "You will receive our formal notice calling you to attend at the offices of the Law Society shortly" and further on that "we confirm that the Committee in front of whom you are to appear will have a discretion as to order that you be reimbursed with your reasonable travelling expenses."

With respect, we believe such a letter which omits to mention the address, date or time at which the witness is required and also is vague as to whether the witness will be paid travelling expenses is almost guaranteed to result in the witness not attending any hearing.

Further, given that most of the deponents to the affidavits recording that they were touted by Jabu to Berger are unsophisticated people living in informal settlements, the chances of them receiving your letter are quite remote.

Page 2.

It was for the said reasons that SAAPIL offered in its letter dated 13 March 2012 that "SAAPIL will be happy to assist the Law Society in any appropriate way. We would, for example, willingly arrange or the transport of the deponents by the Investigators, to the offices of the Law Society or its Attorneys for Consultation", and SAAPIL will in fact do its best to ensure the attendance of as many deponents as possible at the hearing.

However as you are aware from the affidavit by Mr Stroebel Berger and Millar have and are seeking to intimidate and/or "persuade" their erstwhile clients into not co-operating with the investigation. We are sure that a number of the deponents will now refuse to co-operate. It is truly regrettable that **over a year has passed** without the Disciplinary Department having taken up SAAPIL's offer to make the deponents available at an early stage before Berger and Millar could interfere, and which interference we submit is in itself unprofessional conduct.

In either event could you please let us have a copy of Berger/Millar's response and explanations in respect of each of the Affidavits by their former clients submitted to the Law Society as also in respect of the Affidavit by their tout, Jabu. With respect, SAAPIL as a duly constituted association which has submitted the Affidavits to the Law Society, is entitled to receive Berger/Millar's response.

You are not obliged to accede to the dictates of Berger and Millar to not make their response available and indeed, it is essential for SAAPIL and its legal representative to have same, so as to put Berger/Millar's explanation to the deponents in preparation for the hearing as also to obtain their response thereto.

We do not see any reason why you are obliged to seek permission from Berger and Millar to make the response available and we look forward to receipt of same per return.

We also look forward to receiving the date and time of the Committee hearing so that arrangements be made timeously for the complainants to be brought to the Law Society. //

Sincerely
A BERLOWITZ

VICE PRESIDENT SAAPIL