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RB : Ronald Bobroff

DB : Darren Bobroff

Sally : Sally Rawsthorne – Sydney Morning Herald

Janie : Janie Barrett

RB: Just so that I've got your name and email address in front of me.

Sally: Yes, I'll write that down.

RB: So your name is Sally?

Sally: Yes. And this is Jani.

RB: Sally who again?

Sally: Sally Rawsthorne. I'll write it down.

RB: And you are –

Jani: Barret.

RB: Okay. First name

Jani: Jani.

RB: Okay.

Sally: Do you mind if I record?

RB: You can record.

Sally: Okay thanks.

RB: It's quite funny, just as an aside, when we moved in here, my son and I were working together, we had nothing here. We just had a couple of sticks. We didn't bring any furniture. As you'll hear we literally fled for our lives and my grandson was in the street with his mom, with his brother and said performance appraisal there's nice furniture on the sidewalk. I said no it's obviously someone's collecting it or moving out or for cleaning. I walked across the road and knocked on the door and said do you know your [furniture] is on the sidewalk. They said yes, do you want it? I said why? They said well in Australia if you don't want something you put it on the sidewalk? In South Africa if you put anything on the sidewalk, your car or caravan or boat, you can start counting down from 1 – 10, it will disappear, so we took it and here we are. And this is quite a recent acquisition, quite comfortable. Okay. Why've you come to me?

Sally: Because someone's come to me and told me that you, that there's an Interpol red notice out for you and your son and that you have fled South

Africa after being charged with a number of crimes so I want to talk to you about your point of view?

RB: Are you prepared to tell me who approached you?

Sally: I don't know. I got sent an email. It was anonymous. From an email address that was clearly made for this purpose.

RB: Long story. I've got some papers to give you as well. And I have a website. Okay.

Sally: Yes, I've seen your website.

RB: Oh have you been to my website?

Sally: Yes.

RB: Have you looked at it in detail?

Sally: I skimmed it. To be honest.

RB: What did you glean from it?

Sally: So I took away that you had a dispute with Discovery who is an insurance company, is that right? And that dispute pertains to your clients in South Africa in the road assistance fund. Is that right? Why don't you tell me what happened?

RB: I want to know, if you've been to the website, I want to establish if you've gone into it and read what's there which is amazing and shocking if you have.

Sally: Like I said I skimmed it. There's a lot of reading to do on this particular story.

RB: There is indeed.

Sally: So what happened.

RB: Okay I've been a lawyer for 42 years. I come from a humble background in South Africa. I grew up in a little town 50km to the east of Johannesburg where my father had a shoe store. He was much older than I. I was sort of a late born child and there was a big age difference and by the time I was even 10 he was much older. He was maybe in his late 50s, 60s and I used to sell shoes after school. I'd ride my little black Raleigh bicycle from school to the shop with a pie and chips, I'd sit and eat my pie and chips. My dad would go home to have a rest for an hour because he was old and I sold shoes. And I saw how hard it was just to earn rands, a couple of rands in South Africa. Climb up and down the ladder how many times, bring down a box, madam what size shoe would you like, 5, it turns out she needs a 6. And what size heel do you want, a high heel, a low heel, what kind of toe do you want? And the building which my dad had the store was owned by a very wealthy businessman who owned an enormous amount of property in that town. Every time the lease came up for renewal, I could see the anxiety and fear in my father's face because it was a very small store and if he couldn't even afford an assistant by that stage and this – landlord was merciless and mercenary. He basically squeezed the blood out of small shop owners and I felt so powerless because there was nothing I could do and there was nothing my father could do and I developed a burning desire that I wanted to speak up for the underdog. [general discussion]

And that's why I became a lawyer. And I started practice, I was in partnership, I'm actually a corporate lawyer by training. I did articles with a very large then commercial law firm in Johannesburg which has since disappeared. But I found corporate law very frustrating because you weren't dealing with people. I wasn't able to do what I wanted to do. I was dealing with corporations and I was dealing with big business which didn't really satisfy me. I also wanted to be a doctor because I loved medicine and I was good at science so just as I digress a bit, I was struggling with whether to do medicine or do law because I was very good with my hands and very good with science and I wanted to help people. And the upshot was I became a lawyer. Because of my interest in medicine I was attracted to the kind of law that had to do with medicine and it's funny how chance things happen. I happened to be down with a friend of mine from the same town I grew up when I was still at this corporate law firm and he said to me look the firm are looking for additional professional assistant, are you interested. I said what kind of work do you do and he told me what they did, which was personal injury, any kind of injury to any person whatsoever and it sounded fascinating so I said well I'm happy to have an interview. And I went for the interview and of course as they say the rest is history. I joined that firm, I found the work fascinating, enormously, emotionally rewarding and eventually became a partner and then moved onto my own practice from 1974. I built that practice, not by advertising. Not by touting. IN Australian terms, soliciting, hence the word, this is actually a very denigrating word solicitors, in fact in Australia they've moved away from it now and called it a lawyer. IN South Africa as here, if you

send people to hospitals, to solicit, to tout patients from their beds to entrust you with their third-party claims, it's a strikable offence and you're not supposed to, if you're a lawyer, professional person, clients are supposed to come to you because of your reputation and service you give. I built my practice, it just grew and grew. By virtue of the results that we obtained and the service that we gave, it's amazing, I was astonished, how come it's just growing like this and I felt really blessed because it did grow. And eventually we become one of the not biggest in numbers of clients, but perhaps best known practice in the whole of South Africa. And internationally. There was a lot of work referred throughout the world, if members of their country's nationals happened to be injured in South Africa, or be victims in South Africa they would refer those matters to me and it was a fascinating professional life because I was offered my own radio show, I had my own radio show on South Africa's only and biggest talk radio show Radio 702 for 12 years which was a 2 hour live phone in show every Monday night on with Barbara Verwoerd on Legal Matters which was a lot of fun but quite scary in the beginning because you could ask anything about anything, and lots of my colleagues tried to catch me out by phoning me with all sorts of ethical questions, the law which I didn't practice in. I was actually a specialist but I did rest with the law in its entirety and I was, I won't say it was my own show but every fortnight I was a guest on legal topics on South Africa's then copy of the Oprah Winfrey Show. Noelene on 3Talk which was a lot of fun, and I was invited to address lawyers throughout the world. I was contracted by a major drug company in South Africa to do its professional development

lectures to medical specialists throughout the country. I had my own column in South Africa's biggest medical journal, a monthly column in medical and legal issues. In South Africa as in Australia, government has been trying for decades to whittle down the levels of compensation payable to road accident victims and of course whenever governments anywhere in the world want to do anything when lawyers get involved, they tackle lawyers. Who else will speak up for the persons involved in that kind of situation. As has happened in Australia, I have been in Australian law since 1999. Government started vigorously attacking the lawyers to say well basically lawyers were ripping off their clients and encouraged them to lodge claims which were justified, the usual kind of stuff. You close your eyes, Australia, South Africa, New Zealand the same kind of thing. There were major challenges to the professional's role in assisting victims of road accidents, in South Africa most of whom tend to be illiterate poor people because of demographics and by that stage I was already chairman of the Johannesburg Attorneys Association which is the biggest Attorneys Association in South Africa and fairly prominent in the profession and I was asked by the law society to leave the profession's fight back as you were to expose the fallacy of what government was trying to do. Essentially even then and of course we didn't know then what was going to be now. It was the early days of plundering. The plan was to basically plunder, as the ANC government is now doing, anything everything they can that comes into state coffers and semi state coffers. IN South Africa the system is much the same as in Australia. It's based on a fault principle, slight detailed differences. Because so many vehicles on the roads were not

insured, a lot of new motorists come onto the road, essentially poor illiterate people, didn't buy the insurance, which as used to be here, you had a disc on your windscreen every year. So government introduced a very clever scheme based on that in Chile, which is a levy on fuel sold. So no one can get away, every time you buy a liter of fuel, for whatever purpose, whether to make bread for a furnace, there's a levy that goes to the RAF and literally billions, money would cascade into that fund every day and the then minister of transport when I met with him during this debacle, that was the first real effort to basically remove benefits of consequence from road accident victims. I said to the minister your proposals which really are going to reduce compensation levels to victims to negligible levels result in hundreds of billions of rands becoming available to just lie there. Are you prepared to give a public undertaking that those funds will be used for road safety to enhance medical care facilities for road accident victims? And it will be dedicated to use for which it was intended? He glared at me. He said the government is democratically elected by voters and we will do as we please with the money and it will go into general revenue. I said, thank you, what you basically said is you're going to take money destined for road accident victims, extracted from the public for that very purpose and you're going to use it for what. I was tasked with leading the struggle which I did successfully. But it made me very politically unpopular because I was seen as the head of the snake. I'm going back now from 95 onwards. It's an enormous long struggle. I'm just giving you a bit of the background. Linked into this whole war on me is a large

political aspect as well. It's not only that I have tweaked the tail of a corrupt mafia public company tiger, billion-dollar public company.

Sally: Is that Discovery?

RB: Uh huh. And exposed decades of institutionalized defrauding of millions of its members to obscenely enrich its directors and shareholders beyond what any human being needs to earn or needs to have but there's also political element so when we took on government. When I say we I speak collectively for the attorneys profession. I headed up the committee and there were some other dear colleagues on that committee as well. And there was also an organisation we formed called the South African Association of Personal Injury Lawyers which might be similar to what's called APLA here. [unclear 0:14:31.0] we realised we had to get ourselves organized and we formed that organisation. And we were successfully able to stave off year after year and sometimes two or three times a year. Relentless efforts by government to get its way. And I was visited by many overseas lawyers as well who'd been through that exercise from America, specially from America, American trial lawyers association who are an amazing organisation and from Australia and the UK and so on and so forth. Lawyers tend to cooperate with each other in many aspects. But it eventually led to the then minister of transport, who has since been found to be an absolute fraudster, totally corrupt up to his eyeballs as is the case sadly with so many members of South Africa's ruling party. The reason why he wanted to kill the road accident fund benefit scheme was that he'd set up a private short-term insurer on the

Johannesburg Stock Exchange called First Central Insurance. IT was held by a blind trust if you know what that means. Of which his attorney was the trustee and he held 75000 shares in that company. The intention was to destroy benefits to such a level that big business and government would have to take out private insurance for its employees and it would take it out from an affirmative action, black owned company in South Africa and that was his intention.

Sally: What was his name?

RB: Mac Maharaj. Mr Mac Maharaj. Very colourful. Actually very charming man and we couldn't understand, his specialty was blowing up bridges when he was in the ANC during the so-called struggle and we couldn't understand why suddenly he took such a passionate interest in road accident compensation matters literally within months of being appointed as minister of transport. Wy, why would he want to do this. We found out why he wanted to do this. Him and his wife also had a scam, by way of background. SA introduced at this stage, license cards but they were easy to forge so they eventually introduced what's called smart cards with like laser. He was passionate about this, it's got to happen. It was found out years later the reason why he was so passionate was he had set up a dummy account in Switzerland of which his wife Zasheera was the sole shareholder and director and they made hundreds of millions of rands corruptly through government giving the contract to that company. I'm just giving you a bit of background as to what

South Africa was and what it's now become, because it's my beloved homeland and I'm second generation African and I miss it every single minute of every day. My phone became tapped. Police cars were parked in the front and back of the building we occupied. I used to work quite late at night preparing for our trials for various committees. This was like [phone rings] 1988, 1989 and it's a long story but I'm just saying with you some of the detailed background and I received lots of anonymous warnings even at that stage, watch out and so on and friends of mine who were very well connected. I acted for politically vulnerable people. There was an attorney in South Africa who represented the owners of homes in Alexandra township, a black township in South Africa literally right in the midst of Johannesburg and during the apartheid years the then government was determined to clean out the black spots as they called them and essentially deprive people of their homes without compensation. Just arrive at night with a big truck and load a whole street and just dump them in places away from the city where there was transport or work or any decent facilities. He presented those people and he was forced to flee with threats on his life politically which I never had politically and I took up many of his clients' claims and dealt with them which also brought quite a lot of political probing on my head from the government at the time.

Sally: What was his name?

RB: [Joel Falsen 0:18:48.8] So I sort of developed a bit of a reputation I imagine of being fearless. My sort of attitude was if I'm going to be a lawyer I need to be

able to speak truth to power. Because why become a lawyer, not a debt collector or conveyancer. I'm not knocking it, there's a role for all kind of lawyers but that wasn't what I was looking for. In fact I was asked to represent South Africa's then largest medical aid administrator called Medscheme which was then bigger than Discovery at the time. I was then asked to cobrand a 24/7 legal advice line with South Africa's largest hospital group called Netcare. Which just happened and I – I'm so blessed these things are just happening. And it really was a fascinating and very rewarding professional life. In 2009 – my colleagues starting phoning, late 2009, early 2010, my colleagues started phoning me and say look you guys have problems with Discovery threatening your clients and threatening you with regards to various issues, and I said I – I'll make inquiries. AT that stage I was president of the law society, 2005, 2006, a willing horse you saddle with and many tasks as you can and I was put onto so many committees, 80% of my time was law society devoted and also [SACL] and then also at my radio show, TV appearances, as I say, all sorts of articles for various journals, I gave lectures and to a very large extent I became more of a figurehead for the practice and in a sense for the profession and in a sense a rainmaker for the practice. And probably after 2006 I didn't personally represent any client on a one to one basis. I would sit in with consults with clients and assist and guide my staff and be there for them. But I didn't do any matters myself, after 2006. I never had the time to do so. So I called a meeting of my professional staff. We had a substantial practice, about 45 people and they said they're

getting these threatening letters from Discovery's so-called panel attorneys. I will explain to you what that means shortly.

I said okay well just keep me informed, and – October 2010, October November 2010 my son who was then my partner in the practice, lived in Australia, had been here for some years, been a lawyer here as well and had come back to South Africa and came to the practice and became a partner, with my other partner who had been with me since 1976 and remained until the last day. He said dad I've just interviewed a client and I think you need to hear what this client's got to say. Can I bring her through to you? I said sure and he brought through a young woman who was very heavily pregnant, very distressed, had been weeping and her name was Jody Bellon. And he introduced her to me and I said Jody, you look very distraught, what's happened to you? She said well my husband Mark was injured a couple of days ago in a road accident. He sustained a major brain injury, he's on a ventilator at Milpark, that's one of Joburg's best hospitals. In a coma. And whilst I sat at his bedside yesterday I got a call from Jeffrey Katz from Discovery. Now I know Jeffrey Katz because I used to work at Discovery she said. I was in client relations. Call centre, whatever it was. And he said he needs to see me immediately. So I said what for? Our premiums are paid up to date as far as I'm aware, are they not paid? No everything's fine but I need to see you immediately. You need to come to my office and I said I'm not prepared to leave Mark's bedside.

She said I'm not prepared to leave Mark's bedside, I don't know if he'll live or die. He said fine I'll send someone to see you. I'll send Bonnie. Bonnie is this Katz's assistant. And so this Bonnie arrives and she says to Jody, you've got to sign this document. Jody's a smart woman. And as distraught as she was she read it. She said this document says if I don't sign it, Discovery are going to terminate Mark's medical care immediately. He'll die. How can you terminate his care? He's hovering between life and death. How can you, on what basis can you do this. Bonnie says well it's your choice, you sign or you don't sign and if you don't sign we will tell the accounts department at Milpark that care must be terminated immediately and they'll transfer Mark to the Johannesburg Hospital, which is a death warrant, even then. As bad as it was, it's infinitely worse now. South Africa's public health has collapsed completely. Well you can always put up some money, give the hospital a deposit and they'll keep Mark. She said I've got R10. It's a dollar in my bag. I don't have access to his bank accounts. It's your choice. So she showed me the documents.

Sally: Did she sign it?

RB: She did sign it. Hobson's choice. What do you do? It said that she undertakes on behalf of her husband that he will at his own risk, at his own cost claim from South Africa's Road Accident Fund and pay back Discovery every cent that they would be paying in respect of his medical care. It did not offer that they would pay for the legal costs. It did not undertake as is the case with normal insurance, for your car example, that if they sue in your name,

because that's called subrogation they would indemnify you, cover you against any claim by the person, if your claim against them is unsuccessful because you say it's their fault, turns out it's your fault. So and I've done insurance work for decades, it's called a subrogation clause, if you look at your crash bash policy it will say that in the event that your insurer decides to claim from the other party you agree to cooperate as far as necessary at no risk and cost to yourself. There's no risk to you, no cost to you. Discovery wanted their cake and to eat it. The risk the stress, the trauma, the cost for their benefit. The question is well why am I paying R8,000 a month, \$800 a month for medical insurance if not to be covered when I need it. So when I saw that I said this is not right. I've represented most of the medical aids, for 10 years. This is in my opinion totally contradictory to the medical schemes act which is legislation in South Africa which governs health schemes. I said leave it to me, you signed it already it's already done but I'll make investigations and we'll get back to you and don't worry, we'll look after you. And I called a meeting of all our professional staff the following day and sent them an email and say please bring me examples if this has happened to any of your clients and they came along and there were many, instances which it happened.

Sally: All with Discovery?

RB: All with Discovery and I deal with Discovery. So I wrote a letter, and I often wonder perhaps I shouldn't have. Perhaps I should have been a coward and taken the easy way out and said to Jody and all those clients, in a similar

situation, well you go and fight with your medical aid, we'll do a personal injury claim, it makes no difference to me, us collectively whether we pay you out of your claim if successful whatever medical costs are recovered or whether you pay your medical aid. We're going to be paid our fee anyhow, it matters not to us. But I didn't feel that was the morally or professionally right attitude or approach to adopt. Would you agree?

Sally: Yeah. I mean, I'm just -

RB: Would you expect your lawyer to stand up for you or just to pass the buck?
And you say well -

Sally: I don't think I know enough about it to comment.

RB: Okay. So I wrote a letter to Discovery's panel of attorneys, now what Discovery do is they find willing customers to participate in their nefarious activities. So they'll approach various attorneys and it's a very attractive offer. South Africa, there's competition for work, perhaps not as much now as in Australia certainly and most have got touts in most of the hospitals. And advertise and it costs a lot of money to advertise. The offer made to attorneys, they approach the attorneys and say here's the deal, how would you like to come onto our panel. We will send you every week a list of all our members who live in your town or area where you practice, who sustain injury in road accidents and been hospitalized with their contact details so that you can contact them and tell them that unless they instruct you to handle their road accident fund claim Discovery will not provide medical care for them. In return for that you'll get the business and you have to undertake

to us Discovery that you will see to it that we get refunded – by the client. Out of the money that the attorney will receive in your trust account when the claim is finalized, every cent and you can take 15% off the top, which is an unlawful secret commission, unethical, unprofessional. It's a great opportunity. Of course it's totally unprofessional because you can't tout, you're touting and B you're misrepresenting grievously to your clients, basically perpetrating Discovery's fraud by saying you won't get medical care unless, I'll tell you why it's a fraud and why it's unlawful in terms of the medical schemes act. It's a great deal. So they have the so-called panel attorneys. So we wrote to this panel attorney that had been harassing the practice with regards to a number of our clients, all Discovery members. The letter is on our website and it was a simple one and it simply said Dear sirs, you on behalf of your clients are making the following demands, that the client sign this undertaking absent which they will not receive medical care and also they've got to undertake to refund the cost of all care rendered. Would you please indicate on what basis in law your clients and they're able to do so, or entitled to do so? Fair question?

Sally: Under the circumstances it would seem so.

RB: I thought so. It was a bad move.

Sally: So what happened next?

RB: I got no reply. I thought I'd get a reply in a day or two because it's such an easy question. The answer is well here's the content, we've made full disclosure and there's the answer. But there was no reply. Not the next day,

not the next week. Not the next month. And we closed our practice in December and we go for a vacation for two weeks, in December 2010. When we got back, in the new year, our switchboard was ringing incessantly, clients were streaming in waving a piece of paper. Angry not with us but with Discovery. Because what had happened during December, Discovery's Katz, knowing that the COO of the ROAD ACCIDENT FUND was about to be fired, retrenched, whatever word you want to call it, because of affirmative action, she was white, that was her sin, she had to be fired because she was white so she could be replaced with a person of colour and he offered a great deal. He said look we will employ you at the same salary you're earning with the road accident fund but we need you to give us full details of every claim which has been settled with [unclear] partners' clients for the last three years. Totally corrupt but she did and Katz had Discovery's IT department computer match that with their database of members. So they picked up, you're a Discovery member, he's a Discovery member, and they then sent a [unclear 0:32:41.5] letter to all those people. And it's on our website and it went something like this. Dear Madam, and I'll use a name. Dear Mr Graham or dear Mrs Graham. Our records indicate you were involved in a road accident and you were hospitalized and we disbursed R327,000 respectively. If you don't refund us within 10 days we'll sue you and we'll terminate your membership. However, if you agree to consult with us and our attorneys we will waive all claims against you. So the clients that came in said on what basis can we demand we refund them? My accident was 7 years ago – [baby crying] how can they have the cheek, people came in in wheelchairs or crutches. We said look we

can't see everyone together, we'll see you 20 at a time in the library and boardroom and we quickly prepared a questionnaire. So the questionnaire was how did you become a member of Discovery, was there a broker yes or no. Did the broker make any disclosures to you that in the event you were in a road accident you would have to claim at your own risk and cost and refund Discovery in full without any indemnity against the adverse cost and so on. Did you receive a copy of Discovery's rules setting out your benefits that you're entitled to and the obligations? And so on and so forth. All we got from that exercise was that never once had a single one of those clients and it turned out subsequently Discovery never ever complied with the Medical Schemes Act because never once did any Discovery broker when marketing it, it's a very glitzy smoke and mirrors marketing company, it's always operated on the shady end of the law in South Africa. It's always been in trouble with the registrar on the medical schemes council. Its directors are flamboyant and basically dishonest. Mr Adrian Gore, Barry Schwartzberg, obscenely wealthy, always at odds with the authorities in South Africa. I'm going to back to the formation already in I think 1990, sometime there.

Sally: So you exposed the scam of Discovery.

RB: Well I wasn't quite sure what was going on at this stage. It seemed clear they were hoodwinking their members. The Marketing was done, very glitzy marketing, cheap air fares, cheap gym contracts, all sorts of ancillary benefits but they actually said what medical care and what I then discovered, and it was inadvertent because I wasn't really looking for any issues with Discovery

was that tucked away in its never disclosed rules, rule 15.6 Annexure C of exclusions was the following, that the only medical care that any member or the dependents were entitled to as of rights, was that arising out of illness.

Sally: Rather than an accident.

RB: Every other cause was excluded. If your neighbor's dog bit you, if you fell into an open manhole cover which is very prevalent in South Africa, if you're assaulted by the police, I mean you name it, anything other than illness, medical care excluded which is a criminal offence in terms of Section 66 of the Medical Schemes Act and other sections which prohibits any medical scheme from refusing what's called prescribed benefits, care to many member, which includes emergency care which is the main care arising out of sever road accidents. That's where the money is. Intensive care facilities and so on. It was never ever disclosed. Regulation 28 of the Medical Schemes Act imposes on the broker the duty of good faith to make full disclosure and section 30 subsection 2 was a very important section. It says every medical scheme in South Africa and I think here as well, when government uses the word shall in legislation it means you have to do it. Shall furnish the member with a detailed summary of the rules.

Sally: So you realised Discovery were running this scam and you wrote them a letter.

RB: Didn't write them a letter.

Sally: Oh this was subsequent to the letter.

RB: We did the letter, never got a reply and the replay was obviously they know what's coming because there was no answer to that letter. They knew that I was going to speak up for my clients and they knew the cat is out the bag and the attitude was best form of defence is attack and what I didn't know then and what I found out to my cost subsequently, Discovery have a stated policy. Anyone who stands up to them, they destroy. And Discovery's Katz subsequently in September 2014 at a case they had in court where they were use the Grahams as a front and you'll see the law society in three affidavits found in court says this attack is not coming from Mr and Mrs Graham. It's Discovery headed up by the attorney who has been instructed and paid by Discovery. This whole thing's a sham. This whole thing is a farce which it was. So they decided they are going to destroy me and Katz was sufficiently bold. He's a vile creature, a psychopath. Ironically he grew up in the same suburb where I did. Went to school with my children and sat five seats from me in the synagogue where I used to attend in Johannesburg. I sat holding his father's hand while he was dying from emphysema. His mother went to school with my wife and been best friends since the age of 9. His younger brother was so close to my youngest daughter at school that everyone thought they would eventually get married. But there's something wrong with hm. He's actually got some serious screws loose. He approached my partner Steve Bezuidenhout in court and he said to him don't waste your time with appeals. It was some procedural appeal. He said don't waste your time with appeals. No matter what it takes, no matter what it costs we will destroy you all. We have unlimited money to do so. And Steve Bezuidenhout

is quite a mild-mannered person, a good man reported this back to me and I said I can't believe this. We have a team of senior and junior advocates. He said you've got to make an affidavit, you've got to file this in court which we did. A couple of months later, Advocate Nazeer Cassim another senior barrister advocate representing us in a similar matter, a very sort of congenial man, conciliatory kind of person, can you not resolve matters, so he approached Katz during recess during one of the hearings and said what's this war about. He said you're both members of the same community.

Why are you doing this? And Katz said to him, Nazeer, he said don't call me Nazeer I'm not your friend. I'm Mr Cassim to you, Mr Cassim no matter what it takes, tell your clients, it was the same shit and Nazeer called me later, and said I don't know what to say. I'm just so shocked. I've never seen this in my life before and we have to record this and I'll send you an email now, I want to give evidence at any hearing where Katz comes, I want to give evidence against him that he's done this. It's absolutely disgraceful and it's on my website. That email.

Sally: I'll find it.

RB: And so it went on and it was relentless. It was like, I'm trying to think of an example. I'm not familiar with Australian companies but think of some major multimillion-dollar public company insurer in Australia, multibillion dollar, it's Goliath and we were a small law firm. We were only three partners. Yes we were of a reasonable size but we weren't a massive big international law firm. And they released the wrath of hell up on us. They concocted a

complaint against us at the Law Society. I never met the Grahams. I didn't know what they looked like. I didn't know what Mr Graham looked like. The first time I met him was at a Law Society meeting. So I got hold of all the clients they'd written to which must have been thousands. The only ones they got hold of were 5 clients, Mr Graham and four others, that responded to that letter. Van Niekerk was Discovery's attorney, just to digress. Van Niekerk was on the Law Society's ROAD ACCIDENT FUND committee some years previously and his firm did defendant's work. They did work for the ROAD ACCIDENT FUND and at that stage the ROAD ACCIDENT FUND was terminating white firms attorneys and giving the work to persons of colour. South Africa and is still is in a process of affirmative action. IT's not how good or bad you are, there's a need and rightfully so to allocate work more equally to persons of colour who had been excluded previously. And at that stage the ROAD ACCIDENT FUND had taken a decision and announced publicly that it was going to pay compensation directly to the Road Accident claimants not to the attorneys that represented them, which was a shocking thing for attorneys because if you come to me and do a claim and say well you know can you give me \$50,000 because I need to instruct an advocate and 10 medical legal actuaries and an attorney and so on, and they say I'm out of work, I'm going to be out of work for six months because I lost my leg, I don't have the money so I said fine I'll take your claim, I receive the proceeds of your claim into my trust account and I'll pay the disbursement and take my fee and you'll get the balance. That's how it works in South Africa and it works the same here in Australia, throughout the world. But if you pay the

client directly, I've got R500,000 for applicants and medical experts and the like so I'm out of business overnight and the profession took an urgent decision to oppose that and once again yours attorney was tasked to prepare an application together with a Cape Town attorney to prepare an application to court for an urgent interdict.

I was a director of the Attorney's Fidelity Fund. I'll give you a bit of background so you can understand the different agendas here.

Sally: I think we need to maybe focus on – the base case -

RB: WE will but that flows from all of this and from van Niekerk.

Sally: Yeah.

RB: Okay. I was then linked to the Attorney's Fidelity Fund which is a fund that compensates people whose attorneys have stolen money and I was in Cape Town for a meeting. Just after the profession had taken a decision to fight this thing tooth and nail and one of the staff came to me and said I think you need to know something. I said well you know the profession has taken a resolution to oppose this direct payments initiative. George van Niekerk went and had a meeting with the ROAD ACCIDENT FUND last week and expressed his full approval for direct payments. I said how can he do that, he's on the committee. It turned out that's what he's done and I exposed him to the committee. I sent an email to him and he ignored it and I wrote to members of the committee and the co-chairs of the Law Society of South Africa and said this is what's come to my attention. George needs to explain himself

because he's not responding to emails or phone calls and it turned out that's what he'd done in an attempt to endear himself to those who controlled the ROAD ACCIDENT FUND so that his firm didn't lose. So when Discovery started the war against us they must have known about this, it was common knowledge at the profession. When they went to instruct van Niekerk at R5,000 an hour which is like work first to be paid R5,000 an hour and I now get even with Ronald. And he pursued that agenda with great vigor. And George van Niekerk's brother is a senior prosecutor in South Africa's NPA. We didn't know that then, we found out afterwards. The bottom line is they relentlessly pushed the Graham matter, it was attended to by my son Darren who had done nothing wrong.

Mr Graham was referred to us, his wife was referred to us by Mrs Gail van Niekerk, one of our former clients, we had a form to say who referred you, we could keep track of knowing who our work has come from. She consulted Darren when her husband was still in hospital. My son Darren did that claim. It was a very difficult claim because Mr Graham had a brain injury and said he could not remember how the vehicle happened. He was a passenger in his own [vehicle] which was driven by his employee who was killed in the accident. The other driver was killed in the accident and in South Africa as here you've got to prove negligence so who's going to give evidence as to what happened. There were two witnesses, and they both gave diametrically posing versions. As it turned out we found out subsequently after the complaint the one witness was actually Graham's best friend and clearly was

a liar, I just happened to be driving behind Graham at the time. It was very problematic, if you can't prove negligence, the onus of proof is on you as the plaintiff as the claimant, the court throws the case out so it was very dicey from that point of view. Secondly as we found out Mr Graham was fiddling with tax. He was putting all his income over his plumbing business through his wife's bank account. One of the biggest parts of the personal injury claim in South Africa is the potential loss of income. I'm a plumber, my arm, my leg, my hand so you need to show as a baseline what you were earning before the accident.

Sally: Yes and what you could have earned if you weren't injured.

RB: Exactly but he was earning like peanuts. He was actually earning a lot of money, okay it was a challenge. This is the work we do, we're good at it and we found a forensic auditor. Bottom line got a report, we had 10 medical legal experts, a senior counsel, and off we went. Four years later, we get to the doors of the court, well the day before trial and the ROAD ACCIDENT FUND comes up with an offer of R900,000. Mr Graham was sitting with our senior advocate and one of our attorneys from the office, say it's wonderful, please take the offer. Now I've been in this business a long time and the advocate phoned and I said Ian you know and I know, if we push it we're probably going to get a better offer the day of trial. You've got 24 hours to consider the offer. Let's play a bit of poker, and sure enough the next day Darren managed to persuade the ROAD ACCIDENT FUND's attorney to come up another million rand, so from 900 it went to 1.9. To say the Grahams were

ecstatic would be an understatement. AS is always the case, the client comes back to the office, there's a meeting with the client. We've got 1.9 million, how do you want us to charge you? Clients always have the option they can either elect to be charged a percentage which was standard in South Africa from 2001. It wasn't limited to any 25, but the guideline was 25. It could be less, it could be more, depending. That was stated officially in the Law Society's correspondence with the then deputy judge president. It wasn't limited. The going rate in America is a minimum a third, once you get to trial it's 40% and the Law Council of Australia in 2016 commissioned one of its committees to investigate introduce American style percentage fees in Australia and it was recommended the minimum percentage should be one third and the committee was very enthusiastic as were most of the bar councils but for some strange reason the Law Council of Australia has not taken the decision to implement that here. In South Africa it was the law from 2001.

[Darren enters]

RB: So when the clients come in we sign them up and we actually used to tell our clients, because the straight percentage method system was new in South Africa. It was untested waters and as with anything, until it becomes established by way of judicial precedent it's always vulnerable to attack so we would say to our clients at the first meeting, most clients would say look would you take my case on for a percentage, it was widely known publicly. We'd say we are happy to do so and we are entitled by way of Law Society

rulings to do so but we must tell you it's a new system and it may at any stage be challenged. The courts may rule against it and the counsel may change and we had paragraph 4.2 of our fees agreement that said in the event of any court or professional body ruling this agreement to be invalid, then we will charge you in terms of the other agreement which you signed which was the traditional rate per hour agreement. So Darren took the Grahams through to one of the consulting rooms with his professional assistant and his candidate attorney, article clerk and said to Mr and Mrs Graham okay we're very happy, just come back from court and said how do you want to be charged, do you want me to charge a straight percentage or what do you want, and Mrs Graham who is a bookkeeper, she's the one that wears the pants in that marriage, she said look I'm worried if it's on a percentage basis as I understand it you can't tell me how much my husband is going to get, it depends on how much you're going to recover towards the costs. In South Africa you recover something towards your expenses from the loser. In Australia you get a lot more but in South Africa you get maybe 5 – 10% of the lawyer's fees and 30 – 50% of your disbursements to your medical experts and to your advocates. How it works if I charge you a percentage, I take my 25% plus VAT which is 14%, 250,000 plus VAT, I pay all my disbursements and the balance is yours.

DB: Like the American system. They charge 40 – 60 percent.

RB: So I can't give you a walk away guaranteed figure. So Mrs Graham knows it because she's a smart lady. So Darren says we want a guaranteed walk away

figure, so we had a practice in our office, here they call them cost assessors, there they call them cost consultants and prepare what's called bills of costs. Basically a chronological schedule of all work done, at a time basis. So the guy that we used at that time, who had been a former official court taxing master for about 10 years and he'd been in charge of legal costs at the ROAD ACCIDENT FUND for 11 years, very learned, part of the service he offered, as he got the dates for matters coming up for trial, he would come and scan through them, and put in a note to say not less than x hundred hours professional time spent in this matter, so the attorney dealing with the matter would know if the client elected to be charged on a time basis they could say to the client ballpark figure you spent x hours of time, therefore my fee is likely to be y, obviously it will adjust downwards. You can't say to the client congratulations Mr Brown, I've settled your claim for R300,000 here's my bill for R350,000. You always want to give the client a fair result. That's how we grew our practice. In 42 years, there was never a complaint or a single filing against any of the directors of the practice by the Law Society Never once and I think that's an amazing record because it's quite contentious, once the client has spent the money, bought a new car instead of keeping it for medical care, you ripped me off, anyone could have done it and I'm going to complain to the Law Society that you've ripped me off or whatever never once and there's a certificate from the Law Society on my website. Feb 2013. Never once, ever as I sit here now, there's –

DB: There's still no one who has come forward.

RB: There's never been a single filing against us. Ever.

Sally: So if they haven't got any findings, how is there a police case against you?

RB: I'm coming to it. It's a long story but – you need to understand it and it's incredible, if it hadn't happened to me I would just say this can't happen. It's a daily nightmare, it's a minute by minute nightmare. How could this have happened? There's nothing, it's just fabrication. So Darren said to the Grahams I've got a certificate here from the cost consultant, I've got this my in my disbursements, I will guarantee you 1.2 million. Are you comfortable with that? It's great and the clients are given a document to sign. Totally transparent, as a past president of the Law Society, as a counsellor at that stage still, as someone you'd really very publicly high profile, I felt we had to set a good example of transparency, of good conduct, of good practice. We had to set the example. So we got a document saying I understand my matter has been settled for 1.9 million and I've agreed to accept 1.2 million as a net guarantee payout – [overtalking] the difference between the settlement of 1.9 and the amount you received of 1.2 is to be used to settle, to pay the shortfall in the attorney client disbursement recovery. So we gave for example Dr X a neurosurgeon, his bill was R35,000, we recovered R12,000. The difference would come out of that 700. The advocate would charge R35,000 for the day, of trial, we might get back R15,000 so that's called shortfall in attorney and client disbursements. The balance will be applied towards our fee and you will receive a full statement of account. Fair. Give it to the client, take it away with you.

DB: The client at the time instructed us, in this case the Grahams was referred by her own insurance broker. All our clients came by word of mouth, signed, given copies and they were given a letter which every new client gets, explained the whole process, the fees, everything they sign for, we've got the signed copy and they give them the original. IN every case it's all explained upfront. There's no surprises at the time you settle the matter and say – they have from the day they see us, how we're going to charge, how it works, which is the same way the Law Society were charging.

RB: So off they go and all's well and in due course the account in respect of those expenses with the [unclear 0:56:56.4] is prepared and its paid. As soon as the 1.9 came in, Darren took the interim fee plus our disbursements were offset and an interim payment was paid to Mr Graham within like 10 days and then we recovered those expenses which the ROAD ACCIDENT FUND had to pay, which is a long process in South Africa. Now it takes up to a year. It didn't take this long then, and Mrs Graham came to collect the account and the final cheque and was ecstatic and very happy and we never heard again from them until –

DB: Just one other things, they were members of the biggest health insurance, Discovery Health, no because usually you told them how it works but at the time we settled the matter we confirmed and they even admitted we asked her are you sure there's nothing owing to Discovery Health because this medical aid tried to extract all the medical hospital expenses they paid out for the accident treatment. But they don't actually tell the member that

they're not covered with trauma related costs and so on but we asked her and she said no there's never been a request. Usually they get hold of the client and the attorney and ask you to sign an undertaking which is illegal in itself promising them to pay back at the member's own risk. It – the members go to the CTP insurer – or whoever, any personal injury matter and pay them back in full and they're not allowed to deduct anything towards the legal costs. They must go and incur legal costs, we must sue three, four, five years whatever it takes. They must go pay the health insurance. But they're going to be contacted and we even asked them and she said no and they were never ever contacted until January 2011. December 2010 where they got a threatening letter demanding R327,000, I think within 10 days or they're going to sue them.

RB: I've explained that ja. So the Grahams get this letter in December 2010. Part of the papers from Discovery and instead of coming to us as all our clients did with the exception of 5 they contact Discovery and they are now embraced by Discovery and used from then until the end of 2016 as Discovery's willing pawns. They signed no affidavits, court applications, they never came to court once, they never came to the Law Society except for the first occasion and everything was done by van Niekerk. He made all the affidavits and the Law Society in its affidavit said how is it if this is the aggrieved client, why is he not signing an affidavit, why has his wife not signed an affidavit? Why are they not in court? Where are they? The truth is they were just pawns. Okay so van Niekerk came to the office and looked at the files on 9 March, March

2011 and he saw straight away that we'd substantially undercharged the clients. We always gave the client a good result. If you had a claim, if you had a claim and you were honest and you didn't lie and it wasn't your, and you really couldn't remember exactly how the accident happened. We litigated, and we put in 200 hours of professional time and we only got you R300,000, you can apportion negligence in South Africa. I think you can here as well. So the court might say you're equally to blame, therefore your claim is worth R600,000, we'll award you R300,000 so we put in 200 hours professional time at R3,000 an hour, we're not going to say here's R20,000. We're going to say you know what you've been honest, it's not your fault, we're going to reduce our fee just to give you a decent result.

Sally: So you're working at a loss.

RB: Sometimes. Ja.

DB: You don't have to guarantee, there's no requirement in law that you must guarantee the client a minimum or a maximum amount, but you do. I mean you can go to a solicitor here to recover \$100,000 and you can spend \$200,000 trying to recover it. Specially these big commercial firms charging huge amounts of money per hour. It doesn't matter how much work they put in, you're going to pay the fee. The same with us, we don't have to guarantee the client a minimum or a maximum, but we always did because otherwise what would be the point of going and claiming, if we get them \$100,000 and said pay us another \$50,000.

RB: The practice was built on service and honesty and goodwill. People felt we would do our very best for them. Our clients became our friends and we always gave a good result. That's why we always referred their friends and family to us. That's why I guess we never had any complaints or problems. Even now. Even now there's not a single complaint. Nothing.

DB: So it's not a client [unclear 1:02:09.7] unhappy with something, going and complaining. This is a client who was blackmailed, demanded to pay R327,000 if they didn't they're going to be sued unless they cooperate with them. It wasn't the case of the client going and complaining about something on their own. This was just a pawn.

[Sally takes a bathroom break]

DB: They emailed every attorney – they stole from us, they emailed all our friends, even here solicitors in South Africa, friends of mine, they used to send all these articles to all of them all the time. I used to get from parents in my children's year, all these things. About, nonstop and they haven't stopped. They send emails now under the name justice for RBP clients, something like that. It's Beamish. We know where your children go to school and if you don't come back to South Africa we know where your sisters live in South Africa. All this stuff.

RB: He's hired by Discovery. They pay him.

DB: He doesn't write for anything else. That's all he does. I mean -

- RB: He's attacked us so far it's 74 articles. If you google him you'll find – no articles by him about anything else since 2014 when he was engaged by Discovery. He told me he was engaged by Discovery, I'll tell you why in a minute. 73 articles. He's put out, I have files and I'll send you the index, I think, it's a couple of hundreds tweets in conjunction with Discovery's case and the other proxy is [unclear 1:06:28.0]
- DB: The cyber stalking and trolling that we've been subjected to they've got fake Twitter names and they all tweet each other to create this impression we're these big thugs and criminals and
- RB: Living it up. We're living it up. I've got a new Merc 500. I've got a new Merc 500.
- DB: I'll show you the tweets, and I've got another article, one of the other South Africa publications last week that I've got this flourishing Northern beaches property business and a picture of this house, of some house that I'm living in. I'm living it up. You know what I'm doing now, I'm driving Uber now. I'm doing Uber, I've been doing cleaning for real estate agents. I did my real estate license here. I've got into two agencies, one was in [unclear] at an agency there and another one in Wooronga. When I told them I left South Africa because of the corruption and had to flee, I didn't go into detail because if I tell them in detail I'll think they're not going to hire me, if I don't tell them, what do I do. I was at the one place for three weeks. They got an email from Beamish all this stuff and I told them, they said look I can see you're telling the truth. I showed them the documents from the solicitors.

Fidelity phoned and everything. They said I can see it's a load of BS. They actually said, I don't want to appear on the Sydney Morning Herald [unclear] and the other guy at the other agency, it was last year in June. I was there for a week and they got all this stuff and I sat with them as well and they said they can see I'm very new at everything, what do they do they're just nervous because it's all about image in real estate. I tried to do that, I started a cleaning business for real estate agencies but whatever I do wherever I go they follow me. They know everything I do. They've got people watching, they know everything we do, everywhere we go.

RB: It's a campaign of unprecedented viciousness and evilness. They totally catch us by the clear. To people in South Africa. They said to him look have you not done enough. You've destroyed this family. We were a wonderful close family, we lived in a suburb in Johannesburg, my daughter is across the road with her two little children. Darren was in the same street as me down the road. My other daughter just around the corner. We're all split. I'm here, Darren's here, my one daughter is in another part of Australia, my other daughter is still back in South Africa. My wife is absolutely devastated, she saw the grand children every day, her two daughters every day. We're living under terribly reduced circumstances. I'll tell you about that later, after a life time of hard work. It's just, it's been a catastrophe of unimaginable proportions just to carry on. To get to the bottom line. Cut to the chase. Van Niekerk fabricated a complaint by the Grahams. As I say it's all rubbish. I responded to it in 26 pages. The Law Society was totally satisfied with that

response but we said we want a hearing. We want a hearing. The Law Society has disciplinary committees. It has committees comprised of attorneys. If there's a complaint by a client, you appear and you cross examine the client. We want a hearing. But every time there was a hearing to take place Van Niekerk would engineer a postponement so the Law Society arranged for a hearing for 28 November 2012. Months in advance with Van Niekerk, with our attorney, good we're all set to go. Yay. The day before he brings an application to the Law Society the matter should be postponed, he's in Atlanta. But he arranged this himself months ago on the day.

DB: While he was criticizing the Law Society that they're not doing their job and they're not giving them a hearing and everything else.

RB: So it's rescheduled for June 2013. Three days before, what does he do? Application for postponement because he knew that the Grahams plus the bookkeeper, a ten times convicted fraudster they planted in the practice would collapse in 15 minutes under cross examination and the whole can of worms would come out. There was just so much. As part of the attack, he was very clever. We employed a new bookkeeper in September 2010, because we needed an additional bookkeeper. One of our bookkeepers could not work full time any more, she still worked for us part time. So we employed this woman Bernadine van Wyk, and she seemed to know what she was doing. I'd seen her earlier in April 2010 and I just didn't get a good vibe from her. I said to her we'll call you, you know and we advertised, legal bookkeepers in South Africa are like hens teeth, I don't know what they're

like in Australia but to get a qualified competent legal bookkeeper very hard. Eventually we couldn't find anybody so September I called and said we'd like you to come in for another interview and myself and Bezuidenhout saw her and he seemed to like her. I didn't get a good vibe from this woman. She had worked for one of our former employees an attorney. And so I phoned Andrew and he said look she knows the business, just don't let her handle petty cash, she's got sticky fingers. Which is hardly a recommendation for a bookkeeper but – there was no cash in our practice. Just once a week they draw a cheque for cash for lunches and that kind of stuff. All payments came in via EFT directly into the trust account. So there was no cash, and no clients coming to pay us cash because we didn't have that kind of practice. We know exactly when it was, whether it was even before she started employment, because they knew even then what was going on in our practice. They approached her – at this [unclear 1:13:05.7] and he approached her and he said Discovery will pay you and I'd like to meet with you and she had a meeting with them and the deal they offered her, I've got an affidavit which was in the papers from one of our staff to whom she confided. They said here's the deal. We need you to do what we tell you in the books of the practice. We'll give you up to R1 million to buy a house and we'll give you employment once you've shut down the practice. And she tried. Unbeknown to us she started making some dodgy entries in the books, because there's certain procedures you have to follow in an attorneys' practice. You've got to transfer money from trust to business and so on. And for example, when you put through a fee you've got to debit the fee. So if you're my client, debit the

fee and the money is then transferred from the trust to the business account, and from the business account you can do whatever you like with it. It's now money that's earned by the practice and as what we could and did do as directors in any business, you either take it out by way of against your loan account if you know what that means, you have a loan account, debit loan account or you declare a dividend because we practice as a company and the dividend is given to the shareholders and she deliberately failed to do certain steps. We didn't know about it and she was instructed in which matters to do so and Discovery knew about this.

And after she set us up sufficiently [overtalking] all of a sudden out the blue we get emails in July 2012, from SARS, they wanted to audit the practice. A VAT audit. So I sent it to my auditor, I said, it's a random thing, they're doing it randomly – there's no problem at all. Okay good. The next day, another flurry, they want do a full income tax audit of the practice, they want to do an audit of all the directors.

DB: And my wife.

RB: And Darren's wife.

DB: Who had nothing to do with the practice.

RB: So – something's going on here. This is not just happenstance and we consulted an income tax attorney who had been one of the very senior persons at the SARS. And he interacted it and they came in, like a team of robbers almost. And they found nothing. Except they went straight to the

things that she'd set us up in and once they found that they came to us, and we said we don't know anything about it. And obviously, the bookkeeper failed to follow normal procedure. A couple of isolated instances. And we had a full audit and whatever issues they found, if the tax [auditors] come into any business, you can be the creator himself they're going to find some technical issue and they found, we didn't pay fringe benefits on the use of cars registered in the practices name. The bookkeeper is supposed to see to that. It's peanuts, not money, and the practice was audited, everything was regularized and we were both issued with letters of good standing by the revenue authorities and the practice's tax affairs are totally in order. After the audit, our practice receptionist, also an Afrikaans speaking lady, the bookkeeper was Afrikaans and she was Afrikaans, she came to me and said I need to talk to you, and I said what is it. She said I should have told you before. I really feel bad. And she related to us the story of what Bernadine had told her. The revenue people are coming in, they're going to close down the practice, they're going to arrest the directors, I have a job at Discovery, give me your CV, I'll get you a job as well. And we filed an affidavit in court. We then had her investigated and we found out she'd been convicted ten times of fraud by false pretenses, was a jailbird and had stolen 1.3 million from another attorney by whom she'd been employed – in 2008. And as far as I know she's still on the run, like we are. So they did that, they recruited other people in our practice. Just for example we had a lady of 49 came to me. Cora van der Merwe. Comes to me via one of our cost consultants, this chap Joubert, said look he's got this lady, she used to work for him, she's

looking for work, have we got anything for her? I said well it's always useful to have a costing clerk as it were in the office and I interviewed her and she seemed to know what she was doing and I said fine we'll employ you. She was an independent contractor. We'll give you ad hoc work to do as and when it comes in. She was quite good. And then she came and said you know it's an erratic form of income, because I do the bills of costs which have to be assessed against the ROAD ACCIDENT FUND and the payment takes 3 – 4 months if it comes, and I'd like a regular income, will you employ me full time and I'll show that it won't cost you any more to employ me full time than what you're paying me as an IC. And I said fine okay I'm happy to do so and I did so. And she carried on and she took a great interest in our medical legal practice and she said look can I do some work in the office with the attorneys in the office that do med leg, I said sure if you want to if you've got time between other duties, and she did and she liked it and she was good at it. She then came and said look she really loves the work, she's fascinated, will we take her on as a candidate attorney. Before you – not even a paralegal, when you're studying to become a lawyer in South Africa you can't become admitted to practice as an attorney even though you've got your degrees. You have to serve like two years, sometimes longer as an apprentice or an intern or whatever you call it. Will you register me as a clerk? I said Corey you're 50 years old now, you've got 2 or 3 children. Is this something you want to do, because if we register as a clerk, we can expect you to do the kind of work in our practice that candidate attorneys do. And is it something

that you want' to do, you travel from Pretoria every day, it's quite a schlep the traffic's heavy. She says she can make a new life for herself, she's seen in the practice how we help clients and how hard we work for them. This is what she wants in her life. I said I'll speak to Darren and Steve which I did. They both said do we need someone like that, I said let's give it a chance and we said okay.

Unbeknown to me, our bookkeeper a very diligent lady, Natasha da Costa had been, when Cora was employed as an IC to give Cora her VAT registration number, because when you engage someone you have to put in your records the VAT registration and Cora wouldn't give it to her, because she wasn't registered. Natasha is quite a task mistress was putting a lot of pressure on Cora to say listen Cora, you've got to give me your VAT registration and the tax invoice because sooner or later I'm going to have to report it to SARS. I'm not prepared to put the practice in jeopardy because you're not going to give – I didn't know about this and I wouldn't have permitted it. Cora went to have some surgery to her neck. I didn't know then, I found out afterwards, she suffers from a condition called Munchausen syndrome. She will find a doctor, until she gets someone who will give her surgery. She's actually off the wall, we didn't know it then. So Natasha was harassing her about her extensive sick leave because she'd taken far more sick leave than she was entitled to and wanted to deduct it from the salary. I didn't know about it either. So I found out about it. I think my secretary told me. Natasha is making Cora's life a misery. So I called Natasha and said what's going on with

Cora and she said look Mr B, this is – practice is going to be in jeopardy, we can't have a service provider if we don't have the VAT number because we're paying her and just now SARS will come and ask us to pay the VAT and I'm just doing what I'm supposed to do. I said I understand I'm not criticizing you. But you know sometimes, there's different ways of doing things. I said she's stressed enough as it is. So I called Cora and said I've found out what's been going on between you and Natasha. I've told her to back off and leave you alone. You're doing a good job but you need to understand there are issues that we do need to be compliant and you need to get a VAT number and if you can't or you won't you need to give us an undertaking that you indemnify us if there's any claim against the practice for VAT, whatever. I said with regard to the sick leave, it's not a big deal. It's a couple of days here or there, is not an issue in my life. Take whatever time you need to recover fully and if you're not well it's not a big deal, as long as you just do your work. I've told Natasha to back off. And she stood up and looked me in the eye and said Mr B I want to open my heart to you. I thought oh god has she got a crush on me or something. I said yes Cora, she said I want to tell you I have been in communication with Beamish and I let him think that I am actually as it were spying for him. But I'm not. I never told but I was employed by the South African Navy many years ago in counter espionage and they sent me to Russia for training and I know how to deal with these kind of things so I said Cora that's very kind of you, tell me what's been happening. She told me and she said look I have on my phone and I've only got my small phone here now but I've got my smartphone in for service all the WhatsApps between

Beamish and I and you'll be amazed when you see what's been going on and I was sitting thinking my God and I actually recorded it because we had a facility in our office, automatically, as you said taking notes, it was recorded. Okay. And she showed me her phone. And I mean – and there's, she's getting stuff from Beamish, that Beamish is exchanging emails with the second most senior judge in Pretoria who is conspiring with Beamish against us. And I'm looking at this stuff and trying to keep a straight face and saying my God. Beamish virtually knows what colour underpants I'm wearing. I've got all these WhatsApps but she said I'll bring in my smartphone tomorrow and my laptop and you can see there's much more. Eventually we got it on that Friday and there was much much more. I then saw on that Friday which was I think in August. That she basically was a spy. And she had been, she was one of the staff who had been selling, giving information to Beamish about confidential practice –

DB: She was sending all the client details, big matters – that she was working on with Vanessa -

Sally: So she wasn't a whistleblower –

RB: She was a thief and a liar.

DB: The judge referred to her conduct this year as unlawful and malicious.

RB: And that she's an evasive liar. So I see this. It was actually a Friday in August. I've got it all recorded. I can give you the transcript and the recording. And I'm looking at this and I'm trying to keep a straight face here, this is like

dynamite stuff here and I said thanks very much Cora. IT's like 5pm, off she goes. Now her boyfriend calls me [Deon Myburgh], Cora has come and she's very upset and nervous. I was obviously playing dumb. Why she's upset, no she's very worried what's going to happen from all the information and material that she's shown me on her phone and so on. I said no she's the most wonderful loyal employee, how clever she is, as playing double agent. And I'm really so grateful for the information she's shared with me, and please tell her she's got nothing to worry about. It seemed to work, she came in on Monday all smiling bushy tailed and bright eyed but we knew. We'd also known about Bernadine. Just to take a step back to Bernadine and I'm just giving you highlights so you can get the atmosphere what's going on. So after the SARS audit, after the income tax audit, we call in professional investigators a very well known, big firm of investigators and they checked the offices for bugs and there were bugs, and they checked our phones and it was tapped and they couldn't find, modern methods you can't pick it up on the phones any more but there were bugs in the office and they said look we need you to do polygraph tests. I said fine. Entirely up to you, you decide who you want to test and so on. I called the staff in the boardroom, I said listen guys, you know what's been going on here, information is disappearing. I change my tie, Beamish is tweeting about it. Clearly someone is stealing out the office, nothing in this office is private and we can't have it in this situation, it's adverse to our clients and adverse to you and to the practice. And they'll decide who they want to test. No one's compelled to undergo the test. You're free to decline but obviously if you do so it will create an

inference. What have you got to hide. That morning I get into office and the next morning Bernadine van Wyk storms into the office. She's a large woman, big chested a smoker, this is a disgrace, it's a disgrace Mr B. It's an abuse of staff. I'm not prepared to have the test and my secretary comes in and says but Bernadine why are you, I don't have a problem says Rochelle, why've you got a problem. So I said Bernadine as I said yesterday, no one's obliged to have it. If you don't want to have it it's cool, it's your choice. You decide. She goes back to her office. Ten minutes later she comes in again, she says I'm happy to have the test provided that Pippa goes before me. Now Pippa is one of our senior attorneys. Pippa van Raj, so I buzz Pippa on the intercom while Bernadine is in the office. I said Pippa, Bernadine's here. She's got some issue with her polygraph. She says she's happy to have the test if you go first. Do you have a problem? Pippa says no problem at all. I said well just buzz down when you've had the test. If they ask you to be tested and she did in due course buzz down. I said just buzz straight through to Bernadine and just tell her she can come up to the library, the boardroom for her test. And I hear a hell of a commotion. It wasn't a long passage from my office to where the door is, that was where Bernadine's office was and I hear a hell of a commotion. And as I get up I see Bernadine running out. Literally running out the office. And I go down to the bookkeeper Natasha and I said what's going on. She said Bernadine came in and she threw her keys down to the office to the table and she says I'm never coming back and off she goes. We see her running out the parking area. It was quite funny and we did a letter of suspension which we had one of our clerks deliver to her that same day

saying you're now suspended on full pay and there will be a disciplinary enquiry hearing in respect of your misconduct, etc. So that was Bernadine van Wyk had disappeared. She had been their plant in our office, she had been setting us up unsuccessfully with the income tax audit because it didn't work because there was very little to find. In fact. So that had failed and she's obviously served her purpose and within two weeks of her disappearing came the first Discovery funded [unclear 1:30:24.9] application.

Sally: And so how did this – I'm just – got sort of -

RB: You need to hear, okay. Just let me tell you about Cora van der Merwe and then I'll get to [Captain Moffet]. So Cora van der Merwe is still in the office and she's made these disclosures to us and was very helpful and it was like I think now it was August 2014. And now in this case we said keep your enemies close to you. We will monitor her, because she will lead us to who she is working for and that's what you need to do. Okay, fine. And we did monitor her and they did monitor her. Eventually, they tell us she is, she has replaced Bernadine van Wyk as their recruit in the practice.

DB: She was sending emails to Beamish all the time. About everything, not only clients, just personal stuff, everything. Whatever we had, we had information in this Miller guy. His illegal touting operation – state hospital. All of that I had it on my computer. She had somehow tapped in. She was emailing everything to him. We've got all these emails. That's – Paul found that.

RB: I instructed Mr Paul O'Sullivan, you can google Paul O'Sullivan. If anyone's got balls it's Paul. He's former MI6. He's like fearless. So he was our investigator

and he exposed Cora and said I need to interview her now. I need to confront her. So we set up a meeting for him to come, I think 13 October 2015. 14. I can't remember. I get confused. So he's in the boardroom and Vanessa Valente who was the attorney that Cora worked under, Vanessa buzzed Cora and said please come to boardroom, someone to see you and she comes up and she goes in and there's Paul O'Sullivan and his assistant Melissa Naidoo. Paul introduces himself and Melissa and said look I've been appointed by the practice to investigate the following etc and I need to confront you with some facts and said here are emails that you've sent to Beamish. I mean there were hundreds you've sent him. Our personal family trust deed, anything and everything you could think of, He said how can you do this, this is unlawful, this is theft. She downloaded our entire server, all our client ledgers and emailed it to Beamish, because she showed us that much. She showed that email. First she denied it and then she made a full confession. Paul recorded it and I have Paul's affidavit which is on my website but I can send it to you. And Paul is straight as [unclear] so Paul says to her look would you like to make a full confession, sign a full confession. We are going to lay criminal charges against Beamish and Miller who were your handlers as being accessories to theft but if you sign a confession that can serve to give you indemnification from prosecution. It's your choice. She said no fine. I'm happy to do it. He said look I've got a medical appointment so I need you to take to the office, Melissa will carry on with your statement. She said fine I'm happy to go . Paul goes out and goes to his car and Cora goes to take her handbag to her office mate Lizaan van Staden. Gives it to her and says look

I'm coming back in about an hour. Just take messages I'm going with Mr O'Sullivan and I'll be back in about an hour and off she goes, laughing and chatting with Paul as they walk through the parking area and the security van sees them. Halfway to Paul's office she obviously thought better of it and she's busy texting Miller and Miller is really panicking because it's now going to come out and he tells her sign nothing, do nothing, sign nothing. So she tells Paul listen I've changed my mind, I'm not going to sign anything and I want to go back to the office. So Paul says fine. Melissa will drop me off at my office and she'll take you back to RBP. And they do so. She comes back to the office, she doesn't say anything. She doesn't make any allegations against Paul but of course Paul had told us that she had confessed and we had prepared a letter which our bookkeeper Natasha went to give her saying you are immediately suspended from employment, you'll be notified of a date for your disciplinary hearing.

Subsequent thereto, I didn't know about it but I found out she'd sent a so-called whistleblower affidavit to the Law Society.

Sally: Yes I read that. And that's all untrue.

RB: Totally false lies. Of course I didn't know about the affidavit, but at her disciplinary hearing, which was in November, it finished on November 30, we went through, I mean she had to find an advocate, we had an independent chairperson who had been nominated by a big firm of attorneys in Johannesburg. And under cross examination, her counsel could see she was going the wrong way, it was all coming out. I put each email and said you

gave this email to Mr Beamish. She said, her advocate said to the chairperson, whatever she did she did by way of a whistleblower, it's a protected disclosure. I said fine. I said okay this email, my family trust. Where's that relevant to criminal activity. What's wrong. No there's nothing there. Here's an email with regards to Miller's touts. Where's that protected disclosure. All these emails that we put to you, what criminal conduct, wrongful conduct, unprofessional conduct is in these emails. Of course there was none. So the advocate asked for adjournment and came to me and said look I can see this woman's an absolute liar. Can't we do some deal can't you just let her go so this doesn't become public because she'll never get a job anywhere else again. I was tired, this thing had been going on for days, it was like 9 at night on a Saturday night and I said well okay what do you propose. He said look she'll sign an agreement, mitigate whatever she said as a pack of lies and – she'll withdraw the affidavit because it's all lies. Everything she said is all lies and I said okay we'll do that. And it was noted by the chairman Mr Larry Shear and off we went. 10 the following morning I get an email in the Queen's English, she's Afrikaans speaking, she had very poor English but this was written in Queen's English. Dear Mr [unclear] I've had the opportunity of reconsidering in the clear light of day, it's not her language to reconsider my agreement last night and I've now changed my legal team and I'm no longer bound by that agreement. Miller and Van Niekerk had obviously panicked and with good cause and they thought here comes real trouble and they'd persuaded her to renege. Anyhow. I write the Law Society in December 2014, 15. I can't remember and I said look it's come to my attention that van der

Merwe has stated she sent an affidavit. Be aware this is what she is. She's a liar, she's a thief, you need to give us that affidavit so we can comment on it. I'm sure it's a pack of lies. We don't know what's in it but she's admitted it's a pack of lies and we need to be able to give it – we were never given that to comment. It was actually December 2015. It was 2015. Because by that state the Law Society had been hijacked by Discovery's attorneys. 14 months later, she lodges a complaint against the police that she'd been kidnapped by Paul O'Sullivan. And of course the national prosecutor and the Hawks – they hate O'Sullivan with a passion, why? Because he has and continued corruption going up to the top to the actual upper echelons. It's like musical chairs. The Hawks, it's Tuesday it must be someone new there. And they prosecute Paul. And it costs a lot of money and it kills his business because the allegations are being blazoned all over the media, he's a kidnapper, he's a this and he's a that and eventually last year – this year. It was this year; the barrister throws out everything. She throws out all the charges against him. She describes van der Merwe as an evasive liar and what she did as unlawful and malicious and we are about to lay criminal charges against Beamish and Miller in South Africa who are accessories to her theft. Before that she was tweeting with Beamish and Miller and Katz. They've got two fronts. One's called Consumer Fumer, another one is called Lisa K.

DB: That day the day of the judgement they all stopped Tweeting for months. Cora still hasn't tweeted to this day she still hasn't. Beamish stopped for some months and then he started again. But also O'Sullivan in fact just after

we left to come here, he was sitting on a plane going to London and they sent 15 Hawks members to pick him up.

RB: With machine guns and bullet proof vests.

DB: The reason is because he had dual passports.

RB: They put him in a car and drove him straight to Durban. He was detained for 5 days in a cockroach infested ward with criminals. He's said his life was in danger. That's what South Africa is about today. We don't have a proper police force. You don't have a proper – [break in recording]

DB: He came up to me June 2015, it was a public holiday in South Africa and we were at a restaurant, having lunch. My wife, little boys and friends of ours, he's also a solicitor, Katz came up to the table to me, he says you're going to jail. The Hawks are going to arrest you and you're going to jail. I said what and then my little boy started crying. I said just come away here, he said no you're going to jail and he said we know what you're doing and don't bother fighting it, don't run away, you're going to jail. You'll never win this, we've got unlimited money. Miller is going to be your next president of the Law Society. This was June. Miller wasn't even – made a whole list of threats, complained to the Law Society, three weeks later or something he did a letter listing all the threats and stuff and whatever he said came true. How did he know – and 15, that Miller is going to be the president of the Law Society, someone who has never been involved in the Law Society and so on. And the Hawks and all this. Everytime I saw him before, even in 2000s, he said don't leave the country. I said why would I want to leave the country? He said if

you don't leave the country, he always used to make threats to me. He said in our letter which he sent to the Law Society in July 2015, is true. They were planning this from day one. It was all planned. It wasn't – he also even told our partner Bezuidenhout, he said don't bother appealing anything because you'll never succeed. They knew when the Law Society voted to inspect our books despite the fact that none of them were involved in the Law Society. This is Consumer Fumer, and this is this Lisa K. Beamish. It's all really one and the same and then I mean – you're going to jail. Like they were trying to get hold of our clients all the time. Eugene Watson he was the CEO of the ROAD ACCIDENT FUND, that's the CTP insurer, he was actually fired recently for corruption. I know about van der Merwe was our auditor and they said we don't have funds to hold his account to pay SARS for our business funds. And that's where I think all the allegations of money laundering come. They say we paid van der Merwe money. We're giving him 10% to launder our funds. I don't know to where -

RB: No not to launder but to move it off shore. South Africa has got a –

DB: They keep talking about money laundering, tax evasion, we got a letter from SARS, up until this year even of good standing. Money laundering to who and where. Misappropriation isn't anything, he wrote that the Law Society has given a report with the trust account [unclear]

RB: You're going too fast. Basically what I'm trying to do and I'm now going to get to the point, what the police allegations, the NPA, the Interpol notices, this whole scenario was carefully planned. Okay from 2010. So as to achieve a

desired result and that result was to destroy us completely. Professionally, personally and we didn't think they would ever try to concoct some sort of criminal scenario. We knew about the threats they made. They made these in 2015. But Van Niekerk, this company's attorney in May 2013 had gone to the Rosebank police station, our practice was in a suburb called Rosebank and opened up a file against us. Now we became aware of it, now what was it. Jerry Joubert who ran a business called Legal Billing, cost assessor prepared the standard accounts against the ROAD ACCIDENT FUND he did this for us and many other attorneys. He was very good. And how it worked was this. He would collect the time files every day coming to the office, take them and prepare these detailed accounts. According to a particular schedule. It was a format which over the years the cost consultants that do this work for claim attorneys have agreed with the cost consultants employed by the ROAD ACCIDENT FUND to scrutinize the accounts. They've come to a standard schedule of attendances which the ROAD ACCIDENT FUND will agree to pay and the standard rate for them, etc. So it cuts down down time. So he would collect the files and prepare what's called a bill of costs. He would never come back to the offices or any of the other offices of the 15 attorneys to check what he's done because we trusted him. WE relied on him. I mean the guy was a senior man, he was a qualified lawyer. He'd been employed by the ROAD ACCIDENT FUND for 11 years doing just that and he'd been an official at the court doing just that and once he'd done the bills of cost he would deliver to his opponent acting for the ROAD ACCIDENT FUND and the two of them would meet and discuss it and most times they would settle the bills. If

there was a dispute they'd go before court official, call the tax master who could then hear the arguments in respect of each item and make a ruling and then we'd get the file back from Jerry Joubert and the bill of costs would have a stamp, what's called an allocator, the amount at which it had been finalized. And the attorney's secretary would then write to the ROAD ACCIDENT FUND attorneys and say here it is, please pay. Van Niekerk had got hold of the bill of costs, the account to be paid by ROAD ACCIDENT FUND in Graham's matter and when he came to our offices in April 2011 he'd prepared himself and we had one of my colleagues there, an attorney who was then representing the firm. Actually a friend of my partner Bezuidenhout, they went to school together. He knew Van Niekerk because they both did work for the ROAD ACCIDENT FUND. They were so called defendant's attorneys and we were plaintiff attorneys. I knew Van Niekerk well because we were on the same Law Society committees for years. WE gave 8 lever arch files. There was an enormous amount of work done. So Van Niekerk says Ferdi look he's not happy with some of these items on the bill of costing against the ROAD ACCIDENT FUND because he's looked at the files, it doesn't correspond. So if it says a report is obtained from Dr X. Today he can't find that the report is in the file of the same date. And various other queries he's got with the bill. He'd like to speak to Jerry Joubert. He knew Jerry Joubert because he worked for the ROAD ACCIDENT FUND. And Van Niekerk did work for the ROAD ACCIDENT FUND. So [Trevor Ferdi] comes in my office, that was the attorney and says look Van Niekerk would like to see Jerry. I said no problem, I'll phone Jerry now. I phoned Jerry, said Jerry

George would like to see you. He said fine I'll be there in 20 minutes. Jerry came to the office and he went to meet with George and George said look I've got a problem with this, you put a note for example that the client was consulted with regard to Dr X's medico legal report but I don't see a file note in the file that this was done. So Jerry says look all I can tell you is when I prepared the bill, I prepared according to what was in the file and I know the file has been pulled out of archives and often when files go into archives, material falls out, it's taken out of the lever arch files, by filing clerks. So he said to Van Niekerk here's the report. The client had to be consulted about it, because he verified that the doctor was correct in what he said and what the client told him, etc. Anyhow Van Niekerk raised very issues and Jerry explained them all to him.

In the complained prepared for Van Niekerk to the Law Society in the name of Mr Graham and his wife they made the allegations that there were fictitious attendances in that bill of costs against the ROAD ACCIDENT FUND basically we were trying to defraud the ROAD ACCIDENT FUND. The amounts involved were petty, probably less than \$100 in total and when I got, of course it wasn't my matter, I had never dealt with it, but I was a senior director so I deal with the issue. Darren had never seen the bill of costs before it had been presented to the ROAD ACCIDENT FUND, so I phoned Jerry and said to Jerry listen this is your department. These are the allegations, you need to deal with it and he did. He sent me a 10-page letter and I said that's too long and it was reduced to 2 – 3 pages and that was sent to the Law

Society in September 2011. Joubert said look this is how he does it. It's a standardized computer programme he uses. Some of the items might be out of sequence timewise but the work was done. It's clear from the file the work was obviously done and he takes full responsibility for that. But what Van Niekerk had done in May 2013 he had gone to Rosebank police station and as far as I'm aware, I've never seen the charges, but from what I've heard through the grapevine he laid charges against Darren and presumably me even though I'd never been involved at all that we were trying to defraud the ROAD ACCIDENT FUND. Okay. As – I don't know what else, that was in May 2013. Right now did we ever steal money from our clients? Did we steal trust money from our clients, are we crooks or thieves, did we run away because we're criminals? I'm posing hypothetically because I need to answer that question for you. Well the Law Society, in South Africa you've got provincial Law Societies much the same as Australia. So the Law Society of the northern provinces used to be called the Transvaal Law Society. Transvaal was South Africa's biggest province. It's now called the northern provinces and it's about 60% of all practicing attorneys. It's the biggest Law Society. In 1999 or thereabouts, a lot of movies, American movies were screened in South Africa and I guess in Australia, featuring court cases. You might remember Erin Brokovich, John Travolta in a Civil Trial and so on. And these cases were of great interest to the public. And people starting phoning the attorneys to say I've been injured in a road accident or my doctor's messed me up. Will you take my case on a percentage, and the attorneys would say, because this was foreign to South Africa, we never worked on percentages? We just charged

for time and they said well I saw this movie Erin Brokovich. I actually met Erin Brokovich and her boss because I used to attend the American Trial Lawyer association conferences in New Guinea. So they phoned the Law Society and said listen can we charge straight percentages and the professional staff put this before the council and we considered it at a council meeting, which meets once a month 24 people and we debated it and said it sounds like a good idea because it's a win win situation. It gives the public access to justice, access to attorneys more easily. It creates certainty in the public mind. They know they will only be charged if the process is successful and then only a percentage. Good idea and it's worked in America for 200 years. Let the court practice come in and look at it. So the court practice was chaired by Mr CP Fourie. Past president of the Law Society. Very prominent attorney, he'd been acting judge many times. A very clever and competent lawyer. I was also in the court practicing but I was just one of 15. The court practice debated it and said look we need to do some research investigations which we've done and eventually the recommendation of the court practice made to the full council was yes it's a good idea. The Law Society needs to go for it and it was debated by the full counsel who took a decision yes, let's get an opinion from an advocate. And Mr CP Fourie briefed advocate Labuschagne, a very well-known advocate in Pretoria. And he came back to say he's quite comfortable. Because South Africa had what was called the contingency fees act. In 1969, I don't know how old you were then.

DB: In South Africa is a country where the majority of the country is illiterate and they can't understand legalese and this is an easy system. Straight percentage. They don't want long legalese -

RB: So the Law Society takes the decision it will henceforth encourage its members to use straight percentage fees. Now in 1969 government had drafted an act, a bill, an act, the contingency fees act. In 1969. It was a very different world in 1969 in South Africa, demographically, politically and in the world. And they did nothing with that act for 30 years. Eventually in 1997, it promulgated. They published the act in the Government Gazette.

[wife enters]

So but this still doesn't take effect. In 1999 they then promulgate what's called the prescribed agreement and in terms of the act there is a specific agreement which has to be used. But it's got a lot of blanks you can fill in to tailor make it according to the particular circumstances of the case and the client, etc. Now I can tell you as someone who was totally immersed in the practice of personal injury law, I didn't know there was such an act. Until 2001. I actually didn't know it existed. Now that may sound an astonishing admission but it's true but what's more no one else knew it existed. It had never been debated, the Law Society of the northern provinces had never been asked at any stage to give input, it was being drafted. It was a nonevent. And when the court practice attorney was asked to look at the desirability or otherwise of introducing pure percentage fees, hey there's an act.

Sally: So would the change in that act, and the subsequent change in your billing system that the criminal charges were laid?

RB: The act never changed. The act was only promulgated – in 97. Okay so one of the things Advocate Labuschagne was asked to advise on specifically was does this act provide the only way in which an attorney can act on contingency or is it merely a way. Because you see South Africa like England and like Australia, in fact all commonwealth country which incorporated English law into their system incorporated what was called doctrines of maintenance and champerty. Old English law, maintenance and champerty what was it? It meant that I couldn't fund litigation in return for a cut of the spoils. Okay you couldn't.

Sally: We're talking for two hours already so we might need to skip over the history of law -

RB: You need to know this, you asked where the allegations come from, this is where I'm getting to.

[photographer discusses portrait / photographs]

RB: The act doesn't permit a straight percentage. It's a major difference. With the American system it's a straight percentage. So Advocate Labuschagne was asked to consider does the act preclude protect, prohibit or prevent any contingency, [unclear 2:01:49.3] for a client, say in terms of the act. He came back and said the act does not, it does not, nowhere does it state that you can only act on contingency as provided in terms of this act. In South Africa as

with Australia as a number of acts would say for example, in South Africa we used to call it the hire purchase act. I'm not sure what it is here, you put a deposit and pay off a deposit over 24 months or whatever.

Sally: Labour.

RB: Okay in South Africa we call it the hire purchase act. In South Africa we call it the credit agreements act. It said no one may enter into any agreement to sell any product extending over more than 6 months save in terms of this act. The continued fees act doesn't say no telling by a [unclear 2:02:30.0] save in terms of this act. Okay. And therefore, his opinion which I think was correct was it's simply a way. It's sort of a safe haven, a safe harbor in so far as the [unclear] apply. And that's why we went for the straight percentages. It was never laid down that it was a minimum or maximum. Our standard rate was 25% plus VAT. You've got to pay tax. We don't keep the tax. By law I've got to charge you VAT, I've got to pay it over to the tax authorities. So in some cases we charged 30% never ever more. Most charge a third. There's a chap who still advertises regularly in South Africa on TV, his standard rate was a third. We never charged more than 30% ever. And he kept whatever costs recovered. We gave the client whatever costs recover. So Van Niekerk is trying to use the Law Society as a useful pawn. So he lodges the complaint, we provide a full response, we wanted to have a hearing, Van Niekerk keeps getting it postponed. They plant van Wyk in our office to try and set us up. To get the tax authorities to close us down. That fails. Then they call Van der Merwe to try and set us up and steal more stuff off the server and give it to

Beamish to use in his publication and to cause trouble for us and to shut us down and they said that the whistleblower affidavit at the Law Society after she's exposed and confesses to Paul O'Sullivan that she suddenly makes this whistleblower thing. So they failed with that and the first application, the so called first application they didn't succeed. Discovery . They used Mrs Graham as the front. They said Discovery are not involved directly or indirectly. They subsequently admitted it. They were directly involved using their lawyers, their advocates. The Law Society and the affidavit's filed in court said Van Niekerk should be charged for perjury as should the Grahams and we should have done it but we didn't. Okay so now we've got a problem. They've harassed the Law Society mercilessly from 2011 and it's now coming to 2015. And we're still in practice. So a very clever idea was hatched. Discovery's attorneys Edward Nathan one of the biggest law firms in South Africa and Discovery is their biggest client, will take over the Law Society. I'm being serious, it would actually take over the Law Society and in the papers which I'm going to give you you will see it's a five-stage plan. Stage one was to abolish the Law Society rule that no one can canvas for someone to be elected to the council Law Society. You're supposed to be nominated by your peers on account of your work, your reputation incentive for election. So they – put a motion at the AGM which Discovery packed out with Edward Nathan partners and Pas and Proxies and they got rid of rule 45. Step one, step two force an election for the council so you've got to send a special letter to the law society in terms of law 60 that's there and you've got to have a requisition form signed by at least 100 members of the Law Society to

have a special meeting of members held. Who signed that? Miller writes the letter. Miller is Discovery's pawn and who signs the requisition?

Discovery's Katz, he's an attorney, his assistant Elton Krawitz, Miller, Burger his partner, their two employees and every other signature Edward Nathan starting with Michael Katz, the directors and attorneys of Edward Nathan. Not a single other attorney. So they forced the Law Society to hold a special meeting of members. The attorneys are notoriously apathetic specially if it's a working day and not right where you practice and most meetings are very poorly attended by every partner and professional assistant of Edward Nathan pitched up each holding five proxies. They reached a resolution that there must be an election for the council of the Law Society. In due course they nominated candidates. Who were the candidates? Discovery panel attorneys, directors of Edward Nathan, directors of Worksmens and other firms all connected to Discovery that got work from Discovery and then by way of sheer force of numbers they had them elected. And who was appointed president? As Katz threatened to Darren five months previously. Miller. Discovery's proxy.

Sally: And then did the Law Society go on to press charges against -

RB: So now the Law Society which had been fiercely defensive of its stance and had been I won't say protective of us, it's got to happen without fear or favour but it had stood for principle and honesty and had rebuffed all the lies and allegations which had been put forward by Van Niekerk in the name of the Grahams. It's now effectively an extension of Discovery's board of

directors. So it does a 360-degree turnaround in a 270-page affidavit which attorneys had prepared for it, exposing, shattering this. It's there. The collusion between Miller, Katz, Beamish, van der Merwe and others in this concerted attack on us and the Law Society is all in the affidavit but it hadn't yet been filed and served in court. Once the council is hijacked and taken over by Discovery, that affidavit is, they try and sanitize it. They take out paragraph 14 which was the worst for them, because it basically says Miller's a crook a criminal a thief and a liar. So they take out paragraph 14 immediately but it's still no good because the rest the affidavit is filled, is replete with allegations and substantiated ones as to the corrupt and criminal activities being perpetrated by Van Niekerk and the whole gang. So they just jettison the whole affidavit and they do a completely new one, do the 360 degree turn against us.

Okay now. Where's the criminal conduct? Now Miller was recruited by Discovery and he went to Discovery because [unclear 2:09:15.0] had received numerous complaints from our members, were the main players in the personal injury fraternity. We were trying to get a greater respectability to that area of practice which has always been looked down on and it's their president the late [Monique Oords] that received lots of complaints from attorneys to say listen Miller's giving the profession a dirty name, a bad name. He touts poor black victims, road accident victims at Natalspruit state hospital and he's ripping them off something terrible. The work is done by secretaries, unqualified people, he's charged them huge fees and

something's got to be done about him. So she appointed investigators who started investigating and started to acquire affidavits from these clients as to how they'd been touted from the hospital beds by the chap, a black man employed by Miller and after she died I was elected president, and the investigations continued. There were 36 affidavits by 36 clients. Three affidavits by three firms of professional investigators. As to Miller's touting. You get struck off for one conviction of touting. [overtalking]

So Miller sees here comes trouble so he makes common cause with Discovery or they contact, I'm not sure who contacted who. You act as a proxy in destroying RBP we'll see to it that nothing happens with these complaints and that's why Katz said to Darren when he accosted him in June 2015 don't bother with any complaints against Miller or me Katz – as you see they go nowhere. So what did Miller do? Miller got hold of, Discovery started touting some of our clients who were members of Discovery, they sent them to Miller so Miller could now change our practice's law society complied common law percentage fee agreement. And the first matter was –

[discussion re photographs]

So Miller gets hold of Mr [Le gee] one of Darren's clients. He had a road accident, Darren did a case, got her a great result, we charged her a straight 30% plus VAT contingency fee. She was very happy after the case was finalized, it was a great outcome. Gets hold of her and he attacks our common law percentage fee. He had previously attacked another attorney's agreement but that's another story. He immigrated and the matter went

nowhere. The Law Society filed a 49-page affidavit in the matter explaining why it had taken the decision to permit, promote and encourage common law percentage fee. It referred to a survey that got conducted amongst its members. 74% of its members said they only use straight percentage fees.

[photographer]

RB: So Miller takes attacks us saying you can't have an agreement outside the provisions of the contingencies act and the agreement is invalid. The law society joins in as a friend of the court. And files a 49-page affidavit. Not really defending us. They say specifically they're not filing this to defend us. This is on a matter of principle and they set out why the 23-person council excluding me had persisted from 2001, until 11 or 12 then in permitting or promoting such agreements how well it had worked, there were no complaints and it was all good. SAAPL brought an application to declare the continued fees act as unconstitutional. Now South Africa has got a bill of rights which is extremely good which inscribes rights to privacy and so on. One of the problems with the continuous fees act is this. Forget about, it's drafted and you can't understand it. If you're my client, and there's an offer of settlement, both you and I have got to file affidavits to say why you are settling. So if I'm waiting for a client, in the South Africa context relevant, you've just been diagnosed with AIDS and let's assume the offer is way less than it should be with that person's injuries and I say Mr Tshabalala, it's usually a black client, AIDS is mainly among the black community. There's an offer of R100,000 on your case but I believe your claim is worth R1 million.

He says I want to settle, I say why. He'd say well I was diagnosed with AIDS last week, I've got six months to live. I say okay but I'm going to have to, I'm lawfully obliged in terms of the act saying that I'd advised you that the offer's too low, because of ABCD but that you've chosen to accept it because you've been diagnosed with AIDS. That's a gross invasion of his privacy and it's unconstitutional. But the act compels the client and the attorney to do that. So SAAPL brought an application that it's unconstitutional. And there were other reasons as well. We lost. By that stage there had been Beamish, had whipped up such a media frenzy. Beamish, his typical media haunts are Moneyweb which is a mickey mouse publication and it's run by – Ryk van Niekerk who we are told is related to George Van Niekerk. So Beamish publishes on Moneyweb. Same day he sends out emails to, he got a database. When I was present on the law society you get a database of every attorney in the country. Okay so you can send out personal newsletters and the like. Van Wyk had stolen that way back in 2011 so Beamish had it, so he publishes with Money web online, He then sends an email, news info South Africa or some other front to my database. The next day it's published in the citizen newspaper which has a section, a page allocated to Money Web and then it's picked up by other publications to which Beamish is allied. The latest attack on us in the Sunday Times by Graham Hoskin. Hoskin went to school in Cape Town with Beamish. So this Graham Hoskin, he was funded, what Discovery do they're really smart. They've got a funding scheme for health journalist. So they'll fund your training as a health journalist and draw you into their bosom to ensure that you will never bad mouth them and that they

can always call upon you for a favour when they need it. So there was such a lynch mob atmosphere already then that even though our case, our opinion and the law society's case was so strong, we should never have lost but we did. We appealed all the way to the constitutional court. What's interesting about that judgement is there's no criticism by the constitutional court of the Law Society of the northern provinces or the Law Society of the Free State, or the black lawyers association or of us. Because in that judgment as the court says, certain law societies made rulings permitting the members to enter into continued fee agreements which will be able to charge in excess of the fees prescribed by the act. It was the Law Society of Northern Province, The Free State Law Society and the Black Lawyers Association. RBP was one of such firms. There was widespread confusion in the profession as to the correct meaning of the contingency fees act. And we don't go on to say to the court is that the correct interpretation is that you can only act on contingency in terms of the act. So there was no criticism, it recognized the good faith and the bonafideness of everyone involved that took the view that you could contract to act on contingency outside the act and that's really important. Of course Beamish should never have published that.

So now Miller's onto a roll. He's got this filing of the court and he starts advertising extensively on line and the advert is still in their website. Even though it's against law society rules you can't have SEO linked to an attorneys name or practice name but he's doing it, they did it and they did nothing. Because as Katz says don't bother lodging complaints against me. They

discovered the full data base of every one of our clients. They got this list and got Cora van der Merwe in the office giving them everything. So they had pick high value matters and boom outcome carbon copy attack on us by Miller.

There was no defense. I never said unethical, I never said improper, I just said unfortunately because there's an Act, that's the only way you can do it.

That's the law and from that day on we never entered any agreement outside the act or charged a fee outside the act.

DB: You had to in fact hand up your agreements, to the court, your second agreement an order of court. The lawyer had to give you – signed by the client and the lawyer.

RB: I want to mention before Della Gere and for years you handed up your common law agreement to the court with affidavits. It was totally open, there was nothing surreptitious about it. Neither we nor any of the attorneys that do it, it was open, at every year's AGM, van der Merwe would have a slot to talk about latest developments in litigation law and he's say things are going very well on common law contingency fees, we've had no complaints from any clients. The public seem to be happy and standing ovation. okay. But Miller is now tracking us and it's a problem because there's no way son this earth that you can ever get to on a straight time charge basis. Because I'm saying best case scenario you can put 500 hours in. R3000 an hour and it's 1.5 million. If I set your case for R15 million and take 25%, it's way over that. I'm never going to get there. So you basically dead in the water and you're having to refund enormous amounts of fees which you took legitimately, paid

income tax on them, paid the vat on them. And you've got to pay interest at 15.5% from the date you took the fee. It was horrendous but there we were. So now Miller and Miller only – after Della Gere they sent to every one of our clients, they had our data base to say this is the outcome, you can avail yourselves of the services of Miller to challenge the agreement. Katz insisted they use straight percentage agreements, his own panel attorney. Now they come to a clever, dishonest but a clever tactic. It's this, all of a sudden it was only us not one of the other 16,000 attorneys to the extent that you charged a common law percentage fee agreement, far more than the time-based fee you were able to do expo factor. It's theft. So what's done in good faith for more than a decade by 74% of 16000 attorneys suddenly becomes theft. Now I don't know if you've got any sort of legal background at all.

Sally: I have a law degree.

RB: Exactly. You'll know there's a concept of mens rea. You have to intend to commit a crime, now where eon earth is the mens rea in any attorney, your law society, your regulatory body and it's not only once, it's constantly sending out advisories to say this is good. And in fact what happened was this. There was a case not involving attorneys or personal injury work. A farmers cooperative in South Africa sued PW for negligence, for damages. They sued them for a large amount of money. They, PW is insurance, big firm in South Africa, took the point that the whole course of action against them was tainted because there was a contingency agreement in terms of which the funders of litigation would get 45% of the spoils and that went all the way

to the Supreme Court of Appeal and the Supreme Court of Appeal held that the agreement was perfectly valid that the old English concepts of maintenance and champerty are no longer part of South Africa law. The jurisprudence is strong enough to deal with such evils as may flow from unchanneled maintenance. And then there was a strange, a judge a bit of a maverick, Brian Southwood. The case of those attorney's fees. The funders were not attorneys. They were simply members of the club who put up the money to cover the fund. In a throwaway one liner he said however, any agreement between the client to act on contingency for a percentage is invalid. And of course once we saw that we thought hang on what does this mean. That was no more than what we call in South Africa an arbiter. It's not binding at all and if you take by Etienne Labuschagne. If anything this strengthens his opinion. Because if the supreme court of appeal has said that it's okay for laypersons who are not regulated in any way whatever to take 45% how much more so is it proper for attorneys who are tightly regulated to act on a contingency and he said this is further evidence for his proposition that the act does not preclude common-law agreements outside the act. Ja and a further interesting twist and it's on my website is Judge Southward obviously had second thoughts and reconsidered his position because years later in 2011 or 12, case with the name of Nisi came before him and the attorney had a straight 25% agreement. Now whereas Southward had said in 2005, any the agreement outside the act is invalid in fact he said illegal, he now didn't say anything about it, he said I know this is a common law, I'm referring to the Law Society for their consideration and he did and the Law

Society said fine no problem. This is exactly what we said our members should do.

They used the term overreaching which has a greater connotation than overcharging. Over reaching is you take advantage of the client, you outsmart the client. You outwit the client. We didn't outwit anybody. We just did – you see we didn't tout. Now – so now, Law Society has now taken over. We've had a full inspection of our books earlier in 2014 which was entirely kosher fine. Council gets taken over, from Sept 2015 it's under control of Discovery and they want to do a full inspection of our books, another one and we say fine. We sent a letter in September saying come hither. They send a 30-year-old full time Law Society employee Ashwin Reddy. Their junior to do the inspection and of course he comes straight to all those cases where van Wyk had set us up and everyone was a Miller matter. Miller had tapped successfully our common law contingency agreements. We say to him that was the explanation and there was a letter from KPMG saying it was all done and dusted. He goes to the case of Glenn Vivian. I want to give such a specific example. Glenn Vivian was badly injured and Darren did his case. He then immigrated to New Zealand. The ROAD ACCIDENT FUND offered him R45,000. \$4,500. For damages. Darren sent an offer to say look I've got to send you the offer, it's absurd. WE bust our guts talking to them internationally eventually persuading them let us run the case for you. Darren got 4.4 million, as happy as could be. He got touted, Miller sued. And obviously there was an enormous refund. So Darren tells the story to Ashwin

Reddy and Ashwin Reddy said what a disgrace, if you'd just taken the easy option out you would have got 45,000. So he produces a report which lists each one and says overreaching, overreaching. All only represented by Miller no other attorneys all coincidentally – by Miller. No complaints, no case against us except by Miler and they're all Discovery members. Then Reddy puts in the catch phrase. I've been on the council for 20 years as a past president. I chaired the disciplinary voluntary committee. I know how things work at the Law Society and the Law Society have an insidious disgraceful practice. IF it wanted to nail an attorney the legal officials concerned would call in a useful auditor inspector and say listen go and look at Joe Soap's books. You must put in the report that you believe the firm poses a risk to the fidelity fund which means they're stealing because we can then apply to suspend them. So Reddy puts the firm poses a risk to the fidelity fund. So the Discovery controlled council immediately latched onto that and basically jumped on the bandwagon with Discovery to suspend us. We get suspended. After we had to flee for our lives and I'm getting to why we did, the court appointed curator comes into our practice, has access to every practice file, all the bookkeeping records, a full audit point and 8 months down the line after him and his team have gone through everything, he issues a report on 16th November 2016. To say the trust account balances to the cent.

Two there's not been and there still isn't now a single claim against the attorneys fidelity fund. So I ask you with tears in my eyes Beamish and Miller

have been trumpeting non-stop and spokespersons for the Hawks and the NPA and now the last part was over a billion.

DB: Now it's just 12 million.

RB: I asked the question, a billion rand, if you divide by 10, it's \$100 million, it's quite a lot of money. You can get by on that. Quite well. And you'd have to have lots of clients. Where are the clients have you stolen from?

Wife: I'd like to tell what I have been through in the last few years.

RB: 68-year-old grandmother of seven imprisoned in a blanket on a concrete floor in a cell with drunkards, rapists, robbers being brought out through the night. No toilet no water no food no refreshments nothing, caged in a cell at the commercial crimes court, sitting in court, the state vigorously opposes her bail application. I've got the transcript. Under cross examination the corrupt policeman Lt Colonel Tobias Marais who is on Discovery's payroll why did you arrest Ms Bobroff, did you have an arrest warrant? No. Do you have a charge sheet? No. Is she a suspect for anything? No. Why did you arrest her? I got a call from one of my witnesses. Oh who is your witness? Mr George Van Niekerk. But Mr Van Niekerk you know is Discovery's attorney. I didn't know that. Brazen. So you're telling this court that you arrest a private citizen on the instructions of a private attorney. No answer.

So the law society does a 360 turnabout basically jumps on the bandwagon with Discovery with effect from Feb 2016. To a lesser extent even in November 2015 and we're ready to defend ourselves. We've got advocate

Nazeer Cassim SC, we've got our team to go. Now Darren gets this threat from Katz, the Hawks are onto you, you're going to be arrested and then in February he got emails, computer generated addresses, we tried to have them traced but you can't. Hawks, Bobrof family, money laundering, Israel, Malta. Now my partner lawfully bought two flats in Malta. He took his off-shore investment in London and bought two flats in Malta and went lawfully off his investment allowance as you're entitled to do, have to get a clearance from the revenue authorities, it's all above board, so money laundering, Israel, Malta, Hong Kong. Oh the Hong Kong. Katz has been telling the whole world since 2010, 11, that I've got, first it was \$500 million in Hong Kong. HSBC Hong Kong. Which made me quite excited, that's awesome you can get by on that. Subsequently it dropped to 350 million. And I actually wrote to HSBC to say look there's an alleged account in my name, \$350 million, do you have such an account? They just ignored me. So that was obviously the reference to Hong Kong and then we start getting increasingly worrying threats. We start getting phone calls late at night. My car, our cars we find that the tyres have been slashed. We come out the office and there's, as I reverses they put a special kind of nail, as you reverse it goes into the tyre.

DB: They were watching everything we did all the time. My children everything.

RB: we've been subjected to Beamish's it's a campaign beyond imagination. In fact in a case we had in court, the judge described Beamish and Beamish was sitting there. He said this is a man I would never have in my home for dinner. Not the kind of person I'd bring my home for dinner. His writing is nothing

more than doggerel. And he's mean spirited. I've got the recording of that. He then started harassing our webmaster. A very mild man Paul Mullen. He started phoning him at three in the morning, threatening. I know where you are I'm coming to get you now. That's on my website. Mullen had to get a protection order against Beamish. The guy is absolutely –

DB: Anyone who tries to stand up for us, represent us, they try and harass them and scare them. They did it with lawyers of ours, even our one lawyer in South Africa. Anyone who tries to have anything to do with us.

RB: You see everyone's got some sort of skeleton. For example our attorney had been sequestered some years previously because his bookkeeper stole money from his trust account. Also didn't prosecute him as it wasn't his fault and he got rehabilitated. At that stage he was trying to get onto the bank's panel for collections to conveyancing. Beamish publishes a whole article in a magazine called Noseweek. It's like a muck raking magazine. And sequestered, theft from his trust account as if Tony has stolen from this trust account and Tony phoned me and said Ron I can't act for you anymore. And I said why, he said have you seen this. I'm desperately trying to get on the – they're going to see this. I haven't got a hope in hell. It's just too dangerous. So our advocate Ian Zidel SC, Beamish featured him in a Noseweek article as well. His wife's a real socialite, she said you can't be associated, because look my friends say what's going on here. So they pick off one by one. Okay. And afternoon of 15th March I'm in my office and the phone rings. Hello. It's like a male voice but like an electronically altered voice. Almost like a computer

voice. It said hi Ron I'm phoning to give you a friendly tip off. Discovery have arranged to have Darren's wife jailed any moment and they've got high [attacks] in prison who are going to gang rape her. And they're going to have you and Darren thrown into jail and if not murdered severely assaulted. You'll probably end up being quadriplegics. Who is this, please, why don't you meet with me, tell me who you are. Phone goes off. What do you do? So I phoned some investigators I knew that were involved in the underworld and two senior advocates that do criminal work and said what do I do and they both said they'll make some enquiries. Let's meet in the evening. And we met in the evening. They said we've made enquiries. You and Darren must leave immediately. Discovery are the mafia, they'll kill you. Because they realise that they're not going to get anywhere in what they've been doing so far and they're going to kill you or severely severely hurt you. I hadn't told Darren anything yet. I was agonizing what to do. I thought if I told him, you better get your, phone Lisa's parents to come over I'm coming to your house and I went and I told them. And it was very difficult and they packed their suitcases, take a few things. Lave the homes the pantry fully stocked, little pet dog for my other daughter to take and basically flee. I got a call the morning the 14th of March from our attorney to say oh we've just been contacted by Colonel Marais. He wants you and Bezuidenhout and Darren and Darren's wife to appear in the commercial crimes court for questioning. So I said well the application by Discovery to suspend us starts this morning. It was set out for the 14, 15th and 16th. And I've got three of Miller's matters that I've got to prepare opposing affidavits. We can make it by the 23rd, is

that going to be okay and he said fine, I'll tell him the 23rd so I said look so you can be back 5 in the morning on the 23rd. Because our investigator said look he will put out tentacles and try and identify exactly who had made the thread and expose it and neutralize. I said to Elaine and my daughter, I'm 68, if they want to kill me, it's just too bad I'm not going and they begged and pleaded and said but Dad they'll kill you and harm you and hurt you. Anyhow I refused. And eventually on the Saturday my daughter just booked a ticket for me. I said well I've got to be back on the 23rd and I left on Saturday the 19th. I left freely on my South African passport. Darren left freely on his South African passport. We'd never been charged with anything. Nothing at all.

DB: There are no charges.

RB: There never will be.

DB: they are going to charge us with charging common law fees?

RB: I'm in my hotel room, it's ten to four in the morning Sydney time. My phone beeps. And flashes as you know an iPhone flashes when it beeps.

DB: Just also recent articles that the Hawks, Interpol is hunting for us. There's a hunt for us. We've been here for 2.5 years with our addresses listed on court documents, everyone knows we're here but Interpol is now hunting for us.

RB: We're on the most wanted list. There's no such thing. It doesn't exist.

DB: They're hunting for us.

Sally: I have seen red notices though.

RB: Yes no you know how easy it is to get a red notice. There's a case in South Africa three months ago, a Lebanese business man, South Africa, went to Lebanon, did some business with someone, they had some disagreement, and the guy there paid a policeman to issue a red notice, for \$100 you get a red notice issued, if you've got a friendly police man. I mean Interpol, there's firms of attorneys now in Nice that are bringing applications on a daily basis against Interpol to remove people off the red notice list. Become totally corrupt.

DB: They use it also as a political vendetta. But I mean they list, they just listed I think on the red notice fraud. Fraud.

Sally: Yeah that's what it says.

DB: Fraud with what?

Sally: Wow.

RB: You see the time 3.50. and we've tried to identify it, but the number look the number. I had forensic guys in Brisbane try to do it. But they can't. It's behind 2, 3 levels of security. So I see this, I immediately forward this to Advocate Cassim and I phone him and say I just got this, is Elaine there. He said well look Elaine is with your daughters and son in laws, obviously they're concerned and deciding what to do about the situation. He said it's nonsense why would they arrest Elaine go back to sleep, it's just Beamish trying to aggravate you. I couldn't go back to sleep. 15 minutes later my daughter phoned me weeping daddy the police have come to arrest mommy. I said let

me speak to Cassim. Nazeer you've got to do something about this, he said don't worry I'll handle it. He said to this policeman he said look Mrs Bobroff is going nowhere. You've come to my home to arrest my client. I'll pay for a police guard, she can stay at my home, you can put a police guard, I'll pay for it. No says Marais. I'll pay for her to stay at the Rosebank hotel opposite the Rosebank police station. You can put a police guard there, I'll pay for it. He had instructions from Van Niekerk you see. AS we found out at Elaine's bail hearing. And they say Elaine she's so claustrophobic she won't go in a lift. Fortunately there was no cell available at the Rosebank police station so they took her to Norwood another suburb of Johannesburg and at reception the commanding officer a black man said to her as he saw Elaine he said I know your husband. He's a good man. He's helped so many of my people, I see you're very claustrophobic. I won't put you in a cell but all I can offer you is in the cell reception area and there's no mattresses there. You can just lie on the blanket on the floor. A good man. And my advisor said Ronald you dare not come back, if they're going to do that to your wife, they will still harm you, probably murder you. And if they don't you will never get out this country, they will keep you here until the day you die. They will pay they will bribe. They've got tentacles as you can see. They've got tentacles onto the Hawks. The lieutenant colonel and it's common knowledge, you just have to google South Africa, google Hawks, google the NPA. Corruption. There's an application now [overtalking]. There's an application to move the current head of the Hawkes from his position. IT is, it's sad for me to say because it's still my beloved home. I stay at my home, ready waiting for me. Everything is

there. I'd just like to get on a plane and go home and try and resume something of a life. But we've been told it's just so dangerous, they'll kill us. And Beamish has been staking up such hype, South Africa has got some crazy people and –

DB: It's just all repeats like these latest things, this Interpol rubbish – it's just a repeat from 2016, they just keep repeating it.

RB: Now the Hawks have been saying, it's this chap Mfaku. He's a spokesperson for the Hawks, for the NPA and there's Brigadier Mulaudzi. Now they've both been saying we've stolen hundreds of millions and over a billion and we're about to be extradited tomorrow. Now they're finally starting, because we're going to sue. We're about to launch a massive action. So they now realise put your money where your mouth is and they now realise there is no theft. Because they've been going through our records at the Law Society. They took away everything. They've been poring over these records for like 2.5 years now. There's nothing. Because not a cent was stolen from anybody. Ever. Not a single client has suffered. Not a single client has come to the fidelity fund and said they stole our money. Repay me. Nothing. So there will be nothing so it's all false. It's all smoke and mirrors and now they say they can't apply for an extradition because they've got no charges and they need more documents. So the files been sent back to the prosecutor. There's no charge sheet. Our attorneys' bene asking for it from –

DB: And they can give a charge sheet without – we keep asking.

RB: At the time of Elaine's hearing, Marais was cross examined by my advocate and said to him, is your discussions now complete. 23 March 2016. Yes it is. Good. Can in terms of the constitution case law, you're entitled to the complete police docket. Can we have the docket, yes. I don't know if you've seen it, we haven't, because she'll send it in 10 days' time says the prosecutor. 10 days comes and goes. Marais' commander has just come back from holiday, they need to go through all of the dockets we'll give it to you at 10:30, it never happened. They then realised because the attorney counsel said to me and obviously told the state that Elaine is going to sue for malicious arrest and prosecution. And they realised once the document available there's nothing there. So the discussion all of a sudden is ongoing. In effect I told Elaine I said look we can't do anything, it's just too dangerous you can't sue them. Because they'll take it out on you and I've still got family even though Elaine is here now I still have family in South Africa.

Sally: When did Elaine come here?

DB: April last year.

RB: She came back and forth. After, so they kept harassing her. She got out on 50,000 rail. Beamish reported she had to have an electronic monitor and it was I think 150,000 bail which was all false but they tried to set her up so she saw Katz's mother at a shopping centre having tea and remember this is her friend since they were 9yo and as recently as 2015 we went out socially with her and her boyfriend. So Elaine sees her and says are you proud of what your son has done now. Are you proud that he put me in jail for nothing? And

Marisa said well my husband is in heaven and your husband was in Australia. I was holding his hand, he died from emphysema. The same day a letter comes from Van Niekerk to the state, the prosecutor, copied our attorney, he wants Mrs Bobroff's bell to be [street] because she's interfering with the state witnesses. Mrs Katz aint no state witness. So our attorneys had quite a time dealing with it. They said it's bullshit, but it was quite a scary moment and our attorneys said Elaine needs to get out of here. I said she's not going anywhere. My daughters are there and 5 grand children are there. We're coming home. But they persisted and in July they postponed the matte from March to July 2016. Tells our advocate she's going to ask for postponement until December. NO you're not, you can ask for it but you're not going to get it and they prepared a substantive application to say put up or shut up. Produce charges, give us the docket or else withdraw everything. First they tried to oppose it and they could see they were getting nowhere, they eventually caved in and everything was withdrawn against Elaine. So Elaine goes to a resort just to try and recover a little bit of composure and she books to come on my birthday, August 7. Your interview is quite timed well. I hope your article doesn't give me a bad birthday and they say they've been tipped of that Marais is going to stop her leaving the country because he's bene instructed by Van Niekerk to do so. So they prepared in advance an application or an interdict. They made it available to the urgent judge, after hours duty judge who says he will issue an interdict and they must keep him informed if any attempt is made to stop Elaine leaving.

Sally: I have to go, I'm really sorry.

RB: So the bottom line is this. We have committed no criminal offences ever, there is no money missing from our practice, the Interpol red notices are based on fraud, fabricated lies. WE have been terrorized whilst in Sydney, we continue to receive emails threatening us. Saying we know where your wife is, we know where your daughters are. We know where Darren's children are at school here. They will be harmed if you don't come back. Beamish has distributed to the entire Jewish community within the whole of Sydney all his poison so they all think that we're absolute crooks and thieves. Why don't you go home if you're innocent, if you've got nothing if you're innocent why don't you go home. Would you go back?

Sally: Will you ever go back?

RB: Would you go back?

Sally: Probably not.

DB: There's no charges so it will never get to a trial so they'll just keep me there, keep me there because they've got nothing. [overtalking]

RB: Will you send me your article before you publish.

Sally: I can send you the quotes that I'm going to use from you guys, but I can't send you the story, no.

RB: Do you believe me?

Sally: I think so yeah. I think I do.

DB: Everyone does. If you look at the documents it speaks for itself.

RB: This is the file of threats. This is the file of threats.

DB: Why doesn't Beamish ever print, the letters from the fidelity fund. They want us to look like criminals who've skipped the country. That's what they want us to -

RB: Miller's sequestrated, on basis of fraudulent judgements. That's just one.

Sally: Can I take this?

RB: You can.

Sally: I'm going to write down my contact details so if there's anything you'd like to -

RB: You might want to take this as well.

Sally: I will take it thank you.

RB: We have no lives. I mean Darren's driving Uber. He's a qualified attorney.

Sally: Thank you very much. Thank you both so much for taking the time to speak to me as well.

RB: I'm sorry if I was a little rude initially but I -

Sally: No no. Of course and also it's your prerogative whether you want to speak to us or not.

RB: Well I've always been a media person.

DB: I said a year ago we should have gone to the media here.

RB: Darren did say that.

DB: The Sydney morning Herald. I always read it, said we should have gone then.

RB: Our life savings which we sent to Israel is all lawful, after tax life savings, they've frozen based on malicious allegations, so we have no money here. We're basically living on the smell of an oil rag.

Sally: Wow that must be hard.

RB: It's very hard after 42 years in practice and the age of 71.

Sally: Thank you very much.

RB: It's quite a thing not to be able to go out for a meal more than once a week perhaps to a cheap restaurant. This is from the street, that I bought from [Heldies] that's from Elaine's brother in law. That's his old couch, our wonderful thing and a family member in America bought that suite for us because we had nowhere comfortable to sit and that's it.

Sally: It's tough isn't it. Thank you both so much for your time. You've got my contact details. So –

[walking away from mic]