

IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

Case No: 61790/12

In the application by:

THE LAW SOCIETY OF THE NORTHERN PROVINCES

Applicant

and

JENNIFER GRAHAM

First Applicant in main application

MATTHEW GRAHAM

Second Applicant in main application

ROAD ACCIDENTFUND

Intervening third applicant in main application

RONALD BOBROFF & PARTNERS INC

Second Respondent in main application

RONALD BOBROFF

Third Respondent in main application

DARREN BOBROFF

Fourth Respondent in main application

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LAW SOCIETY'S REPLYING AFFIDAVIT AND ANSWERING AFFIDAVIT TO  
COUNTER-APPLICATION

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I, the undersigned,

SOLOMON STRIKE MADIBA

do hereby make oath and say:

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ROOTH & WESSELS  
ATTORNEYS



1. I am the President of the Law Society and I am authorized to depose to this affidavit on behalf of the Law Society. The contents of this affidavit, where they are within my own knowledge, are true and correct. Where the contents are not within my own knowledge, they have been made known to me and I believe in their veracity. I also rely on the advice of experts.

2. PRELIMINARY REMARKS

- 2.1 The Law Society has considered the counter-application and the affidavit deposed to by attorney van Niekerk of ENSafrica (attorney van Niekerk) relating to both the Law Society's application and the counter-application.
- 2.2 This affidavit serves as the Law Society's replying affidavit to attorney van Niekerk's answering affidavit as well as its answering affidavit to attorney van Niekerk's founding affidavit to the counter-application. In addition to addressing the merits of the application, I will attempt to assist the Honourable Court by furnishing it with the Law Society's views and recommendations.

- 2.3 Attorney van Niekerk opposes the Law Society's application. The only ground for such opposition is that the relief sought by the Law Society is, allegedly, inadequate and *does not go far enough*.
- 2.4 I will refer to the first and second applicants in the main application jointly as "the Grahams", to the second, third and fourth respondents in the main application jointly as "the Bobroffs" and to the applicant in the current application as "the Law Society". I will refer to the Bobroffs individually as "Ronald Bobroff", "Darren Bobroff" and "the firm".
- 2.5 I will refer to the main application which was brought by the Grahams during 2012 as "the first application", to the current application as "the Law Society's application" and to attorney van Niekerk's application as "the counter-application".
- 2.6 The notice of motion, with the exception of paragraph 6 thereof, reflects that no substantial relief is sought against the Law Society. The relief sought in paragraph 6 of the notice of motion is however pre-mature and, in addition, stands to be dismissed on the merits. Attorney van Niekerk nevertheless seeks a punitive cost order on the attorney and own client scale against the

Law Society. His request for costs is without any merit and strenuously opposed by the Law Society.

- 2.7 The main thrust of the relief sought by attorney van Niekerk is aimed at the Bobroffs. He severely criticizes the Bobroffs for, *inter alia*, delaying the Law Society's investigation and disciplinary enquiry. He nevertheless also blames the Law Society directly and indirectly for the Bobroffs' conduct.
- 2.8 Attorney van Niekerk vehemently criticizes and aggressively attacks the Law Society. His allegations concerning the Law Society correspond to a significant extent with the allegations contained in a barrage of correspondence that he had addressed to the Law Society. Attorney van Niekerk's attack on the Law Society is unfounded, distasteful and scandalous to say the least. It constitutes reprehensible conduct on the part of an officer of the Court.
- 2.9 The relief sought by attorney van Niekerk is founded upon speculation, unfounded perceptions, inaccurate, sweeping statements and unmeritorious arguments. His version of events is furthermore fraught with inconsistencies and contradictions.

2.10 I will demonstrate below that attorney van Niekerk is not acting in good faith in his dealings with the Law Society.

2.11 I will also demonstrate below that attorney van Niekerk's conduct is very relevant to the merits of the counter-application. Attorney van Niekerk has been and still is the single most significant obstacle in the finalization of the Law Society's enquiry. The entire counter-application is tainted by attorney van Niekerk's conduct.

2.12 The Law Society's disciplinary processes are not complicated. Once a complaint against an attorney and his/her comments thereon have been received and it appears that a *prima facie* case of misconduct has been made out, charges are formulated and the attorney is called upon to appear before a disciplinary committee in order to answer thereto. The complainant and his/her legal representative play no part in the Law Society's investigation and enquiry, save for testifying on the relevant facts at the enquiry. At the conclusion of the enquiry the disciplinary committee makes a finding and imposes the sanction it deems appropriate. If the complainant is not satisfied with the outcome of the enquiry he/she may take the proceedings on review.

- 2.13 The Grahams' complaint would have been handled accordingly and the disciplinary enquiry would have been finalized was it not for attorney van Niekerk's conduct and involvement, which is referred to in greater detail below. Attorney van Niekerk has succeeded in derailing the Law Society's investigation and disciplinary proceedings and delaying the finalization of the disciplinary enquiry for a period of many years.
- 2.14 The counter-application as far as it concerns the Law Society is without merit, unwarranted, ill-advised and vexatious. It constitutes an abuse of the Court process and stands to be dismissed with costs on the attorney and own client scale, alternatively costs *de bonis propriis*.
- 2.15 The notice of motion is problematic. First, the relief provided for is unsustainable. Second, the formulation of the relief is hopelessly inadequate. I will refer to the notice of motion in more detail below.
- 2.16 Several of the issues raised by attorney van Niekerk in his affidavit have already been raised in the main application and have been dealt with by the Honourable Court in its judgment dated 15 April 2014. The allegations contained in attorney van Niekerk's affidavit are unnecessarily repetitious and

the affidavit is replete with longwinded, sweeping and unsubstantiated statements.

2.17 Before dealing with the contents of attorney van Niekerk's affidavit in more detail, I wish to refer the Honourable Court to certain pertinent aspects. I will deal with these aspects under the following headings:

2.17.1 Urgency.

2.17.2 *Locus standi*.

2.17.3 Non-joinder.

2.17.4 Right of review.

2.17.5 Discovery's involvement.

2.17.6 Attorney van Niekerk's conduct and involvement.

2.17.7 Application for suspension.

- 2.17.8 Contingency fee agreements.
- 2.17.9 Chronology.
- 2.17.10 Law Society's disciplinary powers.
- 2.17.11 Notice of motion and relief sought.
- 2.17.12 Attorney Anthony Millar and Norman Berger.
- 2.17.13 Section 71(4) of the Attorneys' Act.
- 2.17.14 Litigation on behalf of complainants and soliciting of complaints.
- 2.17.15 Matojane judgment.
- 2.17.16 Inspectors' report/s.



3. URGENCY

- 3.1 The counter-application is brought on an urgent basis. The Law Society does not accept that the counter-application is urgent.
- 3.2 Attorney van Niekerk has failed to comply with the Honourable Court's practice directives pertaining to urgent applications.
- 3.3 The notice of motion to the counter-application is defective.
- 3.4 No succinct and convincing grounds for the hearing of the counter-application on an urgent basis have been provided.
- 3.5 Attorney van Niekerk has brought the counter-application at a very late stage. The substantial delay in bringing the application is not explained properly or at all. The counter-application was most probably prompted by the Law Society's application, which application is being brought in the normal course. The relief sought by the Law Society in its application is entirely adequate and appropriate. Was it not for the fact that attorney van Niekerk opposes the Law

Society's application and the fact that he brought a counter-application the Law Society's application would by now have been heard and finalised.

3.6 The counter-application is voluminous and comprises hundreds of pages, if not more than a thousand.

3.7 The counter application and the annexures thereto have not been indexed and paginated.

3.8 I submit that the counter-application should be heard in the normal course, jointly with the Law Society's application. For the abovementioned reasons alone the counter-application stands to be struck with costs on the attorney and own client scale alternatively costs *de bonis propriis*.

4. LOCUS STANDI

4.1 The Grahams and/or attorney van Niekerk does not have *locus standi* to bring the counter-application.

- 4.2 Ms J Graham (the first applicant in the first application) was not a client of the Bobroffs. The Bobroffs acted on behalf of Mr Graham (the second applicant in the first application) who had sustained injuries in a motor vehicle accident.
- 4.3 The counter-application appears not to have been brought on instructions of the Grahams, but by attorney van Niekerk acting on behalf of Discovery. The Grahams probably serve as a front for Discovery. If so, they have become pawns in a bitter dispute between the Bobroffs and Discovery and they are being abused in the process.
- 4.4 The counter-application deals with several matters, only one of which is the Grahams' complaint against the Bobroffs.
- 4.5 The Grahams have merely deposed to confirmatory affidavits that were for reasons unknown to me only served belatedly, on 11 May 2015. Although they state they have read and considered attorney van Niekerk's affidavit in the counter application, they do not:
- 4.5.1 identify which information allegedly falls within their personal knowledge;

- 4.5.2 deal with the notice of motion and the relief sought;
  - 4.5.3 explain why they, as the purported applicants, did not depose to the founding papers;
  - 4.5.4 explain what their interest in the relief sought by attorney van Niekerk is; and
  - 4.5.5 explain their relationship with Discovery and disclose whether they have been approached by Discovery to act as the applicants in the counter-application.
- 4.6 It could have been expected of the Grahams to depose to the founding papers and not attorney van Niekerk. It is unheard of for an attorney of record to depose to a founding affidavit in a matter in which he/she is not cited as a party and in circumstances where substantive relief is sought. No explanation for having deposed to the founding affidavit and for playing such an active and prominent role in the proceedings have been provided by attorney van Niekerk.

- 4.7 The matters relating to the Bobroffs' former clients referred to by attorney van Niekerk, excluding the Grahams' complaint, do not appear to fall within his or the Grahams' personal knowledge. It further appears that the relevant information was provided to attorney van Niekerk by attorney Anthony Millar of Norman Berger & Partners (attorney Millar). Attorney Millar deposed to a confirmatory affidavit and also listed his clients therein. All these clients are former clients of the Bobroffs. If the said clients had an interest in the matter, as attorney van Niekerk alleges, they should have applied for leave to be joined as parties to the counter-application.
- 4.8 The application is purported to be brought in the *public interest*. I reject this contention.
- 4.9 Attorney van Niekerk makes the following allegations in an attempt to support his contention that the application is brought in the *public interest*.
- *The applicants have standing in the counter-application in their own right since they were victims of the Bobroffs' misconduct.*

Paragraph 9 of attorney van Niekerk's affidavit

- *The applicants also approach this Court in the public interest.*

Paragraph 11 of attorney van Niekerk's affidavit

- *The public interest element of this litigation thus requires a special dimension because there are potentially thousands of past clients of RBP, who like the applicants, were convinced to conclude common-law contingency fee agreements and have been similarly overreached.*

Paragraph 12 of attorney van Niekerk's affidavit

- *The need now for the courts and the Law Society jointly to ensure the finalization of a practice-wide inspection and investigation of the Bobroffs' accounts is imperative -- particularly to ensure that all the cases of potential misconduct against past victims might be identified in order that reparative steps might follow.*

Paragraph 12 of attorney van Niekerk's affidavit

- *It cannot be correct that individual clients and past clients should individually have to pursue cases of misconduct against the Bobroffs.....*

Paragraph 13 of attorney van Niekerk's affidavit

- *The counter-application is aimed at...comprehensive investigation...each of the cases of malpractice in the Bobroffs' practice.....*

Paragraph 13 of attorney van Niekerk's affidavit

4.10 The abovementioned allegations have no merit and I deny them. Attorney van Niekerk clearly attempts to cure his and the Grahams' lack of *locus standi*. I submit that his attempt stands to fail.

4.11 The counter-application stands to be dismissed with costs on the attorney and own client scale alternatively costs *de bonis propriis* on this ground alone.

## 5. NON-JOINDER

5.1 The application is fatally defective on the ground of non-joinder.

- 5.2 Attorney van Niekerk requests and order for the Bobroffs' suspension from practising as attorneys. Ronald Bobroff and Darren Bobroff are however not the only directors of the firm. Their co-director, Mr S Bezuidenhout (attorney Bezuidenhout), should have been joined as a party to the proceedings as he has a direct and significant interest in the counter-application and the relief sought.
- 5.3 Attorney van Niekerk in addition seeks the appointment of a curator for the firm. In this respect also he should have joined attorney Bezuidenhout as a party to the counter-application.
- 5.4 Attorney van Niekerk seeks two orders against the inspectors who conducted an inspection of the Bobroffs' accounting records and who are yet to conduct a further inspection. The inspectors are not identified in the notice of motion and they have not been joined as parties to the counter-application. One of the inspectors, Swart, is not in the employ of the Law Society.
- 5.5 None of the individuals referred to by attorney van Niekerk and who, allegedly, have an interest in the matter, namely De Pontes, Vivian, Fourie, Harris, Maree,



Motara, de Swart, Wilkinson, Hunter, Nell, Alves and Wong have been joined as parties to the counter-application. The said individuals have not deposed to confirmatory affidavits either. These former clients of the Bobroffs are being represented by attorney Millar.

- 5.6 The abovementioned facts constitute material non-joinder. The counter-application stands to be dismissed with costs on the attorney and own client scale alternatively costs *de bonis propriis* on this ground alone.

6. RIGHT OF REVIEW

- 6.1 In my view the correct approach for attorney van Niekerk and the Grahams would have been to support the Law Society's application and to await the finalization of the Law Society's inspection and the pending disciplinary enquiry.

- 6.2 Upon the finalization of the disciplinary enquiry the Grahams have the right to take the proceedings on review, should they be dissatisfied with the outcome. Both attorney van Niekerk and the Grahams are aware of this remedy as the Honourable Court specifically referred thereto in its judgment.

6.3 The exercise of the Law Society's powers in the disciplinary enquiry is subject to review on the grounds provided for in Section 6 of the Promotion of Administrative Justice Act No 3 of 2000.

6.4 The Honourable Court made the following relevant findings in its judgment in the first application:

- *I am of the view that should there be any evidence of impartiality, bias or reluctance on the part of the Law Society to proceed against the Bobroffs for whatever reason in the Disciplinary Enquiry, then the Grahams would be entitled to take the Disciplinary Enquiry and the outcome thereof on review.*

Paragraph 57 of the judgment

- *It seems to me that where the Law Society fails to exercise its duties or its functions in terms of the Act and the Rules of the profession, such may give rise to a review of its conduct, decision or failure to take a decision, at the instance of an aggrieved complainant in terms of Section 6 of PAJA.*

Paragraph 81 of the judgment

6.5 Attorney van Niekerk and the Grahams appear not to have accepted the Court's findings, which findings they for undisclosed reasons did not take on appeal.

6.6 The counter-application stands to be dismissed with costs on the attorney and own client scale alternatively costs *de bonis propriis* on this ground alone.

7. DISCOVERY'S INVOLVEMENT

7.1 It is common cause that attorney van Niekerk's legal fees are being paid by Discovery Medical Scheme (Discovery). This is peculiar indeed.

7.2 If Discovery had a legitimate interest in the matter, it should have brought an application to be joined as a party to the proceedings.

7.3 Despite the fact that Discovery's involvement was extensively dealt with in the affidavits filed of record in the first application, attorney van Niekerk has yet to take the Honourable Court into his confidence and to fully disclose the facts

relating to Discovery's involvement, its motives, its interests and the extent and nature of his instructions.

- 7.4 Attorney van Niekerk initially denied that he acts for Discovery. He deposed to an affidavit and stated in paragraph 47 of the affidavit:

*I also deny that I act on behalf of Discovery Health or any of the entities in the Discovery Group of Companies.*

- 7.5 It is well known in the legal fraternity that attorney van Niekerk and his firm, ENSafrica, act on behalf of Discovery.

- 7.6 Attorney van Niekerk's allegation was contradicted by an official statement that he had issued. He said the following in the statement:

*ENS (Edward Nathan Sonnenbergs) was instructed by Discovery Holdings to assist a number of the members of the Discovery Health Medical Scheme, who were former clients of Ronald and Darren Bobroff and Ronald Bobroff & Partners Incorporated Attorneys.*

- 7.7 Attorney van Niekerk has yet to explain the abovementioned contradiction.
- 7.8 The fact that attorney van Niekerk acts for Discovery is also reflected in his *curriculum vitae* that can be found on the website of ENSafrica.
- 7.9 In the first application attorney van Niekerk also attempted to explain that the application was brought in the public interest and not in the Grahams' interests. The Law Society did not accept attorney van Niekerk's contention in this regard then and I do not accept his submissions now either.
- 7.10 The most probable scenario is that the first application as well as the counter-application were brought on instructions and in the interests of Discovery, which has a long-standing feud with the Bobroffs. The litigation is the result of the personal and acrimonious dispute between Discovery assisted by attorney van Niekerk and the Bobroffs.
- 7.11 It is significant that all the former clients of the Bobroffs referred to by attorney van Niekerk in his affidavit are members of Discovery. This is no coincidence.
- 7.12 In a statement issued by Discovery on 26 October 2014, it said the following:

Overreaching and other charges against Mr Bobroff

*Recently, numerous Court orders including some by the Supreme Court of Appeal and the Constitutional Court, have been made against Ronald Bobroff and Partners in respect of it excessive and unlawful fees charged to its clients. The impact of these unlawful fees has created severe repercussions for clients who have typically suffered significant injuries from motor vehicle accidents.*

*In addition to these court orders, Ronald Bobroff and Partners has also been charged with approximately 20 counts of unprofessional conduct and breaches of ethical duties by the Law Society of the Northern Provinces.....*

*Discovery Health has supported these cases against Ronald Bobroff and Partners because we believe that we have an obligation to assist and protect our members, particularly those that find themselves in a vulnerable position. We also believe that we have a duty to defend the integrity of the broader structures of our society, in this case the Road Accident Fund.*

My emphasis

A copy of Discovery's statement is attached hereto as annexure 1.

7.13 On 5 November 2014 Fin 24.com reported on allegations of misconduct and unlawful action on the part of the Bobroffs and the saga concerning Discovery and its attorneys ENSafrica on the one hand and the Bobroffs on the other (annexure 2).

7.14 Polity.org.za reported on 29 October 2012 that ENS was instructed by Discovery to assist a number of Discovery members who are former clients of the Bobroffs. According to the said article Discovery is concerned about the professional fees charged by the Bobroffs and the impact of these fees on the compensation received by claimants. The said article also stated that further enquiries should be directed at either attorney van Niekerk or his associate, Ms Annemarie Joubert (annexure 3).

7.15 Bizcommunity.com reported on 7 November 2012 on a statement issued by attorney van Niekerk to the effect that he was instructed by Discovery to assist

members of Discovery who are former clients of the Bobroffs. Attorney van Niekerk also said that it was he and ENSafrica who discovered that the Bobroffs had entered into various contingency fee agreements that appeared to attorney van Niekerk and ENSafrica to be unusual (annexure 4). Attorney van Niekerk and ENSafrica most probably received their instructions in this regard from Discovery.

7.16 The fact that Discovery is funding attorney van Niekerk's legal fees was also reported on in a Personal Finance article which was published on 4 November 2012 (annexure 5).

7.17 A similar article appeared in bdlive.co.za (annexure 6).

7.18 Risksa.com reported on 30 October 2014 that Discovery is supporting a case against the Bobroffs (annexure 7).

7.19 There can be no doubt that Discovery and attorney van Niekerk were the driving force behind the first application and that they are the driving force behind the counter-application.



7.20 In one of attorney van Niekerk's statements he accused the Bobroffs of litigating in the media. He raised as a concern the Bobroffs' lack of respect for the Law Society. He did so in circumstances where he himself has consistently treated the Law Society with nothing but contempt and in circumstances where he himself had issued several media statements concerning Discovery and the Bobroffs.

7.21 Discovery appears to operate behind the scenes in a clandestine manner and funds litigation to which it is not a party. Discovery's involvement and motives are not explained by attorney van Niekerk.

7.22 The feud between Discovery and the Bobroffs is personal and acrimonious in nature and I do not accept that Discovery and attorney van Niekerk, or the Grahams for that matter, merely act in the "public interest".

7.23 Discovery's involvement and interest in the Bobroff matter was also demonstrated by the fact that Mr J Katz (Katz), the in-house legal advisor to Discovery, attended the hearing of the first application.

7.24 I will refer to the involvement of attorney Millar, who also attended the hearing of the first application, in more detail below.

8. ATTORNEY VAN NIEKERK'S CONDUCT AND INVOLVEMENT

8.1 Attorney van Niekerk's conduct is relevant to the merits of the counter-application on the strength of the facts provided above and for further reasons which will be dealt with below.

8.2 Attorney van Niekerk's conduct in the first application was appalling to say the least. He agreed with scathing remarks made by the Grahams concerning the Law Society. He made similar allegations in correspondence addressed to the Law Society. The Law Society has been criticized and attacked from the outset.

8.3 The Law Society was in very strong terms accused of, *inter alia*, the following:

8.3.1 it has failed to take the requisite action expeditiously and in proper fulfillment of its obligations;

8.3.2 it is unwilling and unable to do its duty;

- 8.3.3 it is unwilling to expeditiously and diligently comply with its duty to investigate;
- 8.3.4 it has failed to independently and vigorously pursue the case against the Bobroffs;
- 8.3.5 its failure is a culmination of other abdications and evasions;
- 8.3.6 it has a supine approach in the matter;
- 8.3.7 its conduct is manifestly in violation of its duties under the Rule of Law as the statutory custodian of the attorneys' profession and in violation of the Bobroffs' duty as attorneys;
- 8.3.8 it is guilty of recalcitrant conduct;
- 8.3.9 the Bobroffs enjoy inexplicable latitude at the hands of the Council of the Law Society; and

8.3.10 it has abdicated its responsibility.

8.4 The abovementioned references are mere examples and represent the proverbial tip of the iceberg.

8.5 Attorney van Niekerk's criticism was entirely unfounded and his allegations concerning the Law Society were scandalous, reckless and unbecoming an officer of the Court. Attorney van Niekerk was clearly biased in his dealings with the Law Society and he was not acting in good faith. In its judgment the Honourable Court found:

*It seems to me that the Grahams were rather impatient with the procedures followed by the Council.*

Paragraph 47 of the judgment

8.6 It bears repeating that attorney van Niekerk agreed with the Grahams' views concerning the Law Society.

8.7 The Honourable Court also found:

- *Van Niekerk was exerting a lot of pressure on the Law Society to a point of elevating the Grahams' complaint for consideration above others.*
- *Van Niekerk, as an attorney, should have been aware of the provisions of the Act in this regard.*

Paragraph 73 of the judgment

- *This view is supported by Van Niekerk's sustained attack on the Law Society, starting within six weeks after the complaint was lodged, and repeatedly threatening the Law Society that the Grahams will approach this Court, should their demands not be met.*

Paragraph 76 of the judgment

- 8.8 In the counter-application attorney Van Niekerk tirelessly persists in his unacceptable conduct. He in fact goes as far as suggesting *mala fides* on the part of the Law Society. His allegations concerning the Law Society are entirely unfounded, not appreciated and in bad taste.

8.9 The gist of attorney van Niekerk's views concerning the Law Society is that the Law Society has failed to fulfil its statutory duties and to handle the matters concerning the Bobroffs correctly and that it is protecting the Bobroffs. His views are unfounded and I strongly deny each and every allegation in this regard.

8.10 The scandalous and contemptuous allegations made by attorney van Niekerk in the counter-application concerning the Law Society need to be emphasised. They include:

8.10.1 the Law Society has failed to discharge its statutory duties, to vindicate the administration of justice and to protect the reputation of the legal profession.

Paragraph 11 of attorney van Niekerk's affidavit

8.10.2 the Law Society is unable or unwilling to take decisive action.

Paragraph 14 of attorney van Niekerk's affidavit

8.10.3 the Law Society's *stance* is inappropriate and ineffectual.

Paragraph 17 of attorney van Niekerk's affidavit

8.10.4 The Law Society should *make amends for past wrongs*.

Paragraph 23 of attorney van Niekerk's affidavit

8.10.5 The Law Society has a protective attitude towards the Bobroffs.

Paragraph 32 of attorney van Niekerk's affidavit

8.10.6 The Law Society is not impartial and independent.

Paragraph 32 of attorney van Niekerk's affidavit

8.10.7 The Law Society acted irresponsibly.

Paragraph 32 of attorney van Niekerk's affidavit

8.10.8 The Law Society is in dereliction of its duties.

Paragraph 32 of attorney van Niekerk's affidavit

8.10.9 The Law Society did nothing to protect the reputation of the attorneys' profession.

Paragraph 192 of attorney van Niekerk's affidavit

8.10.10 The Law Society has abdicated its responsibility as custodian of the legal profession.

Paragraph 221 of attorney van Niekerk's affidavit

8.10.11 The Law Society disregards the judgments of this Honourable Court.

Paragraph 250.8 of attorney van Niekerk's affidavit

8.10.12 The Law Society condones the Bobroffs' conduct.

Paragraph 252 of attorney van Niekerk's affidavit



8.10.13 The Law Society is inactive and unassertive.

Paragraph 321 of attorney van Niekerk's affidavit

8.11 Attorney van Niekerk's abovementioned allegations are unfounded and rejected out of hand.

8.12 It appears that attorney van Niekerk has lost his objectivity. His involvement in the matter has acquired a personal dimension, most probably as a result of his intimate relationship with Discovery. He is arrogant with respect and his conduct is unprofessional and unbecoming an officer of the Honourable Court.

8.13 Another concern is that attorney van Niekerk does not hesitate to deal with his unmeritorious views and perceptions concerning the Law Society under oath and accuses the Law Society of *mala fides* without providing a shred of evidence. Attorney van Niekerk seems to elevate his views, as ludicrous as they are, to the status of fact.

8.14 A further concern is that attorney van Niekerk sees nothing untoward in his conduct. In his affidavit he refers to the Law Society's concerns about his

conduct as an:

*...ongoing carping from the Law Society about my conduct and point of view.*

Paragraph 296 of his affidavit

8.15 Attorney van Niekerk also considers his scandalous conduct to be a so-called *side-show* and states that it:

*....should not detract or distract from the important issues in the application.*

Paragraph 302 of his affidavit

8.16 Attorney van Niekerk's conduct has fuelled extensive, acrimonious and costly litigation during a period of many years.

8.17 Attorney van Niekerk's views concerning the Law Society were found by the Honourable Court to be unfounded. The Grahams' first application for relief

against the Law Society was refused.

8.18 As a result of the unmeritorious first application, the disciplinary proceedings against the Bobroffs were substantially delayed. Had it not been for the first application, the disciplinary proceedings concerning the Bobroffs would no doubt have been finalised.

8.19 Attorney van Niekerk was also responsible for other delays concerning the disciplinary enquiry. He nevertheless held the view that the delays could be attributed to the Bobroffs and the Law Society. The fact that attorney van Niekerk was the proverbial pot calling the kettle black is also evident from the Court's findings in the first application. The Court found:

- ... the Grahams themselves twice requested that the Disciplinary Enquiry be postponed.

Paragraph 70 of the Judgment

- Thereafter the re-constituted panel had to face requests for postponement, on two occasions, by the Grahams. The Disciplinary

*Enquiry must be allowed to complete its duties.*

Paragraph 95 of the judgment

8.20 Attorney van Niekerk's counter-application will no doubt once again contribute to delay the completion of the further inspection and the pending disciplinary enquiry even further.

8.21 Attorney van Niekerk's approach in the counter-application, as it was in the first application, can be summarised as follows:

8.21.1 he knows best;

8.21.2 the Law Society should do as he demands;

8.21.3 he will set deadlines for the Law Society;

8.21.4 he will determine the correct course of action to be taken by the Law Society;

- 8.21.5 he will be actively involved in the Society's disciplinary enquiry whether it is allowed or not;
- 8.21.6 he will dictate to the Law Society;
- 8.21.7 everything involving the Bobroffs is urgent;
- 8.21.8 he will continue to meddle in the Law Society's affairs;
- 8.21.9 he will continue to interfere in the fulfilment by the Law Society of its duties;
- 8.21.10 the Bobroff enquiry and the complaints received against the Bobroffs should receive preferential treatment;
- 8.21.11 no steps taken by the Law Society will be to his satisfaction;
- 8.21.12 only he and his clients should be allowed leniency and extensions to reply to correspondence and reports;

- 8.21.13 his correspondence requires an immediate response;
- 8.21.14 the Law Society is required to report to him;
- 8.21.15 the Law Society should explain itself to him;
- 8.21.16 the Law Society requires his consent before taking any decisions and implementing such decisions; and
- 8.21.17 extensions of time periods should only be granted to him and his clients and to no-one else, especially not to the Bobroffs.
- 8.22 Attorney van Niekerk's approach is not in the best interests of the Grahams, the Bobroffs and the administration of justice.
- 8.23 Attorney van Niekerk's allegations concerning the Law Society are not only unfounded, but vexatious.
- 8.24 A further concern is the manner in which attorney van Niekerk, in his capacity as an officer of the Court, deals with purported facts under oath. I respectfully refer

the Honourable Court to a few of attorney van Niekerk's allegations in order to demonstrate the reasons for my concern.

8.25 In paragraph 89 of his affidavit he alleges that the Grahams were *forced* to bring the first application as a result of the Law Society's *inactivity*. He makes this allegation whilst being fully aware of the fact that the Honourable Court in its judgment found that the Law Society has not failed to comply with any of its duties. Attorney van Niekerk clearly does not accept and respect the Court's findings. I deduce that his abovementioned allegation is vexatious.

8.26 In paragraphs 300 and 301 he alleges that he finds it to be surprising that the disciplinary enquiry has not been proceeded with and finalized and that it, as he puts it, *has not yet gone anywhere*. He makes this allegation in circumstances where he is fully aware of the fact that the disciplinary proceedings cannot be finalized until the further inspection has been conducted and where he himself holds the view that the disciplinary enquiry should not be proceed with pending the finalization of the further inspection. In a letter dated 2 April 2015 addressed to the Law Society attorney van Niekerk in fact said:

- *Accordingly, Judge Mothle rightly recognized that there is an inextricable link between any disciplinary proceedings against the Bobroffs and the inspection of their books of account.*
- *Unless Judge Mothle's order is complied with in full prior to disciplinary proceedings taking place, a proper ventilation of issues cannot take place.*

8.27 In paragraph 168 attorney van Niekerk states that the Law Society only replied to his letter dated 10 December 2014 on 17 December 2014. He makes several similar allegations, for example in paragraphs 194 and 196 of his affidavit. Attorney van Niekerk presents to this Honourable Court so-called "delays" on the part of the Law Society whilst no delays, alternatively no unreasonable delays have in fact occurred.

8.28 I submit that attorney van Niekerk's abovementioned conduct is unacceptable.

8.29 Attorney van Niekerk's affidavit and indeed the entire application is tainted by his conduct.



8.30 Attorney van Niekerk's affidavit is replete with speculation and opinion which is presented to the Court as fact. Such approach is of no assistance to the Court.

8.31 Whilst attorney van Niekerk accuses the Law Society of delaying the matter, the facts indicate that attorney van Niekerk should take responsibility for the majority of the delays. He instituted acrimonious and protracted litigation, requested postponements of disciplinary enquiries, inundated the Law Society with lengthy correspondence and continuously interfered in the Law Society's processes and investigations.

8.32 Attorney van Niekerk, throughout his affidavit, repeatedly alleges that complaints received against the Bobroffs are treated as *isolated instances*. His allegations in this regard demonstrate a lack of insight on the part of a senior attorney as to the correct handling of complaints and the provisions of the Law Society's Rules.

9. APPLICATION FOR SUSPENSION

- 9.1 The Grahams assisted by attorney van Niekerk previously applied for similar relief (the Bobroffs' striking) in the first application. The application was dismissed.
- 9.2 The counter-application represents the proverbial second bite at the cherry. The facts contained in the founding affidavit to the first application did not justify a striking order. The facts contained in van Niekerk's affidavit to the counter-application do not support a suspension order either.
- 9.3 The Law Society dealt with the applicable principles in the first application. These principles bear repeating.
- 9.4 Section 22 of the Attorneys' Act empowers and authorizes the Law Society to bring an application for the suspension of an attorney or the striking of an attorney's name from the roll of attorneys.
- 9.5 I submit that it is highly inappropriate for a complainant to bring an application to the Court to have the name of an attorney struck from the roll or to have him suspended. A complaint is first lodged with the Law Society. The Law Society investigates the complaint and refers the facts to the Court, if necessary and

appropriate and after having finalised its own investigation and disciplinary enquiry.

- 9.6 The Law Society is therefore the competent and responsible authority to investigate complaints against attorneys and to bring an application to have the name of an attorney struck from the roll, alternatively to have the attorney suspended.
- 9.7 This Honourable Court does however have the inherent jurisdiction to regulate the conduct of its officers. The Court has wide powers and may *mero motu* call upon an attorney to show cause why his name should not be struck from the roll of attorneys. The correct procedures should however be followed in the process of referring facts to the Court.
- 9.8 It is highly undesirable for a complainant, who accuses an attorney of unprofessional conduct, to merely refer the facts to the Court and to apply for the attorney's striking or suspension. Such application cannot be open to anyone who complains about the conduct of his or her attorney. It will cause havoc and it will be to the detriment of all concerned, including the complainant, the attorney, the Court and the Law Society.

9.9 The principle that it is desirable to have a professional body to regulate the affairs of the attorney's profession has long been recognized. The Law Society is a statutory body and the *custos morum* of the attorneys' profession. In terms of the provisions of Section 22 of the Attorneys' Act it is incumbent upon the President of the Law Society to bring facts to the attention of the Court. The Law Society carries out its objects as provided for in the Attorneys' Act and the Law Society's Rules. The Law Society is the guardian of the prestige, status and dignity of the attorney's profession and therefore the appropriate body to bring facts to the attention of the Court.

9.10 The Legislature considered the Law Society to be the appropriate body to launch an application for the striking of the name of an attorney from the roll or to have an attorney suspended.

9.11 Section 22 of the Attorneys' Act provides:

*Any person who has been admitted an enrolled as an attorney may on application by the society concerned be struck off the roll or suspended from practice by the court within the jurisdiction of which he practices-*

(my underlining)

9.12 Section 72(6) of the Attorneys' Act provides:

*a competent court, at the instance of the society concerned, to suspend any practitioner from practice or to strike him from the roll.*

(my underlining)

9.13 The abovementioned provisions are clear and unambiguous.

9.14 The proceedings in a striking and suspension application are disciplinary and *sui generis* in nature. They do not constitute either criminal or ordinary civil proceedings. An application by the Law Society is a request to the Court by the professional body to consider facts and to utilize the disciplinary powers in respect of an attorney who has allegedly made himself guilty of unprofessional conduct.

9.15 This Honourable Court is entitled to regulate the procedures to be followed when facts are referred to the Court and how and by whom they should be brought before the Court.

- 9.16 It is in the interest of the public, the attorneys' profession, the Court and the practitioner concerned that the facts be referred to the Court by the Law Society. Disciplinary steps against an attorney is a serious matter and an application for suspension or striking should not be embarked upon lightly.
- 9.17 Before facts are referred to the Court a complaint must be investigated and dealt with by the Law Society. The proceedings of an investigating committee, where appropriate and a disciplinary committee must first be concluded.
- 9.18 The Law Society should at all times deal reasonably with an attorney as any allegations of unprofessional conduct may adversely affect him in his practice, condemn him in the eyes of the public and destroy his reputation. This is especially so in circumstances where the complaint may very well prove to be without merit.
- 9.19 In circumstances where an attorney has other partners, it will also be in the other partners' interest that the matter be dealt with as aforesaid. Where an application for suspension or striking is brought by a complainant, a partner or co-director of the accused attorney stands unprotected.

- 9.20 An attorney will always be exposed to clients who are dissatisfied with the service they have received. A situation where any disgruntled client can merely approach the Court will cause chaos, especially in circumstances where an investigation and a disciplinary enquiry have not yet been concluded.
- 9.21 Attorneys should furthermore be protected from unfounded or ill-conceived applications by disgruntled clients.
- 9.22 The Law Society's main function in disciplinary matters are therefore to refer the relevant facts to the Court and to assist the Court. The Law Society is an impartial body and it will refer facts to the Court after having conducted its own investigation, after having finalized a disciplinary enquiry and after having considered the facts at Council level. The Law Society should therefore be involved in the disciplinary proceedings from the outset and until the conclusion thereof. This Honourable Court has in the past accorded great weight to the views of the Law Society. The Law Society should be allowed to perform the abovementioned functions independently, unhindered and without the interference of complainants.
- 9.23 The Law Society is fully aware of its position as the guardian of the prestige,

status and dignity of the attorneys' profession and it has an excellent track record in taking steps against attorneys and bringing application in both the High Court and the Supreme Court of Appeal.

9.24 In view of the abovementioned facts and the aforesaid principles, the application for the suspension of the Bobroffs should, with respect, not be entertained by the Honourable Court. The application is premature and the application for the relevant relief should be dismissed. A decision to bring a striking, alternatively a suspension application can only be properly considered and a finding made once the Law Society's further inspection and the disciplinary enquiry have been concluded.

9.25 The Honourable Court's findings in the first application are pertinent. They are:

- *This application is thus not the Disciplinary Enquiry.*

Paragraph 68 of the judgment

- *The Attorneys Act prescribes that applications to strike out or suspend an attorney can only be brought to Court by the Law Society.*



Paragraph 75 of the judgment

- *It is indeed trite that a Court would ordinarily not interfere with the Law Society's disciplinary process until after it is finalised.*

Paragraph 78 of the judgment

- *Where the Law Society takes disciplinary steps against a legal practitioner, it does so as an Organ of State in the exercise of a public power and in the performance of a public function in terms of the Act. The decision to institute a Disciplinary Enquiry on a practitioner constitutes an administrative action as defined in section 1 of PAJA.*

Paragraph 80 of the judgment

- *The courts are the final arbiter in these matters and should not routinely take over the powers of the Law Society in performing these functions.*

Paragraph 81 of the judgment

- *I am thus of the view that where a court is asked to intervene in the Law Society's Disciplinary Enquiry midway, such intervention should be limited only to instances where there is sufficient evidence to justify such intervention. This would be in the instance where such Disciplinary Enquiry is so unlawful, unreasonable and/or procedurally unfair to the extent that the aggrieved party may not receive relief in due course, should the disciplinary process by the Law Society be allowed to continue.*

Paragraph 82 of the judgment.

9.26 The principles alluded to above and confirmed by the Court in its judgment also apply to the counter-application. There exists, with respect, no convincing evidence for the Court to intervene in the pending disciplinary enquiry.

#### 10. CONTINGENCY FEE AGREEMENTS

10.1 Attorney van Niekerk deals at length with issues concerning contingency fee agreements. His allegations do not assist the Honourable Court.

10.2 The said allegations represent to a significant extent a repetition of the allegations which were made in the founding affidavit to the first application. They have been dealt with by the Honourable Court. I submit that nothing turns on these allegations.

10.3 Charges relating to the contravention of the Contingency Fees Act have been formulated against the Bobroffs and they have been called upon to answer thereto. The charges will be dealt with during the pending disciplinary enquiry.

10.4 Attorney van Niekerk has no doubt referred to contingency fee agreements in detail in order to support his attack on the Law Society. His allegations are significant and demonstrate bias and bad faith.

10.5 Attorney van Niekerk also suggests that the Law Society acted *mala fide* in making its 2002 Ruling concerning common law contingency fee agreements. He does so under oath and without providing any facts and evidence to sustain his views. This is not surprising as no such factual evidence exist.

10.6 Attorney van Niekerk has also failed to make a full disclosure to the Court of all relevant facts concerning the Law Society's previous Ruling.

10.7 Attorney van Niekerk makes the following unfounded and contemptuous allegations concerning the Law Society in this regard:

10.7.1 the Law Society obtained an opinion from Adv Marcus SC, but then instructed Adv Trengove SC in *wishing to find a way around the Marcus SC opinion*.

Paragraph 31 of attorney van Niekerk's affidavit

10.7.2 the Law Society preferred one opinion to the other in its *protective attitude towards the Bobroffs*.

Paragraph 32 of attorney van Niekerk's affidavit

10.7.3 the Law Society acted irresponsible and in dereliction of its duties.

Paragraph 32 of attorney van Niekerk's affidavit

10.7.4 the Law Society had procured legal opinions only to ignore them.

## Paragraph 44 of attorney van Niekerk's affidavit

10.8 For purposes of considering contingency fee agreements and making a Ruling, the Law Society obtained legal opinions, as it was entitled to do. These opinions were considered by the Council which consists of 24 senior practising attorneys. The matter was extensively debated. The Council then made its Ruling and communicated it to its members. The Council acted correctly, properly and reasonably in doing so. It is inappropriate for attorney van Niekerk to suggest what advice the Law Society should have accepted and what Ruling it should have made. He is not a member of the Law Society and he was not present during the Council's debate.

10.9 Contrary to what attorney Van Niekerk wishes the Honourable Court to believe, the Law Society at no stage approved overreaching or the charging of excessive fees by an attorney.

10.10 The Council advised its members of, *inter alia*, the following regarding its Ruling:

10.10.1 it supports the principle of a percentage contingency fee;

- 10.10.2 common law contingency fee agreements may be entered into;
- 10.10.3 such agreements will be keenly scrutinized by the Courts;
- 10.10.4 the attorney's remuneration must be fair;
- 10.10.5 the Court will have regard to the 25% cap referred to in the Contingency Fees Act; and
- 10.10.6 the restrictions found in the Contingency Fees Act will resonate in judicial scrutiny of a common law contingency fee agreement.
- 10.11 Contingency fee agreements have always been subject to cautionary guidelines and it was never suggested that excessive fees could be charged. Cases of overreaching were in fact sanctioned as unprofessional conduct.
- 10.12 The De la Guerre and SAAPIL matters provided certainty concerning common law contingency fee agreements. The purpose of the Law Society's participation in these two applications was to obtain certainty and clarity in the interest of the attorneys' profession.

10.13 Attorney van Niekerk submits that the Law Should not have made its Ruling in 2002, that the invalidity of common law contingency fee agreements was settled subsequent to the PWC judgment and that there existed no uncertainty. His submissions are incorrect and at odds with his own views as contained in an article titled "Door closed for common law contingency fees" which article he authored (annexure 7). The article deals with the Judgment in the De la Guerre and SAAPIL matters. Attorney van Niekerk said the following in his article:

- *For many years contingency fees agreements have been a matter of contention, and the questionable existence of common law contingency fees agreements after the enactment of the Contingency Fees Act 66 of 1997 (the Act), in particular, has led to much confusion.*
- *Much needed clarity on the permissibility of common law contingency fees agreements has now been achieved and the decisions in these two matters should settle once and for all the difference in opinion that caused much uncertainty.*

10.14 In view of the De La Guerre and SAAPIL judgments the Council unreservedly accepted that common law contingency fee agreements are invalid. The Law

Society advised its members accordingly on more than one occasion. Its members were further advised that all contingency fee agreements must be concluded in strict compliance with the Contingency Fees Act.

10.15 As far as the Bobroffs are concerned the Honourable Court in the first application found that the contingency fee agreements entered into by the Bobroffs is a matter which should be dealt with during the Law Society's disciplinary enquiry.

10.16 The first application did not deal with the interpretation, enforcement and implementation of the Contingency Fees Act. The Grahams did not request and currently still do not request any relief relating to the interpretation, enforcement and implementation of the Contingency Fees Act. In the first application the Grahams did however allege that the Bobroffs had contravened the provisions of the Contingency Fees Act and this is one of the matters that will be dealt with at the disciplinary enquiry.

10.17 The Honourable Court made the following important findings concerning contingency fee agreements in its judgment in the first application:



- *The issue of the lawfulness or otherwise of the common law contingency fee agreements is now settled. This contingency fee issue is therefore not before this Court for debate or for adjudication.*

Paragraph 18 of the judgment

- *I agree with the Bobroffs' contention that this issue of the common law contingency fee agreements cannot be a ground for intervention in this application, at least not at this stage. It will no doubt feature in the Disciplinary Enquiry.....The question there will be whether the Bobroffs have complied with the provisions of the Contingency Fees Act.*

Paragraph 19 of the judgment

- *It is not disputed that Fourie, as pro forma prosecutor has charged the Bobroffs with contravention of the Contingency Fees Act. These charges were brought as early as 7 June 2012, after the ruling by the Full Court on the De La Guerre matter.*

Paragraph 55 of the judgment

- *It seems to me that the Law Society has accepted the Court's ruling and there is no evidence to the contrary.*

Paragraph 55 of the judgment

- *The suspicion held by the Grahams and supported by the RAF that the Law Society will be conflicted is not supported by other evidence...*

Paragraph 56 of the judgment

- *I am unable to find any evidence that suggests that the Law Society is or would be conflicted in charging the Bobroffs with the contravention of the Contingency Fees Act.*

Paragraph 56 of the judgment

- *It seems to me that it is premature to elevate that suspicion to a fact and make an adverse finding that the Law Society is or would be conflicted, before the conclusion of the Disciplinary Enquiry.*

Paragraph 57 of the judgment

11. CHRONOLOGY

I am advised that a chronology for the period June 2011 to the present will be of assistance to the Honourable Court.

2 June 2011	Ms Graham deposes to her affidavit of complaint.
3 June 2011	Law Society receives letter from attorney van Niekerk with the complaint by Mr and Ms Graham. Annexure 8
6 June 2011	Law Society receives affidavit by attorney van Niekerk, the second page to annexure "JG22" to Ms Graham's affidavit and the correct annexure "JG28" to attorney van Niekerk/Ms Graham's affidavit.
9 June 2011	Attorney van Niekerk directs enquiry at the Law Society concerning the complaint. Annexure 9
1 July 2011	Law Society advises attorney van Niekerk that complaint will be referred to the Bobroffs for comment.

	Annexure 10
1 July 2011	Law Society refers complaint to the Bobroffs for comment. Annexure 11
13 July 2011	The Bobroffs request copies of covering letters of attorney van Niekerk dated 3 June 2011 and 6 June 2011 respectively. Annexure 12
13 July 2011	Law Society furnishes the Bobroffs with copies of attorney van Niekerk's letters dated 3 June 2011 and 6 June 2011 respectively. Annexure 13
15 June 2011	The Bobroffs acknowledge receipt of complaint and advises that they will reply to complaint within 28 days. Annexure 14
18 July 2011	Law Society acknowledges receipt of the Bobroffs' email dated 15 July 2011. Annexure 15
10 August 2011	Attorney van Niekerk acknowledges receipt of Law Society's letter dated 10 August 2011 and enquires when the Bobroffs' comments on complaint can be expected. Annexure 16
16 August 2011	The Bobroffs advise Law Society that their comments

	on complaint should reach the Law Society by 19 August 2011. Annexure 17
22 August 2011	Law Society acknowledges receipt of attorney van Niekerk's letter dated 10 August 2011. Annexure 18
23 August 2011	Law Society receives the Bobroffs' comments on complaint. Annexure 19
25 August 2011	Attorney van Niekerk enquires as to the Bobroffs' comments on complaint. Annexure 20
30 August 2011	Law Society forwards the Bobroffs' comments on complaint to attorney van Niekerk and acknowledges receipt of the Bobroffs comments. Annexure 21
6 September 2011	Attorney van Niekerk acknowledges receipt of the Bobroffs' written comments on complaint and requests copy of annexure "REP8" to the Bobroffs' comments. Annexure 22
12 September 2011	Law Society forwards annexure "RBP8" to the Bobroffs' comments to attorney van Niekerk. Annexure 23
26 September 2011	Attorney van Niekerk advises Law Society that senior

	counsel has been instructed to settle Ms Graham's reply to the Bobroffs' comments and requests extension for filing of Ms Graham's reply. Annexure 24
3 October 2011	Law Society advises attorney van Niekerk that extension has been granted until 14 October 2011 for filing of Ms Graham's reply to the Bobroffs' comments. Annexure 25
14 October 2011	Attorney Van Niekerk submits Ms Graham's reply to the Bobroffs comments. Annexure 26
18 October 2011	Law Society receives affidavit by attorney van Niekerk.
19 October 2011	Law Society receives affidavit by H van Dyk from attorney Van Niekerk.
20 October 2011	Law Society forwards Ms Graham's reply and additional affidavits to the Bobroffs for comment and acknowledges receipt of attorney van Niekerk's letters dated 14 October 2011 and 19 October 2011 respectively. Annexure 27

10 November 2011	Law Society receives supplementary affidavit from Ms Graham with annexures and confirmatory affidavit by attorney van Niekerk.
16 November 2011	Law Society receives letter from the Bobroffs requesting time until February 2012 to reply to Ms Graham's supplementary affidavit with annexures as Ronald Bobroff is out of the office from 28 November 2011 until late January 2012. Annexure 28
23 November 2011	Law Society advises attorney van Niekerk of the Bobroffs' request for extension and that the matter will serve before an investigating committee of the Council, the proceedings of which will be scheduled from February 2012 onwards. Annexure 29
23 November 2011	Law Society receives telephone call from attorney van Niekerk indicating his displeasure with the Bobroffs' request for an extension.
25 November 2011	Law Society advises attorney van Niekerk that the Bobroffs have been granted an extension until 1 February 2012. Annexure 30

25 November 2011	Law Society advises the Bobroffs that request for extension has been granted. Annexure 31
2 December 2011	Attorney van Niekerk addresses letter to Law Society and criticizes Law Society for its handling of the complaint. Annexure 32
7 December 2011	Law Society acknowledges receipt of attorney van Niekerk's letter dated 2 December 2011 and advises that it has been referred to the Director and President of the Law Society. Annexure 33
9 December 2011	Law Society advises the Bobroffs that matter will serve before an investigating committee of the Council during February 2012. Annexure 34
13 December 2011	The Bobroffs' attorneys advise Law Society that 28 February 2012 will be suitable for purposes of the proceedings of the investigating committee. Annexure 35
14 December 2011	Law Society advises the Bobroff's attorneys that the proceedings of the investigating committee have been scheduled for 28 February 2012. Annexure 36



14 December 2011	Law Society advises members of investigating committee of their appointment and the date of the proceedings. Annexure 37
14 December 2011	Law Society advises attorney van Niekerk that the proceedings of the investigating committee have been scheduled for 28 February 2012. Annexure 38
15 December 2011	Law Society replies to attorney van Niekerk's letter dated 2 December 2011. Annexure 39
16 January 2012	Attorney van Niekerk addresses a letter to the Law Society and criticizes it for its handling of the matter. Annexure 40
24 January 2012	Law Society replies to attorney van Niekerk's letter dated 16 January 2012. Annexure 41
31 January 2012	Attorney van Niekerk addresses another letter to Law Society. Annexure 42
31 January 2012	Law Society formally notifies the Bobroffs and attorney van Niekerk of the proceedings of the investigating committee to be held on 28 February 2012 and 29 February 2012. Annexure 43

3 February 2012	Attorney van Niekerk acknowledges receipt of Law Society's letter dated 31 January 2012. Annexure 44
3 February 2012	Law Society receives letter from the Bobroffs' attorneys. Annexure 45
8 February 2012	Law Society replies in detail to attorney van Niekerk's letter dated 31 January 2012. Annexure 46
9 February 2012	Law Society receives letter from the Bobroffs' attorneys advising that the Bobroffs' counsel is available on 28 February 2012 but not on 29 February 2012. Annexure 47
10 February 2012	Law Society advises the Bobroffs' attorneys that proceedings of investigating committee will proceed on 28 February 2012 and 29 February 2012. Annexure 48
15 February 2012	Law Society receives letter from the Bobroffs' attorneys. Annexure 49
16 February 2012	Law Society addresses letter to attorney Van Niekerk and the Bobroffs' attorneys advising them of the time of commencement of the proceedings of the

	investigating committee. Annexure 50
22 February 2012	Law Society receives letter from the Bobroffs' attorneys advising that the Bobroffs will not participate in the proceedings of the investigating committee on 28 February 2012. Annexure 51
23 February 2012	Law Society receives letter from attorney van Niekerk. Annexure 52
24 February 2012	Attorney van Niekerk enquires as to the parties subpoenaed to appear before the investigating committee. Annexure 53
27 February 2012	Law Society addresses letter to attorney van Niekerk. Annexure 54
28 February 2012	Counsel for Mr and Ms Graham submits complainants' request for outstanding information to the investigating committee.
28 February 2012	Enquiry of investigating committee takes place. The Bobroffs excuse themselves from the enquiry.
2 March 2012	Law Society addresses letter to attorney van Niekerk and the Bobroffs' attorneys advising them of the

	recommendations of the investigating committee. Annexure 55
9 March 2012	Attorney van Niekerk addresses email to Law Society. Annexure 56
13 March 2012	Law Society acknowledges receipt of attorney van Niekerk's email. Annexure 57
22 March 2012	Attorney van Niekerk enquires when the disciplinary enquiry will take place. Annexure 58
29 March 2012	Law Society advises attorney van Niekerk that recommendations by the investigating committee are being considered by the Law Society's disciplinary department. Annexure 59
30 March 2012	Attorney van Niekerk acknowledges receipt of the record of proceedings of 28 February 2012. Annexure 60
5 April 2012	Attorney van Niekerk enquires what charges will be put to the Bobroffs and who the members of the disciplinary committee will be. Annexure 61
17 April 2012	Attorney van Niekerk enquires as to disciplinary

	proceedings and charges. Annexure 62
19 April 2012	Law Society addresses letter to attorney van Niekerk. Annexure 63
24 April 2012	Law Society advises attorney van Niekerk as well as the Bobroffs' attorneys that the disciplinary enquiry will take place on 25 June 2012 and 26 June 2012 and that the committee members have confirmed their availability. Annexure 64
4 May 2012	Attorney van Niekerk addresses letter to Law Society. The Bobroffs' attorneys request copy of charge sheet and copies of other relevant documentation for purposes of the disciplinary enquiry and advise that counsel will not be available. Law Society advises attorney van Niekerk that the dates 25 June 2012 and 26 June 2012 are not suitable to the Bobroffs' counsel and that disciplinary inquiry will most probably take place on 25 July 2012 and 26 July 2012 respectively. Annexure 65
22 May 2012	Law Society advises the Bobroffs' attorneys that the

	disciplinary enquiry has been rescheduled for 25 July 2012 and 26 July 2012 respectively. Annexure 66
24 May 2012	Attorney van Niekerk enquires who the committee members will be and what the names of the members' firms are. Annexure 67
7 June 2012	The Bobroffs' attorneys request copy of charge sheet. Annexure 68
8 June 2012	Law Society furnishes the Bobroffs' attorneys with charge sheet and notifies attorney van Niekerk of appearance before the disciplinary committee on 25 July 2012 and 26 July 2012 respectively. Annexure 69
29 June 2012	Law Society receives letter from the Bobroffs' attorneys objecting to the fact that the bundle which served before the investigating committee has been made available to the disciplinary committee. Annexure 70
2 July 2012	Attorney van Niekerk requests confirmation that Mr Ronald Bobroff, Mr Darren Bobroff, attorney Clelia

	Caruso, attorney Gina Tognocchi and cost consultant Jerry Joubert have been subpoenaed to appear before the disciplinary committee. Annexure 71
3 July 2012	Law Society formally advises the Bobroffs of the charges which will serve before the disciplinary committee. Annexure 72
3 July 2012	Law Society advises attorney van Niekerk that the Law Society cannot compel the Bobroffs to reply to request for further information and that Caruso, Tognocchi and Joubert have not been subpoenaed to appear before the disciplinary committee. Annexure 73
3 July 2012	Law Society advises the Bobroffs' attorneys that the bundle which served before the investigating committee is the same bundle which will serve before the disciplinary committee and that the typed record of proceedings of the the investigating committee will not be furnished to disciplinary committee. Annexure 74
5 July 2012	The Bobroffs' attorneys again object to the documents

	which served before the investigating committee being placed before the disciplinary committee and request recusal of committee members. Annexure 75
6 July 2012	Law Society acknowledges receipt of letter from the Bobroffs' attorneys. Annexure 76
25 July 2012	Proceedings of disciplinary committee are commenced with but suspended by order of the High Court pending review by the Bobroffs.
2 August 2012	The Bobroffs' attorneys advise Law Society that the Bobroffs' review application will not be proceeded with if new disciplinary committee is appointed. Annexure 77
21 August 2012	Attorney van Niekerk enquires as to further conduct in matter and request that a panel of retired judges be convened in order to deal with charges against the Bobroffs. Annexure 78
27 August 2012	Attorney van Niekerk addresses letter to Law Society and attaches report by Mr Vincent Faris. Annexure 79
10 September 2012	The Bobroff's attorneys request from the Law Society



	further particulars regarding Faris' report and advise that it requires an opportunity to consider the report and to comment thereon. Annexure 80
11 September 2012	Attorney van Niekerk enquires from Law Society as to how the complaint by Mr and Ms Graham will be dealt with further. Annexure 81
13 September 2012	Law Society advises attorney van Niekerk that matter will be dealt with in the normal course of the disciplinary process of the Law Society and that the matter will again be considered by the Council on 26 September 2012. Law Society advises attorney Van Niekerk that proceedings of the disciplinary committee will probably be scheduled on a date during November 2012. Annexure 82
14 September 2012	Law Society advises the Bobroffs' attorneys that the disciplinary enquiry will be scheduled for 28 November 2012 and 29 November 2012 respectively. Annexure 83
17 September 2012	Law Society advises attorney van Niekerk that the

	disciplinary proceedings will proceed on 28 November 2012 and 29 November 2012 respectively and that committee will consist of members of the Law Society in accordance with the provisions of section 67(1)(b) of the Attorneys' Act and Rule 95A.1 of the Law Society's Rules. Annexure 84
12 October 2012	Attorney van Niekerk enquires as to inspection of the Bobroffs' accounting records. Annexure 85
16 October 2012	Law Society advises attorney van Niekerk that the Council on 26 September 2012 resolved that the report by Faris dated 27 August 2012 be referred to the Bobroffs for comment where after the Council will consider the matter further on 26 October 2012. Annexure 86
19 October 2012	The Bobroffs' attorneys request copy of Faris' preliminary report dated 22 August 2012. Annexure 87
25 October 2012	Law Society advises the Bobroffs attorneys that report dated 22 August 2012 is a draft report and requests

	his comments on Faris' report. Annexure 88
26 October 2012	Council resolves to furnish the Bobroffs with both Faris' preliminary and final reports and to request them to furnish the Council with his comments thereon on or before 19 November 2012 and that matter will be considered during the Council's next meeting to be held in November 2012.
29 October 2012	Law Society furnishes the Bobroffs' attorneys with copy of report dated 22 August 2012 and requests the Bobroffs' comments on or before 19 November 2012. Annexure 89
29 October 2012	Attorney van Niekerk enquires as to Council's decision. Annexure 90
30 October 2012	Law Society formally notifies the Bobroffs to appear before disciplinary committee on 28 November 2012 and 29 November 2012. Annexure 91
30 October 2012	Law Society advises attorney van Niekerk that the Bobroffs are required to reply to Faris' report by 19 November 2012 and that Faris' report and the

	Bobroffs' comments thereon will be considered by the Council on 30 November 2012. Annexure 92
30 October 2012	Law Society furnishes the Bobroffs' attorneys with notices to appear before a disciplinary committee of the Council on 28 November 2012 and 29 November 2012 respectively. Annexure 93
19 November 2012	The Bobroffs submit comments on the Faris report.
22 November 2012	Law Society files its answering affidavit.
28 November 2012	Disciplinary enquiry postponed at the request of the applicants and/or attorney van Niekerk and by agreement between the parties.
28 November 2012	Law Society instructs transcriber to prepare transcript of disciplinary proceedings held on 28 November 2012.
28 November 2012	The Bobroffs agree to furnish the Law Society with their office files relating to the matter. Annexure 94
30 November 2012	Council considers the matter and resolves to refer the Bobroffs' comments on Faris' report to the Law Society's disciplinary department to be dealt with in

	the normal course of the disciplinary enquiry.
6 December 2012	The Bobroffs' attorneys confirm the Bobroffs' undertaking to provide the Law Society with their office files. Annexure 95
10 December 2012	The Bobroffs furnish the Law Society with their office files. Annexure 96
10 December 2012	Law Society acknowledges receipt of the Bobroffs' office files. Annexure 97
13 December 2012	Law Society addresses letter to the Bobroffs' attorneys and confirms receipt of the office files. Annexure 98
13 December 2012	Attorney van Niekerk requests copy of the transcript of the disciplinary proceedings held on 28 November 2012. Annexure 99
25 January 2013	Council resolves to refer the Bobroffs' office files, received by the Law Society on 10 December 2012, to the disciplinary department and to allow the disciplinary department to deal with the matter in the normal course. Council confirms that the Faris report

	and the Bobroffs' comments thereon will be dealt with in the normal course of the Law Society's disciplinary enquiry.
31 January 2013	Law Society directs an enquiry at the transcriber, request her to finalize the transcript of proceedings. Annexure 100
31 January 2013	Law Society advises attorney van Niekerk that the transcriber has indicated that the transcript of proceedings will be available shortly and confirm that a copy thereof will be made available as soon as it has been received. Annexure 101
6 February 2013	Attorney Van Niekerk acknowledges receipt of the Law Society's letter dated 31 January 2013. Annexure 102
6 February 2013	Attorney van Niekerk repeats his request for a copy of the transcript of proceedings Annexure 103
15 February 2013	Attorney van Niekerk files consolidated replying affidavit in main application and answering affidavit to the Brobroffs' counter-application.

18 February 2013	Law Society receives transcript of proceedings from transcriber.
18 February 2013	Law Society forwards copy of transcript of proceedings held on 28 November 2012 to the Bobroffs' attorneys and attorney van Niekerk. Annexure 104
5 March 2013	Law Society attends to considering dates for disciplinary enquiry.
7 March 2013	Law Society composes disciplinary committee for purposes of the enquiry and appoints chairman.
19 March 2013	Law Society schedules disciplinary enquiry for hearing on 13 June 2013 and advise committee members accordingly.
20 March 2013	Law Society's disciplinary department attend to considering charges relating to Faris report.
26 March 2013	Law Society notifies attorney van Niekerk and the Bobroffs' attorneys that the disciplinary enquiry has been re-scheduled for 13 June 2013 and informs them who committee members will be. Annexure 105

26 March 2013	Law Society directs enquiry at attorney van Niekerk as to a suitable date for purposes of consulting with the complainants, Mr Faris, Ms van Wyk and Brigadier Burger. Annexure 106
27 March 2013	The Bobroffs' attorneys enquire which complaints will serve before the disciplinary committee. Annexure 107
10 April 2013	Law Society notifies the Bobroffs to appear before the disciplinary committee on 13 June 2013 with charge sheet. Annexure 108
11 April 2013	Law Society furnishes attorney van Niekerk with formal notice to appear before disciplinary committee on 13 June 2013. Annexure 109
12 April 2013	Law Society informs the Bobroffs' attorneys that the charges are those initially dealt with during November 2012. Annexure 110
24 April 2013	Attorney van Niekerk confirms availability for 13 June 2013 and advises that he is of the view that the enquiry should not proceed on 13 June 2013 in view



	of the pending application. Annexure 111
25 April 2013	The Bobroffs' attorneys confirm their availability on 13 June 2013. Annexure 112
13 May 2013	Letter from the Bobroffs' attorneys with enquiry. Annexure 113
15 May 2013	Law Society informs the Bobroffs' attorneys that notice was given of the disciplinary proceedings in terms of Section 71(2)(b) of the Attorneys' Act. Annexure 114
15 May 2013	Law Society informs attorney van Niekerk of Law Society's intention to proceed with the disciplinary enquiry on 13 June 2013. Annexure 115
16 May 2013	The Bobroffs' attorneys request copies of the transcripts of the proceedings of 25 July 2012 and 28 November 2012 respectively. Annexure 116
17 May 2013	Law Society furnishes the Bobroffs' attorneys with copies of the transcripts of the proceedings of 25 July 2012 and 28 February 2012 as requested. Annexure 117

27 May 2013	Law Society informs attorney van Niekerk that the disciplinary enquiry will proceed on 13 June 2013 due to the fact that the Council resolved to proceed as the enquiry should not be delayed and that the Law Society intends complying with its statutory duties, also advises that the Council has resolved that the Faris' report will be dealt with in the normal course of the disciplinary process, further informs him that the Faris report will be referred to an investigating committee of the Council. Annexure 118
30 May 2013	Law Society furnishes attorney van Niekerk with copies of the transcripts of the proceedings held on 25 July 2012 and 28 November 2012 respectively. Annexure 119
05 June 2013	Attorney van Niekerk requests copy of the charge sheet. Annexure 120
06 June 2013	Law Society furnishes attorney van Niekerk with the charge sheet. Annexure 121.
7 June 2013	Attorney van Niekerk suggests to the Bobroffs'

	attorneys that the disciplinary enquiry be postponed pending the finalisation of the Grahams' application. Annexure 122
10 June 2013	Attorney van Niekerk submits affidavit in support of application for a postponement of the disciplinary enquiry scheduled for 13 June 2013.
10 June 2013	The Bobroffs' attorneys inform attorney van Niekerk that the Bobroffs insist that the disciplinary enquiry proceeds on 13 June 2013. Annexure 123
13 June 2013	E-mail from attorney Millar of Norman Berger acting on behalf of Ms Bernadine van Wyk and advises on her availability for the disciplinary proceedings. Annexure 124
13 June 2013	The Bobroffs plead not guilty to all the charges, disciplinary enquiry postponed on application by attorney van Niekerk.
26 June 2013	The Bobroffs' attorneys request copy of the transcript of proceedings of 13 June 2013. Annexure 125
01 July 2013	Law Society advises attorney van Niekerk that the.

	Bobroffs have pleaded not guilty to the charges against them, also report that the disciplinary enquiry has been postponed until the finalisation of the Court application. Annexure 126
01 July 2013	Law Society addresses letter to the Bobroffs' attorneys and records the proceedings of 13 June 2013. Annexure 127
01 July 2013	Law Society instructs transcriber to prepare the record of proceedings of 13 June 2013. Annexure 128
17 July 2013	The Bobroffs' attorneys address letter to attorney van Niekerk regarding attorney van Niekerk's absence from the proceedings of the disciplinary committee during November 2012. Annexure 129
26 July 2013	Law Society furnishes the Bobroffs' attorneys as well as attorney van Niekerk with the record of proceedings of 13 June 2013. Annexure 130
13 August 2013	Attorney van Niekerk addresses letter to the DJP concerning the hearing of the first application.

	Annexure 131
29 October 2013	First application set down for hearing on 27 to 29 January 2014.
31 October 2013	Attorney van Niekerk addresses letter to the DJP with suggested timetable. Annexure 132
27-29 January 2014	First application heard and judgment reserved.
15 April 2014	Judgment in first application delivered.
24 April 2014	Law Society proceeds to arrange disciplinary enquiry and communicates with committee members.
24 April 2014	Reddy communicates with the Bobroffs for purposes of arranging a date for the inspection ordered by the Court and is advised that the Bobroffs intend taking the judgment on appeal. Annexure 133
25 April 2014	Attorney van Niekerk requests compliance by the Bobroffs with his request for further particulars, attorney van Niekerk advises the Law Society that the disciplinary enquiry has to be convened by no later than 14 June 2014. Annexure 134
25 April 2014	Attorney Klynsmith advises Law Society that he will

	no longer be available to sit as a member of the disciplinary committee.
25 April 2014	Attorney Pauw suggests that disciplinary enquiry be set down for one day for purposes of discussing procedural arrangements. Annexure 135
30 April 2014	The Bobroffs' attorneys inform the Law Society that the Bobroffs intend applying for leave to appeal against the judgment in the first application. Annexure 136
30 April 2014	The Bobroffs' attorneys inform attorney van Niekerk that the Court did not direct the Bobroffs to provide access by an independent committee appointed information technology expert to their computer network. Annexure 137
30 April 2014	The Bobroffs' attorneys furnish the Law Society with a copy of the Bobroffs' response to the information requested by attorney van Niekerk. Annexure 138
06 May 2014	Attorney van Niekerk advises that he has requested AdvantEdge Group to ensure that the Bobroffs'

	records are preserved. Annexure 139
12 May 2014	The Bobroffs file an application for leave to appeal.
14 May 2014	The Bobroffs' attorneys address letter to attorney van Niekerk with undertaking not to delete any electronic records relating to the Graham matter. Annexure 140
15 May 2014	Law Society instructs committee clerk not to enrol the disciplinary enquiry in view of the pending appeal.
9 June 2014	Attorney van Niekerk institutes contempt proceedings against the Bobroffs
11 June 2014	Application for leave to appeal enrolled for hearing, but postponed. Application re-enrolled for hearing on 30 June 2014.
15 July 2014	Attorney van Niekerk requests that meeting with Faris be arranged. Annexure 141
17 July 2014	Judgment delivered in application for leave to appeal. Application dismissed.
18 July 2014	Law Society enquires from interested parties as to possible dates for disciplinary enquiry. Annexure 142
15 August 2014	The Bobroffs' attorneys enquire about Law Society's

	affidavit in the application for leave to appeal and request copy of the minutes of the Council's meeting dated 11 June 2014. Annexure 143
25 August 2014	Law Society's disciplinary committee considers defamation complaints against the Bobroffs.
19 September 2014	Supreme Court of Appeal dismisses the Bobroffs' application for leave to appeal.
23 September 2014	Attorney van Niekerk requests confirmation that the Law Society will implement paragraph 3 of the order in the first application. Annexure 144
30 October 2014	The Bobroffs apply for leave to appeal to the Constitutional Court.
30 October 2014	Attorney van Niekerk brings application in terms of Rule 49(11)
03 November 2014	The Bobroffs' attorneys enquire as to Council's resolution. Annexure 145
03 November 2014	Constitutional Court dismisses the Bobroffs' application for leave to appeal, Law Society refers matter to Monitoring Unit for purposes of the



	inspection.
13 November 2014	Law Society's inspectors attend at the Bobroffs' offices for purposes of their inspection. Annexure 146
17 November 2014	The Bobroffs' attorneys inform Law Society that inspectors' inspection has to be limited to the Graham and De la Guerre accounts. Annexure 147
18 November 2014	Law Society informs the Bobroffs' attorneys that the inspection ordered by the Court is unlimited. Annexure 148
19 November 2014	The Bobroffs' attorneys inform the Law Society that the Bobroffs disagree with the Law Society's interpretation of the Court order. Annexure 149
25 November 2014	Law Society commences with the reconstitution of disciplinary committee and direct enquiries at committee members concerning their availability.
25 November 2014	Attorney Klynsmith advises that he is no longer available to serve on the disciplinary committee. Attorney Pauw advises that he is available on 9 and 10 December 2014 for purposes of the disciplinary

	enquiry. Annexure 150
26 November 2014	Telephone call to Mr van Rooyen, receive advice that he is not available to sit on the disciplinary committee on 10 December 2014, discuss possible alternative dates namely 26 and 27 January 2015 with attorney Pauw and attorney van Rooyen.
26 November 2014	Law Society informs attorney van Niekerk that one committee member has withdrawn from the matter and that another is unavailable for 10 December 2014, enquires as to attorney van Niekerk's availability on 26 and 27 January 2015. Annexure 151
26 November 2014	Law Society notifies relevant parties to the disciplinary enquiry that proceedings have been scheduled for 10 December 2014.
28 November 2014	Law Society informs attorney van Niekerk of unavailability of committee members, confirms that a meeting will indeed be held on 10 December 2014 for purposes of discussing housekeeping issues.

	Annexure 152
28 November 2014	The Head: Members Affairs of the Law Society reports to the Management Committee on the inspectors' progress.
1 December 2014	Reddy requests the Bobroffs to grant him access to nine additional files for purposes of his inspection. Annexure 153
02 December 2014	The Bobroffs' attorneys suggest that the parties should on 26 and 27 January 2015 agree on a date for the disciplinary enquiry and that the matter should be postponed until mid-February 2015 or later, also receive advice that the Bobroffs will be away from the office during December 2014. Annexure 154
2 December 2014	The Bobroffs' attorneys advise Reddy that the nine files requested do not fall within his mandate. Annexure 155
4 December 2014	Law Society requests attorney van Niekork to consent to the extension of the 30 day period referred to in the order of Court. Annexure 156

5 December 2014	Attorney van Niekerk consents to an extension of the 30 day period. Annexure 157
05 December 2014	Attorney Pauw advises that he is no longer available on 10 December 2014.
8 December 2014	Management Committee of the Council discusses an application to the Court for the extension of the periods referred in the Court's judgment, Law Society advises attorney van Niekerk of the unavailability of the committee members on 10 December 2014.
10 December 2015	Disciplinary enquiry postponed.
10 December 2014	Attorney van Niekerk agrees to an extension of the 60 day period and advises the Law Society that the disciplinary enquiry should take place before the end of February 2015. Annexure 158
10 December 2014	The Bobroffs advise Law Society that Ronald Bobroff will be on leave during the period 1 December 2014 to mid January 2015. Annexure 159
10 December 2014	Law Society enquires as to the availability of disciplinary committee members. Annexure 160

11 December 2014	Attorney Pauw confirms his withdrawal from the disciplinary committee.
11 December 2015	The Bobroffs complain about alleged touting on the part of Discovery and attorney Millar, suggest that attorney Millar be called upon to provide copies of his contracts with Discovery. Annexure 161
12 December 2014	Law Society's inspectors complete their inspection in respect of the Graham and De la Guerre accounts.
12 December 2014	Reddy communicates with the Bobroffs and enquires whether they maintain that the inspection in terms of the order of Court is limited to the Graham and De la Guerre accounts.
15 December 2014	The Head: Members Affairs of the Law Society advises the disciplinary department that the inspectors' report has been finalised.
15 December 2014	Law Society advises attorney van Niekerk that the inspectors' first report has been finalised and that the Bobroffs comments are awaited in respect of the further inspection. Annexure 162

17 December 2014	Law Society informs the Bobroffs' attorneys that a new disciplinary committee has to be constituted. Annexure 163
17 December 2014	Law Society informs attorney van Niekerk that disciplinary committee has to be reconstituted and that the Law Society will revert as soon as the new members have been appointed and that he will be advised of a date for the hearing. Annexure 164
17 December 2014	The Bobroffs' attorneys confirm the Bobroffs' views regarding the scope of the inspection. Annexure 165
18 December 2014	Law Society furnishes the Bobroffs' attorneys with copy of report from Law Society's inspectors and requests Bobroffs' comments thereon by no later than 26 January 2015. Annexure 166
18 December 2014	Law Society furnishes attorney van Niekerk with copy of the report by the Law Society's inspectors and notifies him that the Bobroffs have been granted an opportunity to reply to the report by 26 January 2015. Annexure 167

18 December 2014	Law Society refers to the Attorneys Fidelity Fund a copy of the inspectors' report. Annexure 168
09 January 2015	The Bobroffs' attorneys advise that the firm's bookkeeper and auditor will be away from the office until 12 January 2015, request an extension until 10 February 2015 to submit their comments on the report. Annexure 169
13 January 2015	Attorney van Niekerk enquires why the inspection was limited to the Graham and De la Guerre accounts, requests that a copy of the report be made available to attorney Millar. Annexure 170
15 January 2015	Law Society informs attorney van Niekerk that the Law Society's inspectors were instructed to conduct an inspection in accordance with Mr Faris' recommendations and that the second report has yet to be finalised, refuses attorney van Niekerk's request that a copy of the first report be made available to attorney Millar. Annexure 171
15 January 2015	Law Society informs the Bobroffs that their request for

	an extension in being considered. Annexure 172
16 January 2015	Attorney van Niekerk complains that two reports will be prepared and not one consolidated report, requests copy of the second report without delay. Annexure 173
20 January 2015	Proceedings of Law Society's investigating committee, committee considers complaints of <i>inter alia</i> De la Guerre and de Pontes, recommends that charges be formulated against the Bobroffs.
22 January 2015	Attorney van Niekerk requests an explanation why inspection has been divided into two parts, also enquires when second report will be finalised and furnished to him. Annexure 174
3 February 2015	Attorney van Niekerk complains that the Law Society has not yet been able to constitute a new disciplinary committee, also complains about several other matters and attacks the Law Society. Annexure 175
3 February 2015	Law Society advises attorney van Niekerk that Law Society is finalising its application. Annexure 176



3 February 2015	The Bobroffs address enquiry at Law Society concerning complaint against attorney Millar. Annexure 177
9 February 2015	The Bobroffs attorneys enquire as to the issues which will be dealt with in the Law Society's application. Annexure 178
11 February 2015	Law Society's attorneys enquire whether the Bobroffs will grant the Law Society unlimited access to their accounting records. Annexure 179
6 March 2015	The Bobroffs inform the Law Society that the undertaking relating to the defamation complaints has been breached by attorney Millar and Mr Katz. Annexure 180
13 March 2015	The Bobroffs' attorneys confirm that the Bobroffs maintain that the Court ordered a limited inspection only.
17 March 2015	Judgment is handed down in contempt application
18 March 2015	Attorney van Niekerk provides a copy of the judgment granted by the Honourable Judge Matojane, requests