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Our help desks are expanding

by Shamika Dwarika,
Elsabe Steenhuisen and
Tshenolo Masha

Help desks have proven to be a good service point for pro bono access. They are well situated and within easy reach for clients who frequent the courts or government departments requiring legal advice.

They are also a convenient and efficient system for attorneys to provide their pro bono hours in a space where they frequently operate and work.

DURBAN

Despite its limited staff, the Durban office runs 11 help desks, which enable us to extend our services to the wider community. In addition to specialised Consumer/Small claims, Refugee, Housing, Labour, Family and Deceased Estates help desks that are based at the Durban office in the CBD, there are several general advice help desks. These are based at the Chatsworth, Ntuzuma and Umlazi magistrates' courts.

A number of new projects have recently been added. In December 2016, a general advice help desk was launched at the Verulam Family Court which is held on the first Tuesday of every month and is accessible to residents of the Verulam, Ottawa and Phoenix communities. The project was launched with the co-operation of the Department of Justice and there has been no shortage of attorneys willing to staff this help desk.

The office recently partnered with the KZN Blind & Deaf Association to conduct monthly workshops for their



beneficiaries, and held a once-off help desk in December 2016 with six attorneys in attendance. There are plans to run a similar help desk for the Pietermaritzburg branch in due course.

In a new development, a general advice help desk will be held in the Durban High Court in partnership with the KZN Law Society. The help desk will be the first of its kind for the Durban office and will run daily from 09:00 – 12:00. ProBono.Org had a test run on 14 March and the help desk will officially launch on 10 April. This help desk will be staffed by attorneys with a minimum of 5 years experience. If any attorneys are interested in participating in this new venture, please contact ProBono.Org's Durban office on 031 301 6178.

JOHANNESBURG

A divorce legal clinic started on 7 February 2017 at the Johannesburg Regional Divorce Court with one attorney and one advocate attending on Tuesday mornings. Ten candidate attorneys joined the programme on Monday mornings under the supervision of Adv. Elsabe Steenhuisen. After training at the court on 13 and 20 March 2017, they started to assist the public from 27 March. On average, they assist 10 members of the public per session.

As a pilot project and in support of the SA Law Reform Commission's paper, Project 31: Family Dispute resolution, the clinic has involved the pro bono services of mediators and counsel. The aim is to offer a complete service to the indigent, and if the divorce disputes cannot be settled by mediation and settlement agreements, counsel will continue with pre-trials and trials. The focus is on dispute resolution regarding assets, and allowing children to voice their opinion in an attempt to curtail conflict.

The involvement with the clinic has led to training for counsel (two sessions) and candidate attorneys (four sessions). More training is planned on different types of curatorship in family disputes (May 2017), and the functioning of children's courts (June/July 2017) which will be open to all legal practitioners.

Following a call by conveyancers at a pro bono briefing session held at the Johannesburg Deeds Office, we are setting up a help desk at the Deeds Office. This help desk will form the basis for a similar help desk at the Pretoria Deeds Office. We are aiming for the help desk to be operational by May ●

Thanking our Pretoria pro bono lawyers

by Neo Chokoe

On 6 April 2017 ProBono.Org Pretoria hosted its first Lawyers Appreciation Ceremony to say thank you to the lawyers that have done pro bono work in collaboration with its office. The event was attended by 38 guests including Judge Mudau from the Gauteng Division, Johannesburg.

The Pretoria manager, Neo Chokoe welcomed the guests and thanked the sponsors who made the event possible through their donations. They were Maponya Inc, R W Attorneys, Savage Jooste & Adams, Lexis Nexis, Gildenhuys Malatji, Hahn & Hahn, Rudolph Jansen SC and R O Waters.

Ms Bait seng Rangata, the CEO of Maponya Inc and Secretary General of the Black Lawyers Association addressed the

gathering on the importance of serving members of the community on a pro bono basis. She mentioned that the Black Lawyers Association is committed to pro bono work and will continue to encourage its members to do more. She stressed that it feels good just to be appreciated and that a “thank you” goes a long way even when it does not come with monetary reward.

Ms Erica Emdon, the National Director of ProBono.Org, thanked the lawyers for their



commitment to pro bono work before handing out the certificates of appreciation. ●

Celebrating Human Rights Day with children - 21 March 2017

by Elsabe Steenhuisen



A special day for the children in homes in the inner city of Johannesburg was organised by Lefika La Phodiso at the restaurant area at Constitution Hill. One of the organisations participating was the Art Therapy Centre, which uses art to assist children to deal with their emotions, to develop self-esteem and to develop skills in art.

The theme was about safe spaces and what is required to create a safe physical and emotional environment for children, in line with the Constitution.

The guest speakers were Advocate Elsabe Steenhuisen of ProBono.Org and Luke Lamprecht, a social worker who chairs the Johannesburg Child Advocacy Forum (JCAF).

Elsabe Steenhuisen demonstrated to the children how the law is creating safe spaces for children in need. She filled a glass bottle with sand, stones and water to illustrate that the law keeps children safe just as the bottle keeps the stones. Children should know that even if a situation seems hopeless, the law can still create a safe space, like the sand and water that finds a gap between the little stones.

Luke Lamprecht conducted a question and answer session on the rights of children. The children talked about food, shelter, education, love, discipline, guidance, protection, respect, a safe environment and the time to play.

The event ended with lunch and music by Zwai Bala. ●

A first-hand account of a “messy” case

by Nolia Langa, legal intern

When clients approach you for legal assistance, many times they present their version of the events in emotionally loaded ways, requiring you to sift through it, seeking out the most relevant facts - the *facta probanda* and the *facta probantia*. One is often faced with a messy and complex version.

The very first case I dealt with involved three parties. The facts of this case were presented to me intertwined, and came at different stages, piecemeal and through various mediums and people (apart from the parties), ranging from emails and telephone conversations, to direct consultations with the parties.

This was a great challenge for me, as I had to decipher what was relevant and put together all the information in a coherent way. The instruction from my supervisor was to do an analysis, using seven questions: “Find out what happened to whom, when, where, how and why, and who was involved.”

I used the questions to extract the relevant facts from the vast amount of information to build a coherent case. I explored various methods of analysis but focused on logic and chronology.

I needed to do three things: identify the facts of the case; group and arrange the facts of the case; and list the basic

elements. After having done this, I was able to form a clearer indication about the strengths and weaknesses of the case, possible conflicts amongst the parties, and possible solutions to different scenarios.

The facts of the “M” case, are:

- N is a minor female still at school, and the mother of Baby M, who was born as a result of an alleged rape.
- L, the mother of N, is an undocumented major, which means that N too is undocumented and so is Baby M.
- N lent her cellphone to a 20-year old male neighbour, O, who refused its return despite demands from both L and N.
- O insisted on intercourse with N in exchange for her cell phone.
- At first N refused, but later gave in as she needed the phone to access the internet to complete a school assignment.
- 7 months later, L discovered that N was pregnant by O.
- L reported the case to the SAPS.
- When born, N and L decided to put Baby M up for adoption. As they were both undocumented, they could not sign off any rights pertaining to Baby M. In such cases the Children’s

Court has to obtain the consent of the father of the baby. This fact upset L and N tremendously, as O and his family indicated that they wanted to raise the baby.

- The issues of the case were the lack of documentation, an alleged rape, N’s age, which may constitute statutory rape, and the lack of consent of the father of the baby to an adoption.

Action taken

- We found representation for Baby M’s family to apply for the right to put the child up for adoption;
- Baby M’s family is currently receiving assistance from the S A Human Rights Commission to obtain their documentation;
- N will pursue a charge of rape against O.

Conclusion

It is essential that you have a method that works for you, depending on your personality and what best assists you in analysing the information that has been given to you. We must always remember that we have a duty to act in the best interests of our client, balanced with our duty to uphold justice. ●

Farewell to Neo



Neo Chokoe, the manager of ProBono.Org's Pretoria office, will be leaving at the end of April in order to open her own law practice. Neo joined ProBono.Org in July 2015 and has been instrumental in recruiting attorneys around Pretoria and surrounding areas to do pro bono work, organising community workshops, workshops for attorneys and referring cases to attorneys.

ProBono.Org is most grateful for the sterling work Neo has done in this joint venture with the LSNP and our good wishes go with her for the success of her new venture.

Nomboniso Nangu

ProBono.Org is exceptionally saddened and shocked by the tragic passing of Nomboniso Nangu. Nomboniso, the director of the National Alliance for the Development of Community Advice Offices (NADCAO) who passed away on 8 April 2017, was devoted to furthering the interests of the community advice office sector with untiring passion and commitment.

Even when it seemed that the sector was unable to survive in trying economic times, she forged ahead and always remained a constant figure in the fight for recognition of grassroots level advice offices in the country and in the continent.

For the past two years, Nomboniso was a judge at the ProBono.Org Annual Awards Ceremony. With the

other judges, she had to decide on the winners and finalists for various awards, including pro bono service by private legal professionals, students at law clinics, paralegals at community advice offices, and legal NGOs. She devoted considerable attention to ploughing through pages and pages of entrant applications and contributed her own insights and suggestions indicating her knowledge and experience of the needs of poor and vulnerable people in accessing legal services.

Her loss is an enormous blow to the social justice and community advice



office sector, and it will be hard to fill the void she leaves.

We send our deepest condolences to her family, her colleagues and her friends.

May she rest in peace. ●



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