

Enquiries: Gontseb@raf.co.za

Marisca Jacobs
Legal Practitioners Council: Head Office
Thornhill Office Park Building 20
94 Bekker Road
Vorna Valley
Midrand
0002

Per email:

Email address: MARISCAJ@lpc.org.za

Also: Charity Nzuza: Executive Officer
info@lpc.org.za

5 March 2020

Dear Sir/Madam

RE: FORMAL COMPLAINT FOR AN INVESTIGATION INTO THE CONDUCT OF SEVERAL LAW FIRMS REGARDING THE HANDLING AND MANAGEMENT OF FUNDS PAID IN DUPLICATE INTO THEIR TRUST ACCOUNTS ON CLAIMS MADE AGAINST THE ROAD ACCIDENT.

1. The above matter and the persistent and untenable conduct of various firms of attorneys refers.
2. The Road Accident Fund ("RAF") is a Schedule 3A public entity established in terms of section 2(1) of the Road Accident Fund Act, No.56 of 1996 as amended ("The RAF Act"). The mandate of the RAF is to provide compulsory social security cover to all users of South African roads in accordance with the RAF Act for loss or damage wrongfully caused by the driving of motor vehicles as stipulated in Section 3 of the RAF Act.
3. The RAF hereby lodges a formal complaint to the Legal Practice Council ("LPC") to institute investigations in terms of section 37(1) of the Legal Practice Act No.28 of 2014 into the conduct of **102 (one hundred and two)** law firms who owes the RAF in respect of duplicate payments made to them in an amount of **R340 060 277, 97** (three hundred and forty million, sixty thousand, two hundred and seventy-seven rand and ninety-seven cents) as at 1 March 2021. A list of all the 102 firms and their respective amounts owing is annexed in this letter marked A.

Centurion: Eco Glades 2, 420 Witch Hazel Avenue, Centurion, 0046 | Private Bag X178 Centurion 0046
T +27 12 621 1600 | www.raf.co.za

Board Members: Ms Thembelihle Msibi (Chairperson), Dr Nomonde Mabuya-Moloele (Vice Chairperson), Mr Hilmi Daniels, Ms Lorraine Francois, Mr Lusani Mulaudzi, Mr Khotso Mothobi, Mr Moses Nyama, Dr Maria Peenze, Mr Thulani Tshabalala, Mr Mokoditloa Moemi (Director General of Transport)

4. These law firms have failed and / refused to return the duplicate payments despite having received the monies in their trust accounts and knowing that such payments were made in duplicate.
5. The duplicate payments made by the RAF into the aforesaid firms were made in respect of specific claims for the benefit of specific claimants. The aforesaid firms have failed to return the duplicate payments made and it is apparent to the RAF that the firms have utilized the duplicate payments for purposes other than that for which the payment was received in trust.
6. The utilization of the funds occurred without instructions / consent of the claimant on whose behalf the payment was made and without the consent of the RAF.
7. The law firms contained in annexure A have resorted to a self-help approach in relation to monies paid in duplicate by the RAF. The self-help approach adopted by the attorneys amounts to unethical conduct/practices that do not resonate with the spirit of the Legal Practice Council or the Legal Practitioner's ethical codes and it is upon these grounds that the RAF seeks the intervention of the LPC to institute formal investigation into the conduct of all the firms mentioned on the list as attached to this compliant.
8. The RAF is concerned that the firm's continued conduct is in contradiction with the dictates of Chapter 7 of the Legal Practice Act 28 of 2014 with regards to the manner in which a Legal Practitioner is required to handle funds paid into a trust account.
9. To this end, the RAF hereby requests that the LPC conducts a formal investigation into the conduct of all the law firms enlisted herein and to inspect the firms accounting records, with regards to the handling of funds in the firms trust accounts, on payments made in error.
10. The RAF undertakes to provide and comply with any requests for further information from the LPC to assist with the full investigation of this matter and to assist the RAF to abate the conduct by the law firms and provide recourse to the RAF.
11. We trust the above is in order.

Yours sincerely

G. Baloyi
Gontse Baloyi
Senior Manager: Legal
Road Accident Fund

Total Outstanding Duplicates per Attorney

Attorney Name	Total Outstanding
Row Labels	Sum of Amount
ABRAM PHUTIANE PHEFADU	4 614 485,11
BALOYI ATTORNEYS	1 437 556,77
CHUEU ATTORNEYS INC	29 743 122,09
CN PHUKUBJE ATTORNEYS	414 467,40
ERASMUS ELS INC T/A ERASMUS SCHEEPE	162 037,93
ERWEE ATTORNEYS (MUSINA)	1 013 193,47
FEKE-MYEKO ATTORNEYS	300 000,00
FRANS RABIE ATTORNEYS	746 909,60
GUMBO & CO	166 441,55
GUR TLALETSI & PARTNERS	134 567,00
HANLIE BRUWER ATTORNEYS	90 886,16
HLUNGWANI TG ATTORNEYS	358 974,00
JACOBS AND MAKWAKWA ATTORNEYS	520 184,07
JD SKHOSANA ATTORNEYS	16 026 972,53
K MALAO INC	1 341 591,73
KG MASHIGO ATTORNEYS	112 429,52
KHOROMMBI MABULI INCORPORATION	73 579,29
KOMANE ATTORNEY	24 905 735,40
LEKOPANE KHUMALO ATTORNEYS	640 504,00
LETHABO MOKOENA ATTORNEYS	1 000 000,00
LETHEBA MAKGATO & ASSOCIATES	193 545,60
LM MAILA INCORPORATED	115 403,32
M RAMOGOTSWA INC ATTORNEYS	2 366 429,30
MA MOTHAPO ATTORNEYS	2 693 600,73
MA MPHULOANE INC	650 000,00
MADIKE HC ATTORNEYS	650 068,35
MAHLANGU SV	1 976 518,98
MAHOLOBELA INC ATTORNEYS	2 886 994,93
MAJA MATSIMELA ATTORNEYS	546 494,54
MAKAU PHEFADU & PARTNERS	260 844,00
MAKHURUPETZI ATTORNEYS	125 648,02
MAKOKGA SEBEI INC	10 613 244,31
MALAN M ATTORNEYS	233 645,52
MALANGE ATTORNEYS	33 815,00
MALATJI ATTORNEYS	114 294,96
MALATJI MOLOSH & POOE	178 590,00
MALOSE MATSAUNG ATTORNEYS	366 828,24
MALULEKA TLHASI INC	1 309 214,06
MAMMILE A M ATTORNEYS	556 537,00
MAMOKGALAKE CHUENE ATTORNEYS	16 502 752,06
MANTON J J S	300 000,00
MASHAPA	3 423 693,67
MASHEGO P PROKEREURS INC	7 601 909,80
MASWENENG ATTORNEYS	3 717 375,28
MATHEKGA ATTORNEYS	11 941 805,09
MATODZI NELUHENI	130 025,00
MBOWENI MALULEKE INCORPORATED ATTOR	247 962,63

MG MALI ATTORNEYS	9 547 927,32
MJ MOSIKARI	107 864,15
MMELA MTSWENI	3 573 685,54
MODIBEDI SEBELE PHETOE ATTORNEYS	650 000,00
MOGAU SETSHOANE	455 804,24
MOHULATSI ATTORNEYS INC	210 218,94
MOKGATLE LESOLE ATTORNEYS	1 909 456,95
MOKHABUKHI ATTORNEYS	15 955,62
MOLEPO INCORPORATED ATTORNEYS(PTY)	356 534,80
MOLOSI	654 501,81
MOUTON & WILLIAMS ATTORNEYS	27 633 679,20
MP MNGOMEZULU INCORPORATED	1 188 778,38
MPHAHLELE MR ATTORNEYS	121 491,20
MPHO MASHILOANE	609 456,37
MT MAKWELA ATTORNEYS	95 154,34
MTSHWENI INC ATTORNEYS	634 399,35
MTSWENI INC ATTORNEYS	1 269 725,00
MULEYA ATTORNEYS	2 914 023,45
MUNRO FLOWERS & VERMAAK	318 829,23
MUSA BALOYI ATTORNEYS	214 488,90
MZAMO ATTORNEYS	274 993,19
N.T NTSHELE ATTORNEYS	76 207,19
NDALA ATTORNEYS	303 726,04
NDAMBAKUWA	940 171,50
NDHLOVU BORNVENTURE ATTORNEYS	2 510 706,15
NDLOVU ATTORNEYS	61 118,57
NDOBELA AND LAMOLA ATTORNEYS	2 287 394,00
NOMVULA MEYIWA INCORPORATED	1 300 000,00
NTLOEDIBE ATTORNEYS	136 152,63
NTSHANGASE SS ATTORNEYS	7 467 367,23
NXUMALO AND RADEBE INC	1 242 905,00
PJ FAURIE ATTORNEYS	766 933,17
PM MOSITSA INC	98 827,37
PN HLATSWAYO ATTORNEYS	406 826,37
PP MILAZI ATTORNEYS	3 701 893,82
RALESWINGA ATT	4 189 720,87
RAMASELELA MC ATTORNEYS	300 000,00
RATSHIVHOMBELA ATTORNEYS	1 217 855,00
RENE FOUCHE INCORPORATED	22 950 444,65
ROME ANTHONY IAN	1 400 000,00
S TWALA ATTORNEYS	4 542 908,81
SANCHEZ SKOSANA INCORPORATED	550 000,00
SELAMOLELA INC	2 879,24
SELOLO TLOU INCORPORATED	2 158 694,94
SHABANGU & BEAUCHAMP (PRETORIA)	17 167 191,62
SIMPSONS ATTORNEYS INCORPORATED	125 510,00
SPRUYT INC	45 606 700,96
T A MATSHANDA TRUST	2 668 018,00
T KHUMALO ATTORNEYS	938 378,20
TAUTE BOUWER & CILLIERS INC	477 812,17

TC RAMPATLA INCORPORATED	5 351 177,90
THINDISA ATTORNEYS	244 106,71
TL KEKANA ATTORNEYS	389 037,80
VAN VELDEN DUFFEY	315 999,53
VAN WYK ATTORNEYS (MARSHALLTOWN)	1 865 766,54
Grand Total	340 060 277,97