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## SUMMARY

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**Application for striking off roll – double briefing and overreaching – Road Accident Fund matters – Appearing in more than one matter set down for trial on the same day – charging unreasonable fees.**

**LAMONT et MATOJANE JJ:**

An application brought by the Applicant, to seek a striking of the Respondent's name from the roll of advocates, alternatively the suspension from practice of the Respondent a practicing Advocate and a member of the Applicant. The Respondent had engaged in double briefing and overreaching in Road Accident Fund matters by taking more than one trial matter on the same day and by continuing to work up matters she claimed were not proceeding. The Respondent's evidence that she had only been briefed on trial in one matter on each occasion is not accepted; evidence that she believed that to the extent that she held multiple trial briefs that only one would proceed is irrelevant and in any event not accepted.

The charging of an unreasonable fee amounts to overreaching.

The conduct of an advocate must be exceptional for there to be a justification not to order a striking off. In the present matter the Respondent was rehabilitated by the time the matter was heard and therefore exceptional circumstances existed.

The court found that the Respondent was guilty of double briefing and overreaching based on the 106 instances set out in evidence between 2008 and 2012. The court ordered that the Respondent should pay the financial benefit which she received and be suspended for three years, two years of the suspension being suspended on condition that the

Respondent pay a fine of R500 000.00 and is not found guilty of unprofessional, dishonorable or unworthy conduct during the period of suspension.