



Law Clinic
kwiKliniki yezomThetho
Regskliniek

ANNUAL REPORT 2019



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UNIVERSITY

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Letter from

PROF BROODRYK

I am pleased to report on the activities of the Stellenbosch University Law Clinic during the year in the 2019 Annual Report. And, what a year it has been!

2019 was indeed another extremely pleasing and productive year for the Stellenbosch University Law Clinic for various reasons. We continue to provide access to legal services to more than 2000 individuals annually in various fields of law, including eviction, family and general civil law. Our impact initiatives have been well-publicised and include, for example, successful submissions made to increase the monetary jurisdiction of the Small Claims Court and two substantial impact litigation cases in which the Clinic seeks to prevent the continued exploitation of poor, vulnerable and marginalised individuals, some of whom are our clients.

The Law Clinic conducted various training initiatives, including a women's empowerment workshop in Somerset-West which was aimed at empowering women in our community by equipping them with legal information and know-how in relation to issues relevant to them. Staff at the Law Clinic have conducted important academic research resulting in numerous accredited academic publications. The list goes on. These, and other activities and achievements, resulted in various awards, including the Law Clinic being recognised as the South African social justice and specialist law firm of the year.

Helen Keller once said that "alone we can do so little, together we can do so much". None of our achievements would have been possible without the selfless work of our Clinic staff, and the continued support of our Law Faculty and our funders, for which we are extremely grateful.

We are confident that, in the coming year, we will continue to make an impact through our work on our students, our Faculty, our clients and the broader South African community.

Yours sincerely,



Associate Professor and Managing Attorney of the SU Law Clinic



WHO WE ARE

The Law Clinic's vision is:

a community that is legally empowered and that possesses a strengthened capacity to exercise their rights, either as individuals or as members of the community;

law graduates who are professionally trained and are at the highest echelons insofar as their employability is concerned;

&

a broader South African community that is sensitised to their social justice responsibilities.

To bring our vision into reality the Law Clinic, through collaboration initiatives or otherwise, provides professional legal advice and representation in civil matters to members of the community who qualify for legal aid in Stellenbosch and surrounding areas and we offer legal education, including clinical legal education, to candidate attorneys, final-year law students and to members of the community, including the poor and marginalised.

The Law Clinic expects each employee to uphold the organisation's core values in its dealings with clients, colleagues and other stakeholders:

Diligence and passion

Conviction, diligence and passion are expected and are essential employee characteristics that the Clinic expects in order to achieve its objectives.

Transparency, honesty and integrity

The Clinic's reputation is largely dependent upon its employees conducting themselves with integrity and in an honest and transparent manner. It constitutes the fundamental cornerstone upon which the Clinic operates, without which no relationship of value and trust can exist.

Respect

The Clinic respects, values and encourages differences among all people where such differences are embraced within the workplace to promote and achieve the Clinic's objectives.



STRATEGIC FOCUS AREAS

Stellenbosch University has identified the following three overarching strategic priorities that encompass its mission and the vision:

**Broaden
access**

**Sustain
excellence**



**Enhance
societal impact**

As a higher education institution, SU considers its responsibility to the country and continent as key in the quest to demonstrate corporate citizenship. This is demonstrated by aspiring to incur systemic transformative social impact as the ultimate goal, through institutional collaborative activities with internal and external role players, while upholding the values of shared responsibility, empathy and leadership in service of others. Societal impact is ingrained in the culture of the university where societal well-being is a core goal and social justice is a commitment.

The Law Clinic has incorporated these overarching systemic and organisational strategic priorities into its key objectives, which are as follows:

- To inform and empower qualifying persons through fair and equal access to quality and cost-effective legal services and support;
- To inform and empower the appropriate persons through the dissemination and provision of relevant, quality legal information and training;
- To enable the professional and personal development of candidate attorneys and other Law Clinic staff, through mentoring, training, supervision and exposure to the practice of law;
- To provide education, including Clinical Legal Education, to law students through teaching and exposure to the practice of law (in cooperation with the SU Law Faculty);
- To promote strong governance and management structures; and
- To sustain the Law Clinic's existence and its ability to offer relevant, cost-effective services.

Through the fulfilment of these objectives, the Law Clinic contributes towards the University's overarching strategic imperatives by ensuring that it, firstly, remains committed to the broadening of access by being responsive to the needs of its beneficiaries, particularly those in vulnerable communities; by increasing and accelerating the diversity profile of Law Clinic staff through proactive recruitment; developing and retaining Law Clinic staff members from the designated groups; and creating an inclusive Law Clinic culture and climate that embraces diversity and the values of the University; secondly, delivers work of an excellent standard in every facet of its operation by implementing appropriate accountability mechanisms and reporting structures within the organisation; and lastly, strives to achieve maximum societal impact within its sphere of influence by responsibly and thoughtfully conducting operational and strategic processes; reviewing progress regularly; and being responsive to the ever-changing context in which it operates.

How we are **MANAGED AND GOVERNED**

The Law Clinic is governed by its Advisory Board and the elected SU Council. The Law Clinic's strategy is influenced by decisions taken by the governing structure of SU and is shaped by the Manager, the Dean and Vice-Dean of the Law Faculty, with the input of the Law Clinic attorney employees and the Faculty Committee, subject to the overall SU strategy, policies, procedures and rules. The Manager is a member of the Law Faculty's executive decision-making body, the Faculty Committee. Certain decisions are also subject to approval by the Faculty Board, which mostly comprises all permanent academic faculty appointments. The Faculty's decisions are subject to the governing structures policies, procedures and rules and such decisions would accordingly need to be made with due reference to such governance instruments. The governing structure's approval regarding certain decisions affecting the Law Clinic's strategy may be required and it may also be approached on an ad hoc basis for input and advice. Financial reports are generated throughout the year and reviewed by internal SU mechanisms. The Law Clinic's annual budget is prepared by the Manager with input from Law Clinic practitioners and the Faculty Committee, subject to and within the framework of allocated SU organisational funding. The budget is approved by the Dean of the Faculty.

An in-house financial management system is used by SU through which the funds of the Law Clinic are channelled and managed. SU practices effective, efficient and transparent financial management in terms of financial accountability. All financial transactions are subject to the University's Financial Policy. The signatory authority and mandate for approval resides with the Manager. Supporting documentation is required for auditing purposes.

STAFF

The Law Clinic comprises the following staff:

Prof T Broodryk	Associate Professor and Managing Attorney
S van der Merwe	Senior Attorney, Notary Public and Lecturer
N Roode	Attorney
M Posthumus-Meyjes	Attorney
O Nweba	Attorney
E Lovell	Administrative Manager
S Louw	Writing Project Coordinator
P Khoeaene	Receptionist
M Esau	Administrative Assistant
S Mayekiso	Candidate legal practitioner
L Konqobe	Candidate legal practitioner
L Steyn	Candidate legal practitioner
V Foster	Candidate legal practitioner
M Mjuda	Candidate legal practitioner
Mikayla Jacobs	Paralegal
Betsie Vlok	Postgraduate consultant
Nikiwe Nyathi	Postgraduate consultant
Fabiola Meister	Volunteer

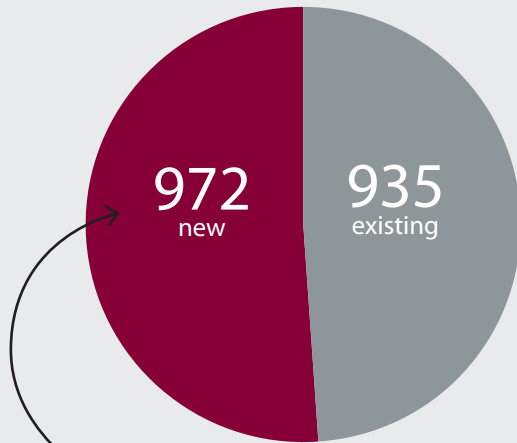


Entire Firm

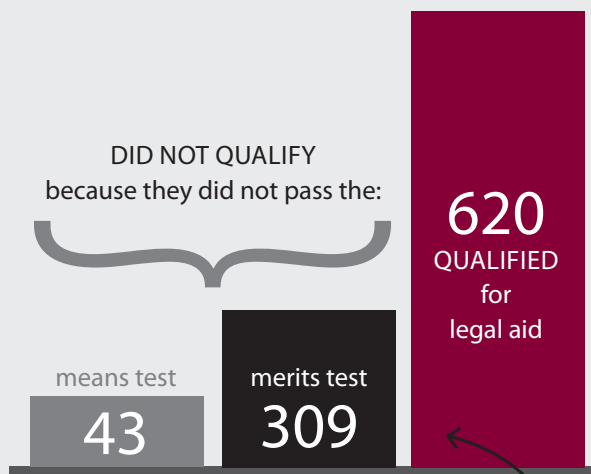
2019 STATISTICS

{ From beginning January 2019 until 27 November 2019 }

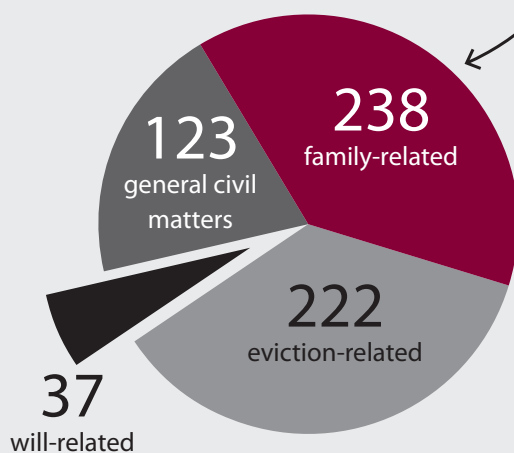
1907 individuals visited the Law Clinic



Out of the 972 new clients:

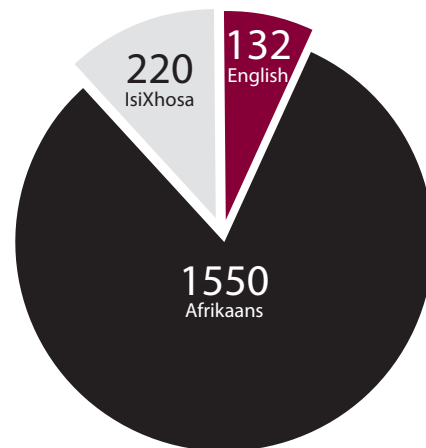


Out of the 620 individuals who qualified for legal aid:

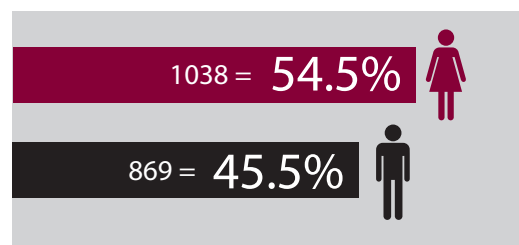


Out of the 1907 individuals who visited the Law Clinic:

Language spoken



Female VS Male



Geographical spread



912 individuals came from within the Stellenbosch Municipal Area



AWARDS

During 2019, the Clinic received the following awards:

- South African Social Justice Law Firm of the Year: Global 100 | ACQ Global Awards | 10th Annual Global Law Experts Awards
- South African Specialist Law Firm of the Year: Global 100 | 10th Annual Global Law Experts Awards
- South African Niche Law Firm of the Year: ACQ Global Awards
- 2 Silver awards at the Mace Excellence Awards
- Gender Mainstreaming Awards: finalist in the category 'Empowerment of Women in the Community'



IMPACT MATTERS

Small Claims Court submissions

In August 2018, the Law Clinic recommended that the monetary jurisdiction of the Small Claims Court increase to R20 000. The Law Clinic collaborated with Professor Willem Boshoff, a Professor at Stellenbosch University's Department of Economics, who developed a formula to assist in calculating the nature and extent of the increase. As we submitted, the monetary jurisdiction of the Small Claims Court increased to R20 000 on 1 April 2019. The Small Claims Court is now accessible to many poor, vulnerable and marginalised individuals who did not previously have access to justice through this forum.

Submission regarding proposed rule amendments

The Law Clinic made extensive submissions in relation to proposed amendments to Magistrates' Courts Rule 5 which deals with the summons. The submission related to a reconsideration of the function and requirements of the simple and combined summons in terms of the rules regarding matters where the National Credit Act 34 of 2005 applies.

Recommendations and submissions made by the Law Clinic implemented:

The Law Clinic made numerous proposals regarding the draft version of the South African Legal Practice Council Code of Conduct on 7 February 2019. These submissions related to the proposed amendments to the Code of Conduct. All the Clinic's recommendations were implemented prior to finalisation of the Code of Conduct.

In Duplum litigation

The 'in duplum' hearing took place from 12-14 August 2019 in the Western Cape High Court. The Clinic, Summit Financial Partners and 10 other applicants seek clarity on the interpretation of the "in duplum" rule and what charges may accrue to debtors' accounts. The application requires that the court provide clarity on the interpretation of certain sections of the National Credit Act. Judgment is currently awaited.

AFFLUENCE | Saturday, March 16 2019

Massive court battle looms over debt collection fees

At stake is how creditors are allowed to calculate interest and recovery costs

GEORGINA CROUTH | georgina.crouth@nl.co.za

RECKLESS debt collections and emolument attachment orders (also known as garnishee orders, which allow creditors to dock debtors' salaries and wages directly from their employers) are back in the spotlight with a David-versus-Goliath case that is expected to be heard in the Western Cape High Court in August.

The case has been brought by Stellenbosch University Law Clinic and Summit Financial Partners and 10 clients, who are seeking clarity on the interpretation of the "in duplum" rule and what charges are allowed to accrue to debtors' accounts. The applicants hope to put an end to reckless debt collection, which is causing widespread misery, particularly in poorer communities.

The exhaustive application includes 49 respondents, including the Department of Trade and Industry, the National Credit



BUSINESS OF INSURANCE

SINGLES FAVOUR LIFE COVER

LIFE COVER is generally touted as appropriate for married couples and family breadwinners. But a direct marketing company, Olico, has found that the most common buyer of life assurance is not married, doesn't have children, and doesn't own a home. In a study of more than 10 000 applicants who applied for the life assurance products Olico markets, it was found that people were taking out life cover for various reasons. The head of sales at Olico, Gareth Mountain, says there are a number of reasons people take out life cover, including to cover debt, but also because aspirational younger people are moving to more sophisticated products. Funeral plans have traditionally been more popular than life policies in South Africa, but the survey found that younger people are the most common owners of life assurance, moving away from mass-marketed funeral plans.



BUSINESS OF MEDICAL SCHEMES

ANTI-FRAUD EFFORTS PAY OFF

LAST YEAR, Discovery Health's efforts to curb fraud, waste and abuse in the health care system resulted in a substantial R555 million recovered on behalf of the

11

PERSONAL FINANCE

CLASS ACTION

On 13 September 2019, the Clinic and eight other applicants filed an application with the Western Cape High Court in which interim relief and the certification of a class action lawsuit on behalf of thousands of defrauded consumers is sought. The Clinic had been alerted to complaints from consumers concerning websites related to a company called Lifestyle Legal.

These websites, which appear to offer loans and / or free loan finding services, induce consumers to conclude 'agreements' for unwanted services and immediately begin debiting moneys from their bank accounts. Consumers who are able to reverse these debits, begin to receive a barrage of threats and harassment from the relevant company, who also threaten to blacklist or take legal action against consumers in the event that consumers do not make payment in terms of the 'agreements'. More information relating to all the Clinic's impact matters is available at www.sulawclinic.co.za.

BUSINESSREPORT

Consumer watch: Class action to be instituted against online loan providers

ECONOMY / 16 SEPTEMBER 2019, 07:30AM / GEORGINA CROUTH



Business failure symbolic retro cartoon icon with kneeling businessmen chained to heavy debt burden vector illustration

RESEARCH AND TEACHING

During the past year, staff associated with the Clinic produced the following academic research outputs

1. S van der Merwe "Traversing the South African Emolument Attachment Order Legal Landscape Post 2016: Quo Vadis?" 1 (2019) Stell LR 77-96
2. S van der Merwe "Too Simple for National Credit Act Matters; Reconsidering the Scope of Magistrates Court Rule 5(2)(b)" 2019 South African Law Journal, Volume 136(3), p. 397-403
3. T Broodryk & W de Vos a "Fundamental procedural rights of civil litigants in Australia and South Africa: is there cause for concern?" (part 2) (2019) 4 TSAR 627-639.
4. T Broodryk & W de Vos "Fundamental procedural rights of civil litigants in Australia and South Africa: is there cause for concern?" (part 1) (2019) TSAR 425-449.
5. T Broodryk Eckard's Principles of Civil Procedure in the Magistrates' Courts 6th ed (2019) [Book publication].
6. T Broodryk "The South African Class Action Mechanism: Comparing the Opt-out regime to the Opt-in regime" 22 (2019) PER.
7. T Broodryk "The South African Class Action vs Group Action as an Appropriate Procedural Device" 1 (2019) Stell LR 6-32.

Employees associated with the Clinic are also involved in coordinating and lecturing various departmental modules, including Writing Skills 171 (Susann Marais), Civil Procedure 371 (Prof Broodryk and Stephan van der Merwe), Practical Legal Training 471 (Stephan van der Merwe) and Legal Skills 411 (Prof Broodryk, Stephan van der Merwe, Odwa Nweba and Susann Louw).

MEDIA COVERAGE

During 2019, the Stellenbosch University Law Clinic enjoyed widespread media coverage, which included

86

headlines
in print
publications

52

headlines
in online
publications

9

radio
headlines

Based on the combined target audiences of the aforementioned coverage, the Clinic reached a potential target audience of

11.5
million people.

The total AVE of the Law Clinic's media exposure was just under

R6.5
million*.

**AVE calculates what it would have cost if an organisation paid for the media exposure it received.
Source: media monitoring report as delivered by PEAR Africa, November 2019.*

WORKSHOPS, TRAINING AND CONFERENCES

Maintaining academic integrity in the higher education sector



The Law Clinic's Odwa Nweba was invited to speak at the Quality Promotion Conference 2019, hosted by the Council on Higher Education. The aim of the conference was to provide an interactive platform for sharing experiences, lessons, good practices and the need to maintain academic integrity in the higher education sector. The conference was held in Pretoria from 26 to 28 February 2019 and included presentations about the promotion of academic integrity in higher education. Odwa spoke under the theme of manifestations and trends of practices that threaten academic integrity, with his presentation focusing on shadow writing as a global threat to academic integrity. The talk was aimed to raise awareness of the fast growing, yet concerning, trend of shadow writing at higher education institutions and attempted to provide guidelines for detection and prevention.

Collaborative Engaged Teaching and Learning Workshop

The Clinic's Stephan van der Merwe was selected and invited "by reputation for [his] achievements, passion and interest in Teaching and Learning (specifically Engaged T&L, and even more specifically 'Community Engaged T&L')", to attend the Collaborative Engaged Teaching and Learning Workshop of the University of Stellenbosch on 28 March 2019. The Workshop was hosted by some of the foremost researchers in the field and was designed to "focus on the motivations, challenges, and practices of carrying out T&L 'outside of the classroom'". The input of the Workshop participants will be used to establish where the University stands regarding this important pedagogy, and to influence policy and decision-making about this in future.

Law Clinic presents United Nations Ethics module



The Clinic's Stephan van der Merwe, a member of the International Association of Legal Ethics and a Fellow of the National Institute for Teaching Ethics & Professionalism, presented one of the United Nations Education for Justice (E4J) modules on Integrity and Ethics to almost 200 students at the University of Stellenbosch in April 2019. The module, which was facilitated with the aim of encouraging maximum student participation, was presented as part of a dedicated block on Legal Ethics to the final year LLB group during their Legal Skills 411 module. The E4J module was generally well received by participants and the Clinic will endeavour to strengthen its relationship with the UN and to expand its offer in this regard in the coming years.

Marketing, Advancement and Communication in Education (MACE) Workshop

Attorney Monja Posthumus-Meyjes attended the 2019 National MACE (Marketing, Advancement and Communication in Education) Workshop, hosted by the University of the Free State, on 10 and 11 April 2019. The theme of the workshop was 'Innovate to Create to Differentiate'. During the session on why we should use methods akin to fictional storytelling in factual retellings, Charlene Stanley from Storytown Productions highlighted effective storytelling by asking a delegate to recount the fable of "Little Red Riding Hood". The Law Clinic represented and delivered a modern twist to the tale.

Discussion on Children's Act



On 26 April 2019 attorney Monja Posthumus-Meyjes facilitated a discussion on sections 28 and 135 of the Children's Act with social workers from the Department of Social Development (Paarl office). The discussion focused on the suspension and termination of parental rights and responsibilities.

Seminar by advocate and author Chris Marnewick SC



On Wednesday 24 April 2019, the SU Law Clinic hosted a seminar conducted by esteemed advocate and author, Chris Marnewick SC. The Practical Legal Training students participated in the interactive seminar which addressed courtroom ethics and techniques for effective cross-examination. Prior to the seminar, students were instructed to prepare and submit cross-examination questions for three witnesses involved in the *S v Pistorius* trial. Adv Marnewick sponsored copies of his renowned textbook, *Litigation Skills for South African Lawyers*, as prizes to the three best submissions. The students learned valuable practical skills and techniques which will serve them in good stead as future legal practitioners.

Women's Legal Empowerment Toolbox



Practitioners from the Stellenbosch University Law Clinic presented a Women's Legal Empowerment Toolbox - workshop at Hottentots-Holland High School in Somerset West on Saturday, 22 June 2019, from 8:00-13:00. The workshop was aimed at empowering and uplifting women through various sessions in which practitioners presented on different aspects of South African law including divorces, maintenance disputes, domestic violence and harassment, debt and tenant matters. The event was free of charge and refreshments were served.



Civil mediation for legal practitioners



From 4 to 6 and 8 to 9 July 2019, SU Law Clinic attorney Odwa Nwebi attended a training course on civil mediation for legal practitioners at Gunston Strandvik Attorneys in Tokai. The training entailed considering the draft standards for civil mediation, the court-annexed mediation rules, mediation process principles, stages and methodology, the role and function of the mediator, conflict management, essential negotiation skills, adversarial processes as well as social-context and diversity awareness.

Law Clinic represented at SU Juridical Society's panel discussion

Attorney Monja Posthumus-Meyjes was invited by the SU Juridical Society to take part in a panel discussion on Women in the Workplace on 7 August 2019. The panel discussed various challenges they faced and overcame as women in the legal environment.

Talk presented on debt industry's 'dirty little secret'



The Clinic's Stephan van der Merwe was invited to address the 10th Annual African Debt Collection Convention at Emperors Palace, Johannesburg, on 12 September 2019. Stephan presented a talk entitled "South African debt industry's 'dirty little secret'" to 350 attendees, in which he elaborated on the Clinic's milestone work on emoluments attachment orders and the more recent landmark litigation concerning the impact of section 103(5) of the National Credit Act as it applies to the field of collection costs and legal fees. The convention addresses the latest developments in the debt collection industry and is the biggest of its kind in Africa.

Engagements with Law Faculty alumni in Germany



The Stellenbosch University Development & Alumni Relations Division visited various cities in Germany in October 2019 to engage with Law Faculty alumni. The Clinic's managing attorney, Prof Theo Broodryk, was the guest speaker and presented a talk on the topic: the South African class action mechanism: a cornerstone of access to justice.

Collaboration with BCCEI



In collaboration with The Bargaining Council for the Civil Engineering Industry (BCCEI), the Clinic's Stephan van der Merwe, during August and September 2019, presented training sessions at six workshops held in Bloemfontein, Durban, Port Elizabeth, East London, Johannesburg and Cape Town, to BCCEI leaders and members on various issues related to dealing with emolument attachment orders. This partnership further underscored the Clinic's commitment to its vision for a community that is legally empowered and that possesses a strengthened capacity to exercise their rights.



Deliberations regarding Xenophobia

Open Society Foundation for South Africa (OSF-SA) invited two SU Law Clinic representatives, among other participants, to a meeting to deliberate on what needs/or can be done to prevent future outbreaks and to effectively deal with Xenophobia, in whatever manifestations it takes. The purpose of the meeting was to elicit some ideas on possible interventions/or solutions to strengthen existing efforts to address this social ill, and was attended by attorney Nikita Roode and administrative manager Elmien Lovell.

Education: A vehicle for social justice

On 15 October 2019 the Clinic's Stephan van der Merwe joined panelists, dr Palesa Mothapo, prof Jonathan Jansen and Stellenbosch University Chief Justice: Student Court, Bradley Frolick, during a Social Justice Café event in discussing how education could be a vehicle for social justice. This follows on an earlier café in 2019 in which Prof Broodryk, Prof Thuli Madonsela, and two other panellists, spoke more broadly about the meaning of social justice.



Pan-African convening on abusive lending practices

From 31 October to 1 November 2019 the Clinic was invited by Open Society Foundation: Justice Initiative to attend the Pan-African Convening on Abusive Lending Practices and Social Protection in Nairobi, Kenya. Stephan van der Merwe and Odwa Nwebi represented the Clinic during the event, where they participated in several high level discussions with important role-players in the debt relief landscape. Stephan joined a distinguished panel during a plenary discussion:

"Spotlighting innovative accountability strategies", where the Clinic was introduced as "global leader" in the field of impact litigation combating debt abuse. Odwa chaired one of the break-away workshop sessions: "The role of domestic, regional and international law" on Foreign Debt and Human Rights' Thematic Report on Private Debt and Human Rights, prepared for the United Nations Human Rights Council. Stephan and Odwa also paid a visit to Strathmore Law School where they were introduced to the local Law Clinic's impressive Sheria Mashinani project involving efforts to empower the community through legal training.



Guest lecture by Fabiola Meister

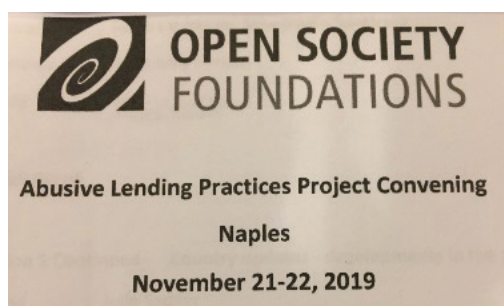
On 17 October 2019 the Clinic's Practical Legal Training 471 students were privileged to attend a guest lecture by Romanian and English solicitor Fabiola Meister. Fabiola is currently volunteering at the Clinic. She previously worked at Stephenson Harwood in London, where she was based in the Mergers and Acquisitions department. Fabiola spoke to our students on her experience of negotiating on behalf of clients.



ESTA Workshop

On Saturday, 9 November 2019, attorney Nikita Roode presented a workshop in Prins Alfred Hamlet, Ceres, on farm occupiers' right of security of tenure in terms of ESTA. The workshop was attended by farm occupiers and other community members from Nduli, Ceres, Tulbagh, Bella Vista and Prins Alfred Hamlet, and was well received by all the attendees, all of whom actively participated by posing questions on issues and concerns in their respective communities. Ms Roode was accompanied by candidate legal practitioners Lityelovuyo Konqobe and Mvuyisi Mjuda, as well as administrative employees of the Law Clinic, Priscilla Khoaeane and Magda Esau.





Discussion in Naples, Italy

The Clinic's Stephan van der Merwe was invited to represent the Clinic by participating in a convention to discuss the application of EU consumer law and human rights protections in mortgage enforcement cases. The convening was sponsored by the Open Society Foundations (OSF) and took place in Naples, Italy on 21 and 22 November 2019. The event brought together a select group of 25

lawyers, academics, and activists to share information and strategies for ensuring that the rights of consumers under EU law are protected by national courts. Stephan was the only representative from the African continent, and presented on the Clinic's work and experience on such matters as suspensions of Saambou Bank execution sales, emolument attachment orders, in duplum litigation and the online loan scam class action.

The Financial Literacy Project continues

The Financial Literacy Project (FLP) is an interdisciplinary project, managed by the SU Law Clinic and participated by students from the Law Faculty (Law of Civil Procedure 371) and Faculty of Economic and Management Sciences (Financial Planning 378). The FLP encourages and aims to establish greater multicultural understanding while offering financial literacy training to farm workers and school learners. The FLP therefore aims to hone students' and members of the community's skills in handling money and actively contributing to their understanding of basic economic and legal issues. Practically, this entails teaching farm workers and high school learners basic financial literacy skills such as how to prepare a budget; how to plan for retirement; how to prepare a savings plan; explaining over-indebtedness and debt counselling; basic rights in terms of the Consumer Protection Act and the National Credit Act. As a result, the FLP promotes a culture of saving for these learners and farm workers.



Therefore, with a broader notion of community engagement combined with the interdisciplinary approach, we can strengthen reciprocal, sustainable community partnerships that are equipped to respond to socio-economic issues, which in turn are vital to our increasingly diverse populations and their representative institutions.

During 2019, the student groups presented 29 presentations to 879 school learners, and visited 8 farms, thereby impacting approximately 650 farm workers, increasing our reach from 2018. The FLP also formed part of the SU Law Clinic "Women's Legal Empowerment Toolbox"-workshop where 43 women of the Somerset West community participated in the workshop.



OTHER NOTEWORTHY EVENTS

OSF contribution

Upon invitation of the Open Society Foundation Justice Initiative, the Clinic submitted a research contribution to the Thematic Report to the United Nations Human Rights Council on Private Debt and Human Rights. In this contribution, the Clinic was requested to comment on “local human rights concerns relating to private debt, including the implications of private debt on macroeconomic conditions and public debt”. The Clinic discussed its work on the use of emoluments attachment orders as an example of one area of debt-related abuse in South Africa, in order to illuminate the contemporary challenges facing debtors. The report is expected to be released in the first quarter of 2020.

Visiting the Clinic

During September 2019, a mix of Montenegrin and Bosnian judges and prosecutors and U.S. government employees from the U.S. Embassy in Montenegro visited the Law Clinic to learn more about the Clinic generally, and specifically about the design and implementation of law student and candidate attorney training initiatives.



From the Center for Training of the Judiciary and the Prosecution of Montenegro:

- Ms. Maja Milosevic, Director of the Secretariat of the Center
- Ms. Masa Adzic, Head of the Department for In-service Training

From the U.S. Embassy in Montenegro:

- Mr. Erik Larson, INL Senior Justice Advisor
- Ms. Maja Mugosa-Vasiljevic, INL Program and Budget Coordinator
- Ms. Violeta Camaj, INL Program Assistant

Participants from Bosnia and Herzegovina:

From the Center for Judicial and Prosecutorial Training of the Federation of BiH:

- Mr. Arben Murtezić, Director
- Mr. Jozo Anđić, Judge and Member of the Supervisory Board
- Mr. Smajo Šabić, Judge and Member of the Supervisory Board

From the Center for Judicial and Prosecutorial Training of the Republika Srpska:

- Mr. Tomislav Čavić, Director,
- Mr. Miodrag Bajić, Prosecutor and Member of the Supervisory Board
- Ms. Daniela Milovanović, Judge and Member of the Supervisory Board

From the U.S. Embassy in BiH:

- Ms. Lejla Begtasevic Rudalija, INL Program Assistant



During February 2019 Open Society Foundations' Beatriz Esperanca and Marguerite Angelari visited the Clinic to discuss our shared passion to bring about positive and real change in the lives of abused consumers. It is comforting to know that OSF is also invested in this area of the law and social justice.

During February representatives from the Human Rights Commission ("HRC"), Western Cape Provincial Manager advocate Lloyd Lotz and Senior Legal Officer Bahia Sterris, met with some of our impact litigation team members to canvass the possibility of cooperating on future high impact matters. The HRC is in the process of investigating complaints from several previously disadvantaged homeowners who allege that a certain banking institution unfairly discriminated against them in the manner in which their bond interest rates were determined. The Clinic will join forces with the HRC in this endeavour, as it continues to value relationships with other organisations who share its vision for a community that is legally empowered and that possesses a strengthened capacity to exercise their rights, either as individuals or as members of the community.



NCR

On 1 October 2019 SU Law Clinic attorney Odwa Nwebi and Prof Broodryk visited the office of the National Credit Regulator to discuss the expansion of the two organisation's existing Financial literacy collaboration project



LPC

During September 2019, Clinic attorney Stephan van der Merwe attended at the Legal Practice Council's offices in Pretoria to present submissions during the disciplinary hearing of the attorney implicated in unlawful collection practices during the Clinic's 2016 Constitutional Court case.

Fellowship and NRF rating

Professor Broodryk was awarded the esteemed Beaufort (Colenso) Cambridge fellowship. This entailed spending six weeks during the Michaelmas term in Cambridge conducting comparative research on class actions. Pro-

fessor Broodryk was also awarded a Y1 rating by the National Research Foundation, demonstrating that he has the potential to become a leader in his research field.



Positive results

On Thursday, 21 November 2019, judgment was handed down by the Western Cape High Court in the appeal of Phillips v Grobler.



The Respondent in the appeal, Mr Grobler, instituted eviction proceedings in terms of the PIE Act in the Somerset West Magistrate's Court during 2009. In August 2009, attorney Nikita Roode, a candidate legal practitioner at

the time, consulted with Ms Phillips, then 73 years old, who had been living on the property since the age of 11 in 1947.

After opposing the application in the Somerset West Magistrate's Court, an eviction order was granted against Ms Phillips and her family on 19 December 2016. The Law Clinic noted an appeal against the Magistrate's Court

decision and finally, after having to attend to a reconstruction of a portion of the transcribed record of the Magistrate's Court proceedings that went missing from the original transcription, on 11 February 2019, argued the appeal in the High Court on 11 October 2019. The Western Cape High Court took into account Ms Phillips' age, coupled with the manner and duration of her occupation on the property, and found that "justice and equity undoubtedly demand a limited derogation of the Respondent's rights of ownership in favour of the appellant for at least the duration of her natural life". The Court accordingly found that the eviction order should not have been granted in the circumstances, as, when viewing through a constitutional lens, it was, and still is, not just and equitable to evict Ms Phillips when taking into account the peculiar circumstances of her right to occupy the property for the duration of her lifetime.

Continuing education



During 2019, our Writing Coordinator, Susann Louw, not only tied the knot and made good progress with her doctoral research, she also completed two courses at two different institutes of higher education. During May-August she completed an online copy-editing course and during August-October she completed a media writing course. The feedback she received was very positive.



Elmien Lovell, the Law Clinic's Administrative Manager, completed her Postgraduate Diploma in Labour Law. She will receive her diploma in April 2020.

FAREWELLS

Fatima Hassan



Clinic practitioners were invited to attend an Open Society Foundation for South African event marking the departure of Fatima Hassan, OSF SA's former Executive Director.

Cordelia Robertson



The Clinic was invited to attend the informal farewell function of former Legal Aid South Africa Provincial Executive for the Northern Cape/Western Cape regions, ms Cordelia Robertson. Ms Robertson played an instrumental role in fostering the excellent co-operation partnership which the Clinic enjoys with Legal Aid SA. Her successor is ms Nolitha Jali, and we look forward to continuing our successful collaboration with her office in the future.

STANDING UP

On 5 September 2019 Clinic paralegal and consultant Mikayla Jacobs and Nikiwe Nyathi represented the Clinic at a historic and monumental event. Mikayla's report was as follows:

“In the morning of 5 September 2019, Nikiwe Nyathi and I attended the Protest Against Gender-Based Violence held in Cape Town. As women, we feel obligated to enhance the experience of all females in this country. Protests such as these have the ability to effect change and we hope that our attendance, in some small way, contributes to this change.

We arrived just before 11 and miraculously found parking close to Parliament. Swiftly, we followed small crowds clothed in black, overshadowed by their cardboard posters. Seeing the masses before us, we quickly realized that the protest was at a standstill before Parliament. We found a place in the crowd and attempted to immerse ourselves in the experience.

I have never attended such a large protest before. I saw an array of posters donning the familiar posts and hashtags as seen on social media. I saw many inquisitive onlookers staring outside their shop windows. I saw frustration, anger, sadness, unity

and hope. Most importantly, I saw diverse groups of women joined together to fight a common threat. In that moment, those women did not feel like strangers. They were my South African sisters and they are fed up with the large-scale occurrence of gender-based violence in this country.

Gender-based violence is not a strange and distant phenomenon. At the Law Clinic I have encountered many women who have experienced abuse at the hands of men. Every day, South African women live in fear that they will become victims to this ever-present threat.

I say **#enoughisenough**. More needs to be done to protect women in this country. We are done being victims.

While the threat remains, I do not believe that all hope is lost. I believe in South Africa's ability to unite and change, and I hope to be a part of that change one day.”



Not skipping a beat

At the Clinic, the staff works together, but we also play together. Recently, we played the drums. Team building events like drumming sessions help to reinforce collegiality among Clinic staff.



Emotional intelligence

On 19 June 2019 SU Professor Gina Görgens-Ekermans conducted an insightful session at the Clinic on emotional intelligence. The purpose of the session was essentially to increase self-awareness of SU Law Clinic employees' emotional intelligence frameworks and to discuss the role it plays as a moderator in the stress-burnout relationship.



Teaching Excellence Award

The SU Law Clinic's Stephan van der Merwe was nominated by the Law Faculty and received an institutional Teaching Excellence Award in the category 'Developing Teacher'. The award is based on his experience and leadership in the scholarship of teaching and learning. A remarkable achievement by one of our own.

Constitutional rights

During February 2019 the Clinic engaged in talks with Western Cape High Court Judge Siraj Desai to develop and organise a Constitutional Rights Training Program that will have far reaching benefits on a national scale.



EAO follow up



During January 2019 the Law Clinic's Theo Broodryk and Stephan van der Merwe met with Ms Wendy Appelbaum and Webber Wentzel partner, Ms Odette Geldenhuys, to discuss possible ways to further the impact of the 2016 Constitutional Court impact litigation in which the Clinic, as first applicant, collaborated with Ms Appelbaum and Webber Wentzel. This collaboration resulted in the 2018 amendment of the Magistrates' Court Act sections dealing with emolument attachment orders.

Global action



The Stellenbosch Law Clinic added its voice to the 18 November 2019 Student Law Clinics Global Day of Action for Climate Justice (web.facebook.com/events/1502659823207962/) by joining the effort the fight air pollution. The Clinic staff converted a barren patch of ground in the Clinic garden to a lush Spekboom (www.samara.co.za/b.../five-things-didnt-know-spekboom/) habitat.



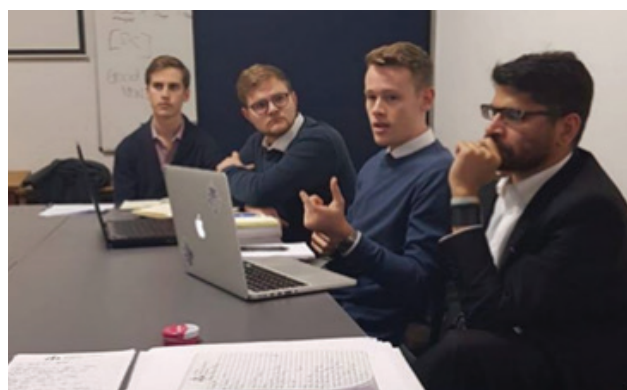
Collaboration

Our collaboration partner from Coventry University, prof Alan East, recently visited the University of Bedfordshire to showcase our pioneering work in legal education, using their double robots. The Clinic's Stephan van der Merwe joined the meeting via the robot all the way from Stellenbosch, demonstrating their impact to captivated students and staff. Stephan explained how the robots are used to facilitate student interaction in the Online International Learning project offered to students participating in the Practical Legal Training 471 module presented at the Clinic.

Collaboration discussions between the Clinic and Hasselt University are at an advanced stage. Commencing 2020, Hasselt University will annually send a number of their Masters' Law students to South Africa to gain experience at the leading specialist and social justice law firm in South Africa. Hasselt students will participate in the Practical Legal Training module with our local students.

Involving and involved students

On 12 April 2019 practitioners from the Clinic engaged in a 90-minute consultation and strategy session with 3 advocates, including a Senior Counsel, at their chambers in Cape Town. One of the Clinic's candidate legal practitioners as well as two third year law students accompanied our practitioners. The meeting was scheduled to discuss one of the Clinic's current high impact cases. The team was immediately thereafter involved in talks with a prominent member of the media. In the process, the students gained valuable insights into legal practice which will no doubt stand them in good stead for their future careers. According to the students, "[t]he day was very insightful and it was enriching to understand the practical side of our work" and "[o]pportunities to see law in action always reinvigorates the weary law student – making textbook pages a little easier to turn."



A group of Practical Legal Training students went above and beyond by preparing a legal opinion on an issue which, in their view, could result in impact litigation by the Clinic. During the Clinic's recent monthly impact litigation meeting, the students presented to the Clinic's management committee on their opinion. The committee was impressed by their opinion and presentation and will now, in terms of the Clinic's impact policy, brief counsel for an opinion on the matter.



Mandela Rhodes Scholarship

The Clinic is proud of the achievements of its Practical Legal Training student consultants. This year, we congratulated Mr Gideon Basson, who is a recipient of the prestigious 2020 Mandela Rhodes Scholarship (mandelarhodes.org/the-scholarship/scholar/gideon-basson). We will follow his career with interest.

Ethics champion

The Clinic's Stephan van der Merwe was appointed as consultant by the United Nations Office on Drugs and Crime (UNODC) as one of their 'E4J Ethics Champions'. Education for Justice (E4J), an initiative of UNODC, "was developed as a result of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges

and to Promote the Rule of Law at the National and International Levels, and Public Participation, which was adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in 2015". In this context, Stephan consulted with UNODC to carry out a module localization project that involved adapting E4J modules to specific local, cultural, disciplinary, educational and other contexts.



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Education for Justice

The Education for Justice (E4J) initiative seeks to prevent crime and promote a culture of lawfulness through education activities designed for primary, secondary and tertiary levels. These activities help educators teach the next generation to better understand and address problems that can undermine the rule of law and encourage students to actively engage in their communities and future professions in this regard. A set of products and activities for the primary and secondary levels is being developed in partnership with UNESCO.

A message from a 2018 Law Clinic Practical Legal Training student:

Prospective PLT students,

Let me start by saying that this note is not aimed at convincing you all to take PLT. It is aimed at giving you an honest reflection of my experience at the clinic – and I hope that by the end of it, convincing you to take PLT will not be necessary. The clinic is hard work, but it is real work. It involves real people, real problems, real emotion and real deadlines. And I believe that it is the best learning experience that you'll get at university.

The type of work you get to experience depends entirely on the clients your firm gets to see, which means that there is diverse subject matter that you continuously get to learn about. The process from when you see a client until you close the matter is entirely managed by your firm – while the attorneys are there to help with advice and direction whenever you need it, they do not consistently check up on what you are doing. It is your responsibility to approach attorneys, ask for help and research the various options for how to take the matter forward. This is where majority of the learning takes place. Our firm learnt so much – from drafting wills through to the intricacies of provident fund pay outs and contractual claims. The biggest case that we worked on involved the wife of a farm worker who was attempting to secure a permanent restraining order against the farm owner. There had been continuous emotional and racial abuse, as well as threats of physical violence. Our job was to draft the answering affidavits to the owner's responding papers, as well as draft confirmatory affidavits of a number of farm workers who had witnessed the owner's behaviour. We also had to draft opening statements, witness questions and cross-examination questions for when the matter was heard in court.

Throughout this process, our firm was responsible to ensuring that all the court deadlines were met, and that everything was kept up to date and in order. We got to know our client and were completely invested in ensuring that she received the justice and



protection that she deserved. It wasn't like real life, it was real life.

In order to understand the value that PLT adds to your law degree, you have to actually do it. The value is academic, but also hugely personal. PLT teaches you time management, how to deal with stress, how to treat vulnerable people, and how to work well with team members. Above everything, it forces you to think (and feel) outside of the "academic bubble" and outside of yourself. When we went through our files at the end of the year, we couldn't believe that we were actually capable of completing the work that we did. We couldn't believe that we were responsible for helping people and solving real problems.

Knowing everything I know now, I would choose PLT over and over again. Both members of our firm grew so much in one year. Our first client consultation was an absolute mess – and the first evaluation of our files was too. But by the end of the year, we had learnt our own ways of staying organised, leaned on each other in moments of chaos and learnt to believe that we could figure out what needed to be done.

If you are certain that you want to work in the legal profession, PLT will feed that passion. If you are uncertain about the legal profession, PLT will give you a realistic picture of what could be in store for you. Either way, you will learn more from PLT than any other subject. More about yourself, more about life and more about what really matters.

Enjoy and good luck!

Courtney van Vuuren
PLT Student 2018

WRITING STRATEGY

In 2011, the Law Faculty implemented a 'writing across the curriculum' - strategy with the aim of establishing a coordinated approach to the development of research and writing skills within the LLB programme as an integral part of legal education within the Faculty. The Faculty's Teaching and Learning Committee conceived the Strategy and it was approved by the Faculty Board. The Strategy is operated under the auspices of the Law Clinic.

The Strategy is a comprehensive one that extends across the entire course of the undergraduate LLB programme and consists of a number of different and mutually complementary components. The point of departure is that the writing skills of students cannot be developed meaningfully by way of ad hoc, uncoordinated writing exercises in the course of LLB training. The Strategy is intended to enhance the writing and research skills of LLB students through a number of interrelated interventions implemented across the entire LLB program. A principal aim is to inculcate both generic and specific writing skills in LLB graduates in a manner that is integrated into the curriculum. Apart from basic academic writing skills, regard must also be had to forms of written communication specific to various branches of the legal profession and the commercial sphere. The Strategy also envisages that the focus on the development of writing skills be used as a vehicle for the improvement of legal research skills and the ability to disseminate the results of such activities.

The Strategy comprises:

1. A first year compulsory writing skills development module ("Writing Skills 171").
2. The introduction of "writing-intensive" modules into the curriculum, in terms of which writing and research assignments will be integrated into substantive courses.
3. The assessment of the writing skills of students with reference to a standard writing framework of the Faculty.
4. The appointment of Writing Consultants tasked with the responsibility to conduct one-on-one consultations with the Faculty's students on various aspects of their writing.
5. An open-access legal writing website, administered by a Faculty Writing Consultant: <http://blogs.sun.ac.za/legalwriting>.
6. The continuous evaluation of results achieved with a view to the refinement and further development of the Strategy.



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We would like to thank the following funders and stakeholders for their continued support, without which none of the achievements detailed in this report would have been possible:

LEGAL PRACTITIONERS FIDELITY FUND



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