

compiled, the Law Society seeks the Honourable Court's guidance. I will deal with the relevant aspects in more detail below.

Paragraph 7

13.29 No grounds for an order of costs against the Law Society can be found in the founding affidavit to the counter-application or the annexures thereto. The relief requested is without merit and stands to be dismissed.

14. ATTORNEY ANTHONY MILLAR OF NORMAN BERGER & PARTNERS INC

14.1 An affidavit by attorney Millar of Norman Berger & Partners Inc (Norman Berger) is attached to attorney van Niekerk's affidavit. Attorney Millar confirms certain allegations in the last mentioned affidavit and also refers to several of his clients whose matters are referred to by attorney van Niekerk in more detail.

14.2 All the clients referred to by attorney van Niekerk and attorney Millar are former clients of the Bobroffs.

14.3 Norman Berger also acted on behalf of Ms De la Guerre whose matter is dealt with by attorney van Niekerk in his affidavit.

14.4 I deduce that it was attorney Millar and/or Norman Berger who provided attorney van Niekerk with the relevant information concerning these clients. It does not appear from the affidavits that attorney Millar had instructions and authority to do so.

14.5 Attorney Millar and/or Norman Berger also act on behalf of Discovery.

14.6 All the clients whom attorney Millar and/or Norman Berger represented in actions and/or applications against the Bobroffs are members of Discovery.

14.7 Why all these former clients of the Bobroffs approached the same attorney, namely attorney Millar and/or Norman Berger, is not explained by attorney van Niekerk. I will offer an explanation below.

14.8 The Citizen reported on 21 February 2014 that attorney Millar had stated that:

- *It is clear that all Ronald Bobroff has done for the legal profession is to bring it into disrepute under the guise of a benevolent benefactor.*
- *Ronald Bobroff is to South African law, what Bernie Madoff was to the United States Securities Exchange Commission.*

A copy of the abovementioned article is attached hereto as annexure 199.

14.9 Moneyweb.co.za reported on 19 February 2015 that Norman Berger is acting on behalf of eight former clients of the Bobroffs, who have claimed an amount of R9 million from them (annexure 200).

14.10 The feud between attorney Millar and/or Norman Berger on the one hand and the Bobroffs on the other is well-known. Attorney Millar and/or Norman Berger have submitted several complaints against the Bobroffs to the Law Society. The Bobroffs in turn have submitted several complaints against attorney Millar and/or Norman Berger.

14.11 The general view of attorney van Niekerk and/or the Grahams and/or attorney Millar and/or Norman Berger is that the Law Society is not sufficiently aggressive as far as the Bobroffs are concerned and that it is protecting the Bobroffs. The Bobroffs on the other hand seemed to be of the view that the Law Society is too aggressive in its approach and that it is biased towards them. None of these contentions are correct.

14.12 The relationship between attorney van Niekerk and attorney Millar and/or Norman Berger appears to be a close one. Attorney van Niekerk also acts as the attorney for attorney Millar, Katz of Discovery and Mr T Beamish (Beamish). Attorney van Niekerk advised the Law Society accordingly on 9 April 2015.

14.13 Although Beamish does not appear to be a journalist, he on a regular basis writes articles on matters concerning the Bobroffs. Beamish has not been kind to the Law Society and his articles have consistently contained harsh and unfounded criticism aimed at the Law Society. The similarities between the allegations of attorney van Niekerk and the contents of Beamish' articles respectively are uncanny.

14.14 I attach as annexure 201 an extract from a Google search printout which reflects the extent of Beamish's reporting on the Bobroff matter. The mischievous headings to these articles include:

- *Judge to decide Bobroff and Law Society's fate.*
- *Law Society "ordered" to judge Bobroff.*
- *Law Society allowed Bobroff fee regime against advice.*

14.15 In the Citizen of 14 March 2014 (annexure 202) Beamish said the following:

*The Law Society of the Northern Provinces (LSNP) has procrastinated for over two years on an enquiry ...*

14.16 On CitizenAlertzablogspot (annexure 203) Beamish wrote:

*The LSNP has proven that it has not been extremely efficient with investigations into the conduct of its members.*

14.17 With reference to Beamish' abovementioned comments, nothing can be further from the truth.

14.18 Two affidavits have recently come to the attention of the Law Society and I am duty bound to refer the Honourable Court thereto.

14.19 The first affidavit (annexure 204) was deposed to by Mr C E Coleman (Coleman), a client of the Bobroffs. According to Coleman attorney Millar contacted him on 23 March 2015. He advised Coleman that the Bobroffs have misappropriated monies from the proceeds of his third party claim.

14.20 According to Coleman he is satisfied with the Bobroffs handling of his matter and the proceeds that he had received from the RAF. Attorney Millar allegedly attempted to manipulate him against the Bobroffs and to convince him to challenge the Bobroffs' fees.

14.21 The second affidavit (annexure 205) was deposed to by Ms M Kock (Kock), also a client of the Bobroffs. Kock was contacted by Beamish who initially pretended, unsuccessfully so, that he was working with the Bobroffs.

14.22 Beamish informed Kock that the Bobroffs have been stealing monies from their clients. He explained that he intended referring her to Norman Berger for assistance. Beamish allegedly also said the following:

- 14.22.1 it was the Bobroffs who requested him to refer her to Norman Berger;
- 14.22.2 the proceeds of her claim would be stolen;
- 14.22.3 the Bobroffs were in trouble due to theft of their clients' monies; and
- 14.22.4 if she did not follow his advice, she would never receive the proceeds of her claim.

14.23 I deduce from the abovementioned facts that attorney van Niekerk, attorney Millar, Norman Berger, Discovery and Beamish are working in close cooperation and that they may be actively soliciting complaints against the Bobroffs.

14.24 The disputes between the Bobroffs on the one hand and attorney van Niekerk and/or the Grahams and/or attorney Millar and/or Norman Berger on the other

and the nature and extent thereof have placed the Law Society in an untenable position. It is for this reason that the Law Society:

- 14.24.1 will act objectively, impartially and in an unbiased manner;
- 14.24.2 considers all complaints to be important;
- 14.24.3 handles all complaints equally;
- 14.24.4 acts reasonably and fairly towards all parties involved; and
- 14.24.4 deals with all complaints in accordance with the Law Society's Rules.

15. SECTION 71(4) OF THE ATTORNEYS' ACT

15.1 Section 71(4) of the Attorneys' Act provides: