

Introduction

ProBono.Org supports refugees and asylum seekers at our Refugee Legal Clinics in Durban and Johannesburg. We were outraged and shocked by the recent wave of xenophobic violence that swept through areas of KZN and elsewhere. Seeing as many foreigners at these two legal clinics as we do, we are acutely aware of the hardships and difficulties these people encounter, both in the countries that they leave and in South Africa. We relate how we participated in peace marches held in Durban and Johannesburg, to add our voice to all the others that have condemned this outbreak of xenophobia. We also draw your attention to our 2015 Pro Bono Award Ceremony and invite you to nominate either yourself or a colleague. ●

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Cities march against xenophobia



The xenophobic attacks that took place around the country in April resulted in an outpouring of support for migrants and refugees from many quarters. Several large peace marches were held and ProBono.Org took part in one in Durban and one in Johannesburg.

Durban: Towards the end of March 2015, violent xenophobic attacks started in Isipingo and spread to Phoenix and the Durban city centre. The attacks were sparked by comments made by the Zulu monarch, King Zwelithini, who addressed a gathering in Pongola,

KZN. The monarch, in reference to foreigners in the country, was quoted as saying "they should pack their bags and leave". Hundreds of foreign nationals were displaced and many shop owners had their shops looted. Temporary refugee camps were set up in Phoenix, Isipingo and Chatsworth to cater for those who had fled their homes and shops.

The Department of Home Affairs held meetings with the king and various key parties such as community leaders, stakeholders and civil society members in an effort to diffuse the violence and try to integrate

Xenophobia marches... Continued

the hundreds of displaced foreigners. On 16 April 2015, ProBono.Org, together with other civil society members, was invited by the KZN Premier, Mr. E. S Mchunu and the Mayor of eThekweni, Mr. James Nxumalo, to attend a peace march in an effort to stop the violence and show the city's zero tolerance towards xenophobia. Thousands attended the march, which started at Curries Fountain and proceeded to the Durban City Hall. Many local celebrities such as DJ Black Koffee also attended to support the march, which saw a heavy police presence.

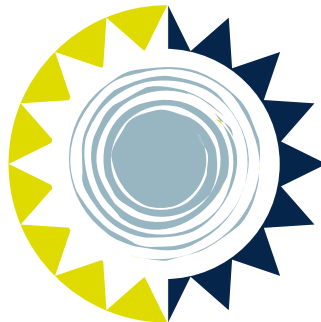
Johannesburg: There were numerous responses to the attacks on foreigners organised by trade unions, political parties and civil society. Lead SA organised a night vigil at Constitution Hill on 21 April when hundreds of people responded by lighting candles and bringing clothing and blankets for people who had been affected.

On 23 April civil society organisations held one of several peace marches that took place in the city. ProBono.Org staff gathered with thousands of people at the Pieter Roos Park in Parktown, where Bishop Paul Verryn spoke, and marched through the streets of Hillbrow and down to Mary Fitzgerald Square in Newtown. It was very moving to see and meet some of the many foreigners who live in the areas covered by the march. They gathered in the streets and on their balconies in huge numbers, taking pictures on their phones and waving to the marchers. ●



2nd ANNUAL PRO BONO AWARDS CEREMONY

2015



Second Annual Pro Bono Award Ceremony and call for nominations

The second of the annual pro bono award ceremonies will be held on 17 September 2015 at The Hill restaurant at Constitution Hill. The Public Protector, Advocate Thuli Madonsela will be the keynote speaker.

We are calling for nominations for pro bono excellence in 2014. There are seven categories of awards and nominations can be made online this year. Please visit the awards site at www.probono.org.za/awards

Nominations close on 17 July 2015.

A short memoir of a volunteer student:

A journey has never been so pleasant

by Abongile Athi Swana

Meeting grumpy old attorneys, literally having interns throw a batch of work at you to do urgently, the director screaming at you from her office demanding outstanding work due - this is how I imagined my life at ProBono.Org would be. However, this was far from my actual experience. For me it was very rewarding, perhaps even better than articles of clerkship - and it all began on the 10th of March 2015 when, as a LLM student in Business Law at UKZN (Howard College), I signed up for ProBono.Org's volunteer programme, specifically Consumer Law.

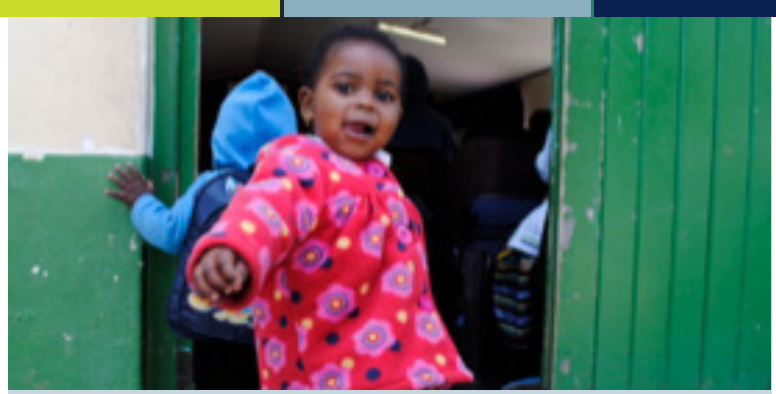
I was welcomed by Petrina Chetty, a staff attorney at the Durban office, who guided and supervised me throughout the programme. I engaged with the interns who would patiently explain my tasks to me, repeatedly if need be. I soon came to learn that the interns are the heart and soul of ProBono.Org as they play a central role in assisting clients, undertaking research and aiding the attorneys.

The director was supportive and filled me in on her experiences in the legal field. She often invited me into her office to give me feedback on my work, and ensure my time at ProBono.Org was worthwhile.

The ProBono.Org legal clinics and help desks are something I find add a great deal of value to the lives of our clients. These are places where members of the public are given an opportunity to discuss their problems with an experienced attorney in the field who will give them free advice. These sessions are not only a mechanism for ensuring that legal representation is accessible, but are also a learning curve for us volunteers, as we are exposed to the different issues that consumers face. Furthermore, this is the point at which we are able to put into practice what we learnt during our undergraduate or postgraduate degrees.

Through these clinics, and in a period of only three months, I was exposed to many cases, such as illegal vehicle retention by panelbeaters, excessive deductions being made in terms of emolument attachment orders, threatened attachment of RDP houses, gym contract cases and cases against tertiary institutions.

Working with an organisation that is concerned with the welfare of consumers and ensuring that consumers have access to redress is the best way in which one can make a meaningful contribution to society. Although my journey with ProBono.Org has been short, it has indeed been a memorable one and I would encourage other students to embark on such a journey. ●



One-Child-a-Year Campaign anniversary

This project was started on 18 June 2014 in response to the need for children at risk to be represented in court. The idea was to get pro bono attorneys to commit to one matter per year concerning a child or children in need. Pro bono attorneys have taken on several cases in the past year and we will be marking the anniversary of this project with an event for attorneys and NGOs on 7 July at Bowman Gilfillan Attorneys. We will distribute copies of a booklet we are producing which will highlight some of the cases that have been referred to attorneys since the start of the project. ●

Public Interest Law Gathering Wits University, 23-24 July 2015

ProBono.Org will be discussing three topics at the PILG gathering:

- **Reckless lending practices and emolument attachment orders (EAOs).** In the vast majority of EAO cases, debtors are left with so little money at the end of each month, owing to debt repayments, that they cannot survive. Another issue is that EAOs are being signed off by clerks of the court rather than magistrates. Two cases relating to these issues will be discussed by the panellists, among other things.
- **The role of watching brief attorneys.** This panel will consider the role an advocate or attorney can play as a watching brief lawyer in criminal matters. The low prosecution and conviction rate in South Africa is cause for concern. Perpetrators of violent crimes against women and children, foreign nationals and others, frequently are not prosecuted, nor are their crimes investigated. We want to explore the role the watching brief lawyer can play from the time that a crime is reported until the alleged perpetrator's trial is over.
- **The challenge of the conflict of interest.** A scenario that confronts attorneys in law firms is that situations arise where they are internally barred from acting for certain clients because the firm has done work for opponents of such clients. This also arises when law firms will not take on work against clients who may give them future mandates, or where firms are put on retainer for certain clients. This panel looks at the topic from the perspective of the law firm, but also in relation to how it impacts on public interest litigation.

For information and to register, visit:
www.publicinterestlawgathering.com ●

ProBono.Org's Pretoria office launched

The Pretoria office at the Kutlwano Democracy Centre in Visagie Street was officially launched on 6 May 2015.

In his keynote address, the Honourable Justice Jody Kollapen emphasised the importance of the private legal profession in society and discussed the role of the law in South Africa's context of poverty and unemployment. "For the law to be meaningful, people need to know the law and have access to the law," he said.

Both Strike Madiba, President of the LSNP, and Advocate Andy Bester,



Justice Kollapen, Jacob van Garderen (LHR) and Ann Skelton (Centre for Child Law).

Chair of the ProBono.Org Board, encouraged local attorneys to contact the Pretoria office and use the opportunity to give something back.

"ProBono.Org would like to renew its commitment to working with the judiciary to see access to justice being made effective" Advocate Bester said.

The office has already been inundated with clients, and at present they are seeing between 30-50 a day. The new Manager, Neo Chokoe, will start work on 1 July. ●

Contact the Pretoria office at info@probono.org.za or Tel. (012) 320-0057 if you would like to contribute as a pro bono attorney.

Volunteers needed to staff the new High Court Help Desks in Pretoria and Johannesburg

ProBono.Org and the Law Society of the Northern Provinces (LSNP) have collaborated to launch two high court help desks with the aim of relieving the burden on court administrators and helping the public gain access to the courts.

ProBono.Org was approached by the Judge President of Gauteng, Dunstan Mlambo, to look into assisting with setting up these help desks and he invited us to accompany him on a tour of the South Gauteng High Court in Johannesburg.

What struck us was the difficulties poor people have navigating this court. There is no proper signage; it is difficult for people who are not literate and informed to work out in which direction to walk, which court to attend and what to do. The Registrar, who is meant to assist, is barely able to cope, and the absence of clarity adds to the confusion. Only those who have hired advocates and attorneys to represent them are able

to use the court effectively, without anxiety or stress.

Judge Mlambo explained some of the reasons why the courts need help desks. The judges are inundated with requests for solutions from members of the public, who literally walk into their courts or accost them in the corridors. These include prisoners who are brought to the courts without representation, or refugees unlawfully detained at the Lindela refugee holding centre, and people faced with possible default judgements. Frequently judges have to implore counsel in paying matters to remain on to assist those without representation. These needy members of the public place considerable strain on the already over-stretched judges.

This project aims to ameliorate the difficulties being experienced and is a collaboration between the Department of Justice, which is providing space and furnishing an office at the Pretoria and Johannesburg High Courts,

the LSNP, which will employ an administrator for each help desk, and ProBono.Org. Both ProBono.Org and the LSNP will source pro bono lawyers to staff the help desks on a rotational basis. The attorneys and advocates who staff the help desks will assist applicants who have general queries, give advice and where necessary refer them to ProBono.Org to identify attorneys to take their matters on. Please consider signing up to help us with this initiative.

The Johannesburg ProBono.Org office is organising a roster for the South Gauteng High Court Help Desk. The help desk will operate from 27 July, on Mondays to Thursdays from 09h00 to 13h00. The last day of 2015 will be 11 December. If you are available to volunteer, please contact Phumi@probono.org.za. We hope to have two attorneys at each morning shift.

Regarding the North Gauteng High Court Help Desk, the LSNP will be organising the roster. If you wish to volunteer at that help desk contact probono@lsnp.org.za ●

Website: Our revamped website is now up and running. Visit us at www.probono.org.za



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**Suite 9001, Nedbank Building
Durban Club Place, Durban
tel: 031 301 6178 • fax 031 301 6941**

**Kutlwano Democracy Centre,
357 Visagie Street, Pretoria
tel: 012 320 0057**

VISIT OUR WEBSITE AND FACEBOOK PAGE WHERE YOU CAN READ ABOUT OUR UPCOMING EVENTS AND DOWNLOAD PODCASTS OF OUR RADIO PROGRAMME PROBONO LAW.
www.probono.org.za