

## Incredible Power of the Pro Bono Concept

**Edwin Rekosh, the founder and executive director of the Public Interest Law Institute (PILI) and the 2009 recipient of the American Bar Association's International Human Rights Award talks of the "incredible power of the pro bono concept". (<http://www.trust.org/trustlaw>) We share with you some success stories of South African pro bono lawyers that illustrate that power.**

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# Community based advice office support

Together with the National Alliance for the Development of Community Advice Offices (NADCAO) ProBono.Org is about to embark on a project to support, upgrade and improve the legal services provided by 50 community advice offices. This will be done by linking them to attorneys practising in their geographic area who will provide them with legal support and advice. We are delighted that the Open Society Foundation will provide grant funding for the project. For most South Africans the only source of legal assistance and services is their local community advice office.

These offices are often situated in isolated, rural areas, managed on a skeleton staff, with few resources and little support. The expected outcomes will be:

- To upgrade and improve quality of legal services provided at 50 community advice offices in need,
- To link 50 law firms in rural areas to local community advice offices to provide volunteer free legal support and services, and
- To run four workshops on relevant issues for attorneys and community advice office staff.

## ProBono Law – radio that matters

**P**roBono Law is the only radio programme in South Africa that focuses exclusively on constitutional topics. It is broadcast live on Radio Today at 6.30 pm on alternate Thursdays - 1485 AM and DStv Audio Channel 169. You can also listen to the discussions at your leisure. Each show is made available as a podcast on both the Radio Today and ProBono.Org websites – [www.1485.org.za](http://www.1485.org.za) and [www.probono-org.org](http://www.probono-org.org).

Since the beginning of 2010 a wide range of topics has been covered:

- ▶ PRIVATE PROSECUTIONS with Alex Elliot, a director at Knowles Husain Lindsay Inc
- ▶ THE RIGHTS AND OBLIGATIONS OF INDIVIDUALS IN FINANCIAL DISTRESS with Carina van Niekerk, a senior associate at Eversheds
- ▶ DINOKENG SCENARIOS AND VOLUNTEERISM with Rick Menell
- ▶ THE DUTIES AND LIABILITY OF PUBLIC BODIES IN RELATION TO PROCUREMENT with Vlad Movshovich, a senior associate at Webber Wentzel
- ▶ THE CONSTITUTIONALITY OF THE COMMUNAL LAND RIGHTS ACT, with Tembeka Ngcukaitobi, head of the Legal Resources Centre's Constitutional Litigation Unit
- ▶ HIV/AIDS – WHERE DOES IT INTERSECT WITH HUMAN RIGHTS, with Reghana Tulk, a senior associate at Bowman Gilfillan Attorneys
- ▶ A DISCUSSION ON SERI, AN ORGANISATION THAT AIMS TO MAKE SOCIO-ECONOMIC RIGHTS IN SOUTH AFRICA WORK, with Dr.

Jackie Dugard, the executive director of the Socio-Economic Rights Institute

- ▶ A DISCUSSION ON SECTION 27, A NEW ORGANISATION THAT SUPPORTS AND ADVANCES CAMPAIGNS FOR SOCIAL JUSTICE AND HUMAN RIGHTS IN SOUTH AFRICA, with Jonathan Berger, a senior researcher at Section 27
- ▶ PRIVACY PROTECTION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION BILL, with Prof Ian Currie a lecturer at Wits Law School
- ▶ UBUNTU AND THE CRIMINAL JUSTICE SYSTEM, with Jon Parsonage, a candidate attorney at Deney's Reitz Attorneys
- ▶ NATIONAL HEALTH INSURANCE with Neil Kirby, a director at Werksmans Attorneys
- ▶ THE LAW AND TORTURE, with Marivic Garcia of the CSVR and Zweli Mkhize from the Khulumani Support Group

Two of the forthcoming shows will deal with freedom of expression and animal rights, respectively. On 8 July 2010 Darius Milo, a director at Webber Wentzel and one of the experts on his field, will be discussing freedom of expression and constitutional issues with Patrick Bracher, the host of ProBono Law. On 19 August 2010 Dr. David Bilchitz the director of the South African Institute for Advanced Constitutional, Public, Human Rights and International Law, will discuss the constitutional rights of animals.

## Divorce 101 Training

Basic divorce training will be conducted by Advocate Dorianne Smith of the Johannesburg Bar at ProBono.Org from 11 am to 2 pm on 30 July 2010. The training is free of charge. It will be very useful for lawyers wanting to do some pro bono work in this field. There are only 10 places available. If this is for you, please contact Hilda Limson on [hilda@probono-org.org](mailto:hilda@probono-org.org).

## Divorce Mediation Course

Divorce & Family Mediators (Pty) Ltd is running a divorce and family mediation course in Johannesburg from 14 to 20 July 2010. If you are interested in doing this course and adding a useful skills to your skills set, kindly contact Alfred Wolpe on 011 452 8382 or [mediators@executivemail.co.za](mailto:mediators@executivemail.co.za). Mention that you heard about the course from ProBono.Org, and you will be offered a discounted rate. You can read about the company at [www.divorcemediators.co.za](http://www.divorcemediators.co.za).

## Mr. J R / Department of Home Affairs

**Mr. J R, who was well known to authorities in Zimbabwe because of his role in the MDC among others, had been arrested and tortured on many occasions because of his political activities.**

He had been personally singled out for persecution by the authorities. He fled to South Africa, but his application for refugee status was declined. He consulted with Webber Wentzel attorneys at the ProBono.Org Refugee Legal Clinic, and they then assisted him with his successful appeal, as a result of which he now has refugee status. The Refugee Appeal Board held that Mr. J R discharged the burden of proof to establish that he qualifies as a refugee in terms of the Refugee Act of 1998, namely that he has a well-founded fear of being persecuted by reason of his political opinion. During June 2010 Moray Hathorn and Ayanda Khumalo of Webber Wentzel received a letter from the acting chairperson of the Refugee Appeal Board thanking them for the excellent work they did

in the preparation of the appeal on behalf of Mr. J R. To quote, "It is evident from the appeal documents submitted to the Board that great pains were taken to present this appeal in the best possible way."



Ayanda Khumalo

## Fair labour treatment

**Mr. J B, an asylum seeker from Zimbabwe, was employed by Green Transport & Demolishers CC as a labourer from April to November 2008.**

Like many foreign nationals Mr. J B lived in the Central Methodist Church. He was therefore grateful when his employer asked him to stay in an outbuilding at his son's property for security purposes. He did not ask, and also was not informed about how long he would be required to stay there. Three months later the employer told him to find alternative accommodation and move out within three days. When Mr. J B failed to find alternative accommodation within the

three-day period, he asked for a day's leave to carry on his search. Instead he was fired. The CCMA found the dismissal to be unfair and awarded compensation in the amount of R5 196.00 (R1,299.00 per month x four months). With the assistance of Ndumiso P Voyi Attorneys the employer's review application was settled out of court, and Mr. J B has received his full settlement.



## Sharon Pillay to join Werksmans Attorneys



Sharon Pillay



Kisha Candasamy



Thandi Matthews

Sharon Pillay has been the general law attorney at ProBono.Org for almost three years. She was recently selected by Werksmans Attorneys to join their litigation department as their first permanent public interest lawyer. Her professionalism, attention to detail and specific specialisation in refugee law made her a key member of the ProBono.Org team. These same attributes will no doubt contribute to building the pro bono profile and culture of Werksmans Attorneys while tending to her key areas of responsibilities which will include rendering general litigation services to non-profit organisations, individuals and communities and co-ordinating and managing the Werksmans pro bono programme.

Werksmans Attorneys serves on the ProBono.Org board of directors and we believe that our working relationship will be further strengthened by Sharon's appointment in this newly created key post.

## Thandi Matthews and Kisha Candasamy to join ProBono.Org

We believe that exchanges of skills and expertise add to the dynamism and innovation necessary in pro bono legal services and projects - and to the "incredible power of the pro bono concept". It is therefore our great pleasure to announce that during July and August 2010, respectively, Thandi Matthews and Kisha Candasamy will join

ProBono.Org and will be responsible for the general law department. Thandi is currently with Cliffe Dekker Hofmeyr Inc and has recently been admitted as an attorney. Kisha plays an active role in NADEL and is currently an associate in the litigation department at Eversheds.