



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 25 November 2011

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

Law Society v R F Sonntag

The Supreme Court of Appeal today upheld an appeal by the Law Society of the Northern Provinces against the judgment and order of the North Gauteng High Court (Pretoria) (Legodi J, Kruger AJ concurring) suspending the respondent, an attorney in Tzaneen, from practice for three years suspended on certain conditions. The Law Society had appealed against both the order suspending the respondent and the failure of the high court to make an order as to

costs. The Supreme Court of Appeal upheld the appeal and substituted the order of the high court with an order removing the name of the respondent from the roll of attorneys and ordering her to pay the costs in the court below on the attorney and client scale. The Supreme Court of Appeal found that the high court had misdirected itself in merely suspending the respondent from practice. It should have ordered the removal of the respondent's name from the roll of attorneys. The respondent had been found guilty of touting, sharing fees and office with the tout, referred work to the tout, who was not a practicing attorney, assisted or co-operated with him, and acted for persons referred to her by him. The Supreme Court of Appeal criticized the conduct of the respondent in defending the application for her removal and found that she was not entirely open with the court. She initially pleaded not guilty when the charges were put to her when she appeared before the disciplinary committee of the Law Society, changed her plea to not guilty and in her affidavits again attempted to assert her innocence. Because the evidence she deposed to was not credible the Supreme Court of Appeal found that only suitable penalty was that the respondent should be removed from the roll of attorneys.