

# The Annual Pro Bono Awards

For the third consecutive year ProBono.Org hosted an awards ceremony to celebrate and recognise pro bono work. Integrating pro bono work fully into the practice of all attorneys, advocates and others continues to be a challenge. However, many have done so with a remarkable degree of commitment and enthusiasm. It is these people that this event recognises, hoping that others will follow suit. ProBono.Org strives to involve law firms, in particular, in pro bono matters that suit their expertise and interest, Great strides have been made in our first 10 years, but many more legal professionals could contribute to give poor and indigent people a legal voice. It was pleasing to see a marked increase in the participation of small law firms in the awards this year.



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Guest speaker, Dali Mpfu SC, stressed the importance of each legal practitioner doing pro bono work. As a member of the National Forum considering the new Legal Practice Act, he noted that pro bono work is being addressed in the category of community service, and believes that this will open the way for more law firms to become involved. The six independent judges for the awards were human rights activist Alice Brown; Professor Jonathan Klaaren of the Wits Law School; Clive Ramathibela-Smith, well known radio personality and businessman; Nomboniso Nangu, Director of the National Association for the Development of Community Advice Offices (NADCAO); Nic Swart, CEO of the LSSA and LEAD; and Jonathan Berger, an advocate of the High Court and member of the Johannesburg Bar with a long history of defending human rights. In the category of most impactful case or initiative, there were three outstanding entries.

Webber Wentzel submitted a case in which they represented the Southern Africa Litigation Centre and the Helen Suzman Foundation where government failed to arrest Sudanese president, Omar Al-Bashir, when he visited South Africa in 2015. Al-Bashir is wanted by the International Criminal Court for crimes against humanity and genocide.

In terms of the Rome Statute, government was obliged to arrest President Al-Bashir when he came onto South African territory. Hogan Lovells was selected for the police brutality legal clinic it runs in conjunction with ProBono.Org. A public outcry about police powers followed the death in 2011 of Andries Tatane at the hands of police officers after he led a service delivery protest. This led to a partnership of Probono.Org and Hogan Lovells to start a police brutality clinic. Advice is given by Hogan Lovells and a number of client claims have been successful. The winner was Norton Rose Fulbright SA for their case, The Arthurstone Village Community v The Amashangana Tribal Authority, in Mpumalanga. The firm successfully acted on behalf of the 150 indigent and vulnerable residents of Arthurstone who were unlawfully evicted by the tribal authority from their homes on a communal farm. The court found the eviction and demolition order unlawful and set it aside. It ordered the tribal authority to construct temporary dwellings and, thereafter, permanent housing equivalent to the housing previously occupied. In the category firm without a dedicated pro bono department, the winner was Cullinan & Associates, Cape Town. Cullinans has taken on a number of cases dealing with the protection of environmental rights. One matter involved the rights of AmaPondo communities on the Wild Coast. For over 10 years, Cullinans has represented the Sigidi and Mdatya communities in opposing a limited access toll road and titanium mine being built through their ancestral land, both of which threaten the environment and the rights of the community.

The other finalists were Garlicke & Bousfield, Durban and attorney David Masilela. Garlicke & Bousfield's Sanelisiwe Nyasulu, said she is committed to making a tangible change in society by using her legal expertise to reach those with no

prospect of being able to afford legal representation. Her work in supporting the ProBono.Org office in Durban has shown dedication and commitment.



— Adv. Dali Mpofo SC 2

David Masilela took on a great deal of work under the ProBono.Org banner, and pro bono work for community advice offices, the help desks at the High Court and the Master's Office in Pretoria. In 2015 he also trained attorneys in areas of law that affect poor and vulnerable people. The winner in the category firm with a dedicated pro bono department was Fasken Martineau. Their small team has attended extensively to domestic violence, refugee and housing matters. The focus on gender based violence has seen the firm successfully assist a number of women to obtain protection orders. Many asylum seekers have been enabled to regularise their status and have their children admitted to schools (which has been highly problematic in public schools). A number of maintenance orders and parenting plans have been finalised and the firm attended court at least 40 times in 2015 to ensure that children's rights are protected.

The other finalists were Cliffe Dekker Hofmeyr and Hogan Lovells. Cliffe Dekker Hofmeyr was chosen for its involvement in several high profile matters including the challenge of SABC for its failure to implement the findings of the Public Protector and the SAHA matter where it won the right to have the full TRC Records released. It trained school children in the National Schools Moot competition, ran a number of legal seminars and played an active part in the ProBono.Org Refugee Legal Clinic.



— Adv. Dali Mpofo, Tsepiso Matubatuba, Patrick Hundermark & Brian Nair – LASA Award

Hogan Lovells partnered with Probono.Org at the Police Brutality Clinic, and is involved in the SASLAW clinic at the Labour Court and the Master's Office help desk clinic. In addition, the firm has established its own clinics at the Ikhaya Lethemba shelter for women in Braamfontein and the Teddy Bear Clinic in Parktown. The aim of these legal clinics is to advise clients and take on matters. The constitutionalism award went to two media players who advanced social justice

through their work. Freelance journalist Niren Tolsi was recognised for his reports on the Marikana Commission. He spent a significant amount of time analysing the effects on the widows of the mineworkers. It took two-years to document the stories of the affected families.

Sipho Kings, the Mail & Guardian's environment reporter, was asked by the paper to overhaul the environmental section and include the voices of communities that never make it into mainstream media. His conversations with people in communities affected by environmental degradation fuelled his desire to tell the stories that would question both big business and government. This type of journalism capacitates those who are most in need of a clean environment.

The advocate award went to Isabel Goodman. Among her many pro bono cases, she appeared in the Al-Bashir matter where she acted for the Legal Resources Centre and in the Baleni matter where a mining company was interdicted from entering community land and threatening people (this is part of a larger dispute relating to the attempt by an Australian mining company to mine titanium along the Wild Coast). She has challenged the constitutionality of a section of the Criminal Procedure Act that relates to mentally ill children, assisted in a transgender matter involving a minor in the Equality Court, and took on the Department of Home Affairs which refused to register the births of children born of undocumented parents or parents who had passed away, resulting in statelessness.



Back row: Bait seng Rangata (Maponya Attorneys), Tsepiso Matubatuba, Dali Mpofo SC, Ngwako Raboshakga, Antonel Olckers (DNAbiotec), Henk Strydom. Front row: Sushila Dhever (Fasken Martineau), Danjelle Midgley (Cullinan & Associates), Ashley Seckel, Jeff Phahlamohlaka, Juvon Prinsloo, Liesl Williams (Norton Rose Fulbright SA) and Isabel Goodman

Finalists in this category were Donrich Jordaan and Luke Kelly. During 2015, Jordaan acted as counsel in a number of pro bono cases that involved cutting-edge legal developments. In the case of AB and Another v Minister of Social Development he questioned the law on surrogacy, particularly the so-called genetic link requirements. He acted for the student council of the Tshwane University of Technology (TUT) in a series of cases grounded in student dissatisfaction with public funding of higher education. He is currently acting for the appellants in two related criminal appeals before the Constitutional Court.

Advocate Kelly was nominated for his outstanding contribution to the work of Corruption Watch over the last three years. The finding in the important Allpay case was of the utmost importance in guiding litigation on procurement irregularities, and ensuring that such irregularities are treated seriously. In the EFF and DA cases against the National Assembly, the powers of the Public Protector were clarified in what could be considered to be a landmark decision.

The Juta award to a student at a university law clinic recognised a high level of commitment and dedication to work at a university law clinic in 2015. Finalists were Mikhaile Brookes (Wits Law Clinic), Lindie Hein (University of Pretoria law clinic) and Ashley Seckel from the University of Johannesburg law clinic, who was the winner. There were special awards given by Legal Aid South Africa (LASA) and the Law Society of the Northern Provinces (LSNP).

LASA selected a pro bono practitioner or service provider that showed dedication and commitment to undertaking pro bono work for Legal Aid SA during 2015. The practitioner award went to Tsepiso Matubatuba. The service provider award went to DNAbiotec®, which independently evaluates DNA evidence to serve justice through science. For the past 15- years, the DNA experts have assisted legal professionals with DNA evidence in court cases throughout South Africa. They have offered a screening service to legal professionals for s212(4)(a) affidavits containing DNA evidence since 2001. DNAbiotec® formalised this as an official pro bono service for Legal Aid South Africa a few years ago. LSNP

President, Anthony Millar, presented their award to Juvon Prinsloo, who has enthusiastically taken on pro bono matters since she opened her own firm.

Finally, there were several National Director's Special Mentions, including an award to Ngwako Raboshakga, co-ordinator of the Alexandra Law Clinic run by ENSafrica; Bricks Mokolo for his work in the community advice office sector; Henk Strydom who takes on many pro bono children's matters; Bait seng Rangata of Maponya Attorneys for the firm's many hours of work with communities in Pretoria; Jeff Phahlamohlaka for his legal clinics and outreach work with Bowmans; and Advocate Kate Hofmeyr, who has, amongst others, undertaken cases involving hate crimes and attempts to muzzle the press. The Awards event was auspicious in that 2016 marks the tenth anniversary of ProBono.Org, which has grown from a small office in downtown Johannesburg to a substantial organisation with offices in Johannesburg, Durban and Pretoria, and a new office in in Kayelitsha.

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