

Means Test: Johannesburg Office

The test comprises of 5 aspects. Each aspect will be considered and all applications must have a reasonable prospect of success.

| <u>INDIVIDUALS AND HOUSEHOLDS</u> | | | | |
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| <u>FINANCIAL ASPECTS</u> | | <u>MERIT, PUBLIC INTEREST AND VULNERABILITY ASPECTS</u> | | |
| 1. INCOME | 2. ASSETS | 3. MERIT OF CASE | 4. PUBLIC INTEREST | 5. VULNERABILITY |
| <p>NOT EXCEEDING:</p> <ul style="list-style-type: none"> • R7 500 per month before deductions/gross | <p>NOT EXCEEDING:</p> <ul style="list-style-type: none"> • R350 000-00 in value <p>Note:</p> <ul style="list-style-type: none"> • Assets include any fixed property | <p>It is based on the:</p> <ul style="list-style-type: none"> • Facts • Probabilities • Possibilities <p>The case :</p> <ul style="list-style-type: none"> • must have reasonable prospects of success | <p>It means for:</p> <ul style="list-style-type: none"> • the public benefit • the public good • in the interests of most people • the common good in the sense of the public having a common purpose <p>Legal practitioners will act on a pro bono basis to fight for important causes and on behalf of marginalised clients who otherwise have little hope of getting a fighting chance in our legal system.</p> <p>The focus is on activities that are designed to improve access to justice for the most vulnerable and disadvantaged members of our society.</p> | <p>It means:</p> <p>a person with a vulnerability is usually described as someone who is at a higher risk of harm than others.</p> <p>In general, a vulnerable person is someone who, for physical or mental reasons, is unable to look after him/herself or his/her finances, and who is exposed to the possibility of being attacked or harmed. Examples are a minor, a woman, a pregnant woman, a senior citizen, a person with disability, a person of the LGBTQI community, etc.</p> <p>4 types of vulnerability:</p> |

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| | | | | <ul style="list-style-type: none"> • Physical • Social • Economic • Attitudinal |
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| <u>INSTITUTIONS</u> | |
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| SMMEs (small, micro and medium enterprises) | <ul style="list-style-type: none"> • Their objectives are aimed at improving the lives of the poor, including their own, creating job opportunities, and contributing toward the growth of the economy; and • If they are in the start-up phase, which means that they are not yet operational, or • If they have been in business for six months or less, or • If they have been in business for over six months and their net income does not exceed R1m. |
| NPOs (non-profit organisations like non-governmental organisations, community-based organisations, public benefit organisations, be they incorporated or unincorporated bodies, trusts, foundations, voluntary associations or charities) | <ul style="list-style-type: none"> • The income/donations received by the organisations may not exceed R20m per year; and • Their objectives are to serve the public interest or work to secure or to protect human rights; and • They are mainly funded by donations or if they are funded by their own commercial activities, the money so raised must be used to carry out their objectives; and • If payment of legal fees will deplete the organisation's economic resources and affect their ability to carry out their charitable or public interest work. |

IMPACT LITIGATION AND OTHER MATTERS

IMPACT LITIGATION matters may qualify for pro bono legal assistance if the matters:

- May have a potentially positive effect on the lives of a great number of poor, marginalised and vulnerable people, or a large class of people;
- May establish a legal precedent that will benefit poor, marginalised and vulnerable people in similar matters.

OTHER MATTERS may qualify for pro bono legal assistance if the matters:

- Through strategic intervention and non-litigious intervention, materially improve the lives of a group or class of people it will qualify for pro bono legal assistance.

NON-COMPLIANCE WITH ONE OR BOTH FINANCIAL ASPECTS OF THE MEANS TEST

Should an applicant (either an individual/household or an institution) fall above the financial threshold of the means test, the strength of the public interest aspect will be the determining factor.

1. A permanent member of the legal staff of ProBono.Org that is a legal professional (attorney, advocate or paralegal) has the discretion to decide if the application is in the public interest. This discretion must be exercised by that legal professional in consultation with the Regional Director.
2. In considering these applications to deviate from the means test, consideration must be given to the applicant's earnings and whether the applicant can make some form of contribution toward fees. If an applicant can in fact make some form of contribution toward fees, then such applicant ought to be provided with a list of attorneys to approach in this regard.
3. The application must still comply with the merit and vulnerability aspects.

GENERAL EXCLUSIONS

| | | Notes |
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| 1. | RAF cases (Road Accident Fund claims) | |
| 2. | Delictual, damages and defamation claims | |
| 3. | Institution of eviction proceedings | The Regional Director has a discretion in exceptional circumstances Defending of eviction proceedings are dealt with, subject to compliance with the means test |
| 4. | Contractual claims sounding in money and Insurance disputes | |
| 5. | Motor vehicle accidents (Crash and bash cases) | |
| 6. | Criminal cases | |
| 7. | Administration of Deceased Estates | |
| 8. | Tax | |