

**REPUBLIC OF SOUTH AFRICA**



**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG LOCAL DIVISION, JOHANNESBURG)**

**CASE NO: 11844/2018**

In the matter between:

**JOHANNESBURG SOCIETY OF ADVOCATES**

**APPLICANT**

and

**CRAIG SNOYMAN**

**RESPONDENT**

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**S U M M A R Y**

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*Advocate – alleged unprofessional conduct in conducting cross - examination of a witness - application for an order for striking off the respondent's name from the roll of advocates, alternatively to suspend the respondent for a period deemed fit by court - matter originated by way of notice of motion - full set of affidavits filed – at the instance of the respondent application made by applicant for referral for the hearing of evidence - by agreement an order made by the court for the hearing of oral evidence on the issues as defined in the affidavits (the order).*

*At the commencement of the hearing application made by respondent for the setting aside of the order - on the grounds first, that the order was wrongly made as all the issues referred to in the order were either common cause or not disputed, and second, in the*

*absence of triable issues a referral to evidence, albeit initiated at the request of the respondent and expressly agreed upon by the parties, was not competent - held application flawed in its premise - a clear and well defined factual dispute was readily apparent from the papers - respondent requested the opportunity to explain and clarify his conduct, which he admitted right from the outset, was prima facie open to misunderstanding and criticism - the nature of the court's discretion examined: even if no application for a referral is made by either party court empowered to mero motu call for a viva voce explanation of such conduct from the respondent – in limine application dismissed with costs.*

*Uncontested evidence given by respondent analysed and evaluated – held: unprofessional conduct not proved – main application dismissed with costs.*