



Law Clinic
kwi Kliniki yezom Thetho
Regskliniek



EST.1987



ANNUAL **REPORT** 2021



2021

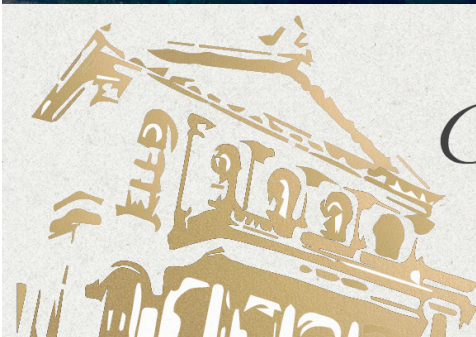
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Law Clinic
kwiKliniki yezomThetho
Regskliniek



Centenary /
Eenfees 100

YEARS / JAAR 1921 - 2021



UNIVERSITEIT
iYUNIVESITHI
STELLENBOSCH
UNIVERSITY

100
1918 - 2018

Regsgeleerdheid
EyezomThetho
Law



PROF BROODRYK

Associate Professor and Managing Attorney of the SU Law Clinic

2021. I suspect that I could have ended the letter here! The past year has undoubtedly been challenging on a personal and professional front for most people. It is no different for the Clinic and our employees. I am therefore pleased that I can present an annual report that demonstrates that these challenges did not prevent the Clinic from making great strides in its efforts to empower citizens and to advance social justice.

The Clinic continued to provide direct legal services to indigent clients. In this regard, close to 1 000 individuals visited the Clinic for legal advice and assistance from January to November 2021. The Clinic also conducted successful impact litigation in various matters. We obtained certification of only the tenth South African class action that has been successfully certified, and it is the first consumer law class action in which the court was required to deliver a certification judgment. It is also the first successful class action certification brought by a South African University Law Clinic. Furthermore, the Supreme Court of Appeal, following a twelve-year legal battle, delivered judgment in favour of the Stellenbosch University Law Clinic's 84-year-old client, Ms Clara Phillips, and her mentally disabled son, thereby preventing their eviction.

The Clinic also conducted and engaged in various empowerment initiatives. We entered into a collaborative relationship with the Black Sash to draft a debt and credit guide for paralegals which is used nationally to empower hundreds of thousands of consumers. The Clinic also conducted its first Wills Week on Wheels, where we took our services to our local community. Furthermore, we conducted ESTA training sessions on farm occupiers'

right of security of tenure and we continued to present our esteemed Financial Literacy Project. I am particularly excited about the Clinic's new national constitutional rights training project. From 23 November 2021 to 3 December 2021, our practitioners travelled throughout the country to conduct constitutional rights training to numerous vulnerable and marginalised communities. The Clinic also hosted the 2021 Stellenbosch University Law Clinic Legal Ethics / Ethics in Law Conference, supported by the International Association of Legal Ethics and the Stellenbosch University Faculty of Law. The conference provided an important platform to enable conversation and debate between legal ethicists, academics, professionals, philosophers, and enthusiasts interested in the fields of legal ethics and ethics in law.

The widespread media coverage generated by these activities also explains why the Clinic's total advertising value equivalency was over R7 million in 2021!

As I write this letter, news of the Omicron variant has broken. It serves as a reminder that the COVID-19 pandemic will continue to impact on our lives for the foreseeable future. I am, however, fortunate to be surrounded by a team of remarkable individuals who are fully committed to the Clinic's mission and vision and who continue to enable the Clinic to navigate through these tumultuous times.

Thank you to all the Clinic's funders for their continued support. A special word of thanks to our Faculty of Law and to our Dean, Prof Nicola Smit, for being steadfast in their commitment to our cause.

Finally, I would like to extend a special word of thanks to Nikita Stander who managed the Clinic in my absence, whilst I was on research leave. I am fortunate to be able to depend on her to reliably execute this responsibility.

Yours sincerely,

T Broodryk
Prof Theo Broodryk

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; and

&

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 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 legal practitioners 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:

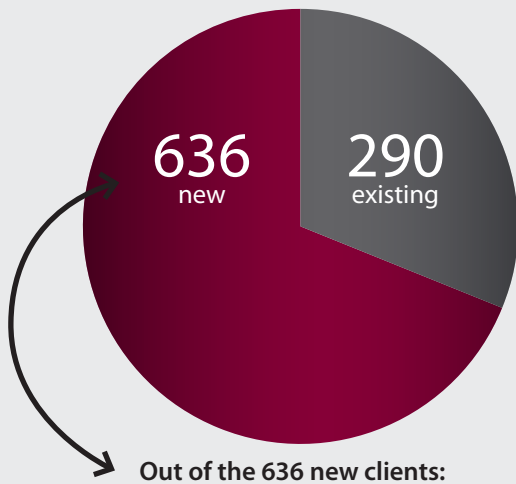
Prof T Broodryk	Associate Professor and Managing Attorney
S van der Merwe	Senior Attorney, Notary Public and Lecturer
N Stander	Attorney
J Parks	Attorney
O Nweba	Attorney
S Smith	Administrative Manager
P Khoeaene	Receptionist
M Esau	Administrative Assistant
E van der Gryp	Candidate legal practitioner
A Mkhize	Candidate legal practitioner
B Vlok	Candidate legal practitioner
S O'Reilly	Candidate legal practitioner
T Raath	Paralegal
T Slater	Postgraduate consultant
M Mjuda	Postgraduate consultant



2021 STATISTICS

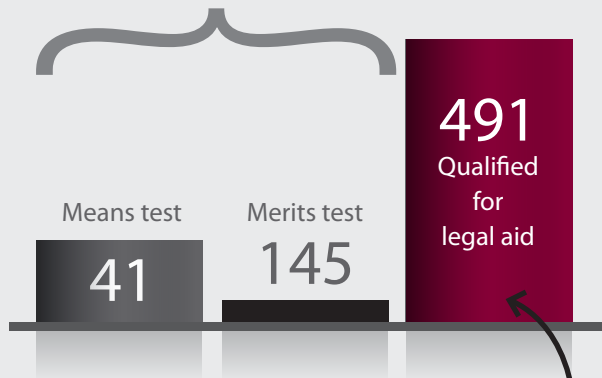
{ From early January 2021 until 30 November 2021 }

926 individuals visited the Law Clinic

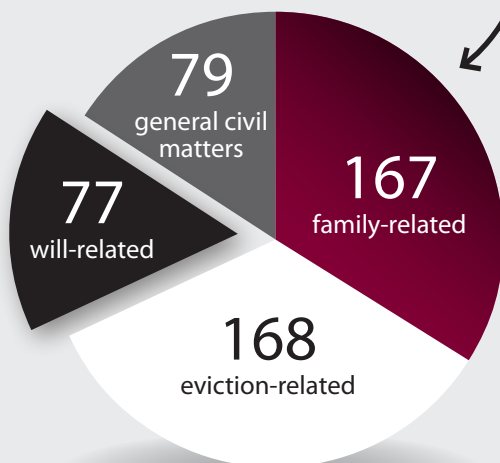


Out of the 636 new clients:

Did not qualify
because they did not pass the:

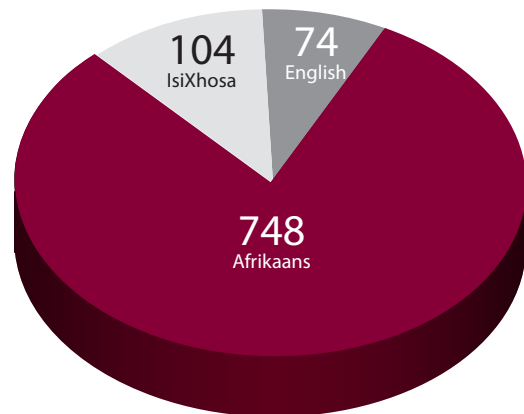


Of the 491 individuals who
qualified for legal aid:

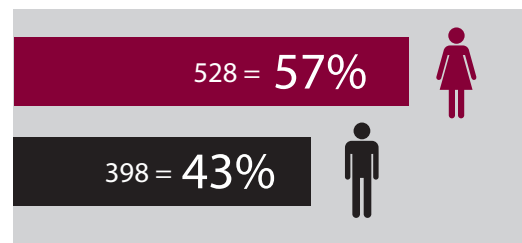


Of the 926 individuals
who visited the Law Clinic:

Language spoken

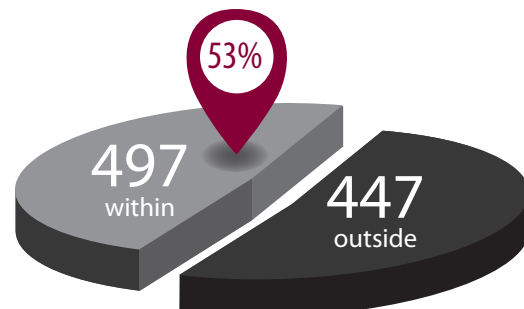


Female VS Male



Geographical spread

% of people residing in
Stellenbosch Municipal area.

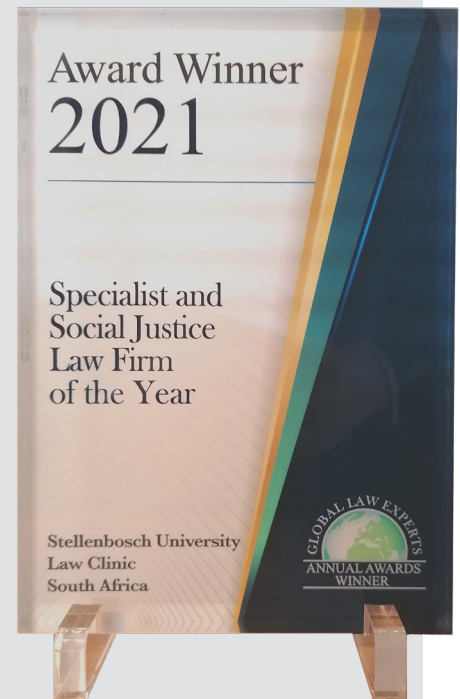


The majority of individuals thus reside
within the Stellenbosch Municipal area.

AWARDS

The Clinic is grateful for continuing to be recognised as a leading African social justice law firm.

- 2021** South African Social Justice Law Firm of the Year: Global Law Experts Annual Awards
- 2020** South African Social Justice Law Firm of the Year and South African Specialist Law Firm of the Year: Corporate INTL Global Awards
- 2019** South African Social Justice Law Firm of the Year: Global 100 ACQ Global Awards – 10th Annual Global Law Experts Awards
- 2019** South African Specialist Law Firm of the Year: Global 100 10th Annual Global Law Experts Awards
- 2019** South African Niche Law Firm of the Year: ACQ Global Awards
- 2019** 2 Silver awards at the Mace Excellence Awards
- 2019** Gender Mainstreaming Awards: finalist in the category 'Empowerment of Women in the Community'
- 2018** CCASA Achievement Award



IMPACT MATTERS

Lifestyle Legal

On 21 July 2021, the Western Cape High Court certified the SU Law Clinic's class action application in which the Clinic and 8 of their clients sought permission to institute a class action on behalf of thousands of defrauded consumers. It is only the tenth South African class action that has been successfully certified, and it is the first consumer law class action in which the court was required to deliver a certification judgment. It is also the first successful class action certification brought by a South African University Law Clinic.

The SU Law Clinic filed the certification application with the Western Cape High Court on 13 September 2019. The Clinic had been alerted to complaints from consumers concerning websites related to a company called Lifestyle Legal.

These websites apply dark pattern marketing methods to misleadingly appear to offer loans and / or free loan finding services. Consumers who frequent these websites are induced to conclude 'agreements' for unwanted services and are shocked when they realise amounts are being deducted 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'.



IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN

REPORTABLE

CASE NO: 16262/2019

In the matter between:

STELLENBOSCH UNIVERSITY LAW CLINIC
ADELE ROTHMANN
IGNATIUS MICHAEL HEYNS
DERRICK FERREIRA DOS SANTOS
RONALD ABRAHAM ARTHUR ESBACH
NICOLENE ELS
ALICIA PELSER
VANESSA VENTER
CASSIEM HALLIDAY
And

LIFESTYLE DIRECT GROUP INTERNATIONAL
(PTY) LTD
CAPITAL LIFESTYLE SOLUTIONS (PTY) LTD
t/a LIFESTYLE LEGAL
LOAN TRACKER SA (PTY) LTD
LOAN SPOTTER SA (PTY) LTD
LOAN MATCH SA (PTY) LTD
LOAN CHOICE SA (PTY) LTD
LOAN QUEST SA (PTY) LTD

First Applicant
Second Applicant
Third Applicant
Fourth Applicant
Fifth Applicant
Sixth Applicant
Fifth Applicant
Seventh Applicant
Eighth Applicant

First Respondent
Second Respondent
Third Respondent
Fourth Respondent
Fifth Respondent
Sixth Respondent
Seventh Respondent



The Clinic alleges that the purported agreements concluded between the relevant consumers (the members of the class) and the relevant websites (19 respondents in total), are unconscionable, unjust, unreasonable and unfair in terms of sections 40, 41 and 48 of the Consumer Protection Act 68 of 2008 ('CPA'), or alternatively unlawful under the common law. The Clinic further alleges that the respondents' conduct in connection with their demands for and/or collection of payment, is unconscionable in terms of section 40 of the CPA, or alternatively unlawful under the common law.

The respondents in the matter filed a notice in which they requested leave to appeal the certification award to the Supreme Court of Appeal or, alternatively, to the full bench of the Western Cape High Court. The application for leave to appeal against the court's certification judgment was heard by the Western Cape High Court on 22 October 2021. The SU Law Clinic successfully opposed the respondents' application. Gamble J assumed "without finally deciding, that the order granted in this matter is appealable" but held that "the respondents have failed to show that they have reasonable prospects on appeal of persuading another court to set aside the certification of the applicants' class action".

The certification of the class action now enables the Clinic to request restoration of moneys illegally debited and compensation for resulting losses on behalf of thousands of consumers who were affected by the respondents' conduct. It will also assist to facilitate access to justice for the thousands of vulnerable consumers who appear to have been exploited by the respondents' reprehensible conduct.

UNJUSTIFIED EVICTION: SU Law Clinic successfully opposes matter in Supreme Court of Appeal

On 14 July 2021, the Supreme Court of Appeal, following a twelve-year legal battle, delivered judgment in favour of the Stellenbosch University Law Clinic's 84-year-old client, Ms Clara Phillips, and her mentally disabled son. The SCA, with all judges concurring, dismissed the landowner's appeal against the judgment of the Western Cape High Court, in which it was ruled that the eviction order granted against Ms Phillips and her son in the Somerset West Magistrate's Court during 2016, should be set aside.

Bejaarde en seun mag in huis bly, beslis appèlhof

Julian Jansen

Ná 'n hofstryd van 12 jaar het Clara Phillips uiteindelik sekerheid dat sy tot haar dood kan aanhyl in die werkershuis in Somerset-Wes wat al sedert haar tede jaar haar huis is.

Phillips (84) se 66-jarige gestremde seun, Adam, woon saam met haar in die huisie met sy panoramiese uitsig oor die Helderberg-kom en Valsbaai.

Die destydse plaaseienaar het Phillips se man, Adam, lewenslang op die huis gegee. Adam was 'n plaaswerker en is in 2004 dood. Sedertdien is die plaas waarop die huisie gestaan, het, deur 'n spoggerige dorpsuitbreiding ingesluk.

Die huis staan in die deftige woonbuurt Parel Valley.

Die grond het verskeie kere van eienaar verwissel. Die huidige eienaar, Willem Grobler (51), is 'n sagtewareontwikkelaar.

Hy het in 2009 vir Phillips ingelig dat hy haar ingevolge die Wet op die Voorkoming van Onwettige Uitsetting en die Onreëlmatige Besetting van Grond (wet nr. 19 van 1998; die "Pie"-wetgewing), van

die grond gaan sit.

Phillips, wat ongeletterd is, het die Universiteit Stellenbosch (US) se regsplek vir hulp gevra.

In 2016 is die uitsettingsbevel toegestaan, maar Phillips het met die regsplek se hulp geappelleer en in dié saak gewen.

Die hof het onder meer in ag geneem dat die waarde van Phillips se verblyfsreg beperk is gegewe haar hoë ouderdom. Grobler het hom toe tot die appèlhof gewend.

Hy het vir dié hof gesê hy het vir Phillips blyplek in 'n sekerheidskompleks aangebied, maar sy wou nie trek nie omdat sy gewoon was aan die huis en die vryheid en ruimte van die omgewing.

Die hof moes onder meer die geldigheid van Phillips se lewenslange verblyfsreg oorweeg binne die konteks van die Wet op die Uitbreiding van Sekuriteit van Verblyf (nr. 62 of 1997; Es-ta) en die Pie-wet.

Die hof het uiteindelik bevind hoewel die mondelinge oordragbare "lewensreg" nie op die nuwe eienaar afgedwing kon word nie, dra dit tog gewig as bepaal moet word wat regverdig en billik is. Om Phillips en haar seun, wat kwesbare mense is, uit te sit, sou



Die huis in Dummerstraat, Parel Valley, Somerset-Wes.



Clara Phillips (84) en haar verstandelik gestremde seun, Adam (66).

onregverdig en onbillik wees, het die hof bevind.

Nikita Stander van die US se regsplek sê die uitspraak is belangrik omdat die hoogste hof van appèl bevind het hoewel 'n mondelinge reg om lewenslang op eiendomme te woon nie afgedwing kan word teen 'n nuwe grondeienaar

nie, dit 'n gewigte oorweging is wanneer die hof moet besluit oor wat billik en regverdig in die konteks van 'n uitsetting is. Grobler se regsvertegenwoordiger, Nico le Roux van Miller Bosman Le Roux Prokureurs in Somerset-Wes, sê hulle bestudeer nog die uitspraak.



The SCA's judgment is important from the legal point of view that the SCA found that, although a verbal life-long right to occupy the property cannot be enforced against a new property owner, it is an important consideration when a court has to decide, in the context of an eviction, on what is just and equitable.

During August 2021, the owner applied for leave to appeal to the Constitutional Court against the decision of the Supreme Court of Appeal. The Clinic is currently awaiting the judgment or, alternatively, further directives, from the Constitutional Court.

SU Law Clinic & Others v National Credit Regulator & Others

On 13 December 2019 the Western Cape High Court issued its landmark 'statutory *in duplum*' judgment in favour of the applicants. The effect of the High Court's judgment was that all amounts (including legal fees) that accrue under the National Credit Act against the debtor during the time that they are in default, are limited to an amount equal to the arrear debt at the time of default.

The judgment was appealed by the Legal Practice Council and Bayport, effectively suspending its immediate impact. During November 2021, the Supreme Court of Appeal upheld the appellants' appeal.

The SU Law Clinic has filed leave to appeal with the Constitutional Court.

TEACHING

Clinic employees continue to coordinate and lecture various undergraduate modules, including Civil Procedure 371, Practical Legal Training 471, and Legal Skills 411.

MEDIA COVERAGE

During 2021, the Stellenbosch University Law Clinic enjoyed widespread media coverage. Based on the combined reach of the coverage, the total AVE of the Law Clinic's media exposure was **over R7 million***.

Row Labels	Count of Headline	Sum of AVE	Sum of Reach
Broadcast	6	158 929	1 982 000
Online	35	1 809 534	5 063 127
Print	43	5 435 067	851 577
Grand Total	84	7 403 530	7 896 704

Overall by Volume



*AVE (advertising value equivalency) calculates what it would have cost if an organisation paid for the media exposure it received.
Source: PEAR Africa.

WORKSHOPS, TRAINING, CONFERENCES AND OTHER INITIATIVES

Conference on Clinical Legal Education



The SU Law Clinic's Stephan van der Merwe was invited to attend the 2021 online American Association of Law Schools Clinical Conference to engage with international participants on the topic of "Enhancing Clinical Education for Our Students and Ourselves through Global Collaboration". Stephan attended the conference from 28 April 2021 to 1 May 2021 and discussed the Clinic's relevant projects with their international partners.

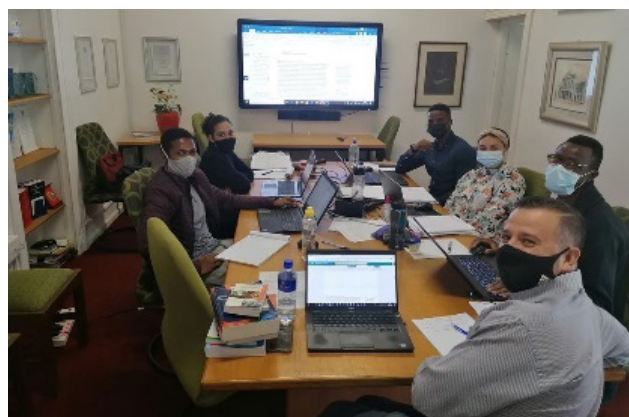
The Black Sash

During April 2021, the SU Law Clinic was briefed by prestigious human rights organisation, The Black Sash Trust, to update its 'Debt and Credit Guide for Paralegals'. This guide is used nationally to empower hundreds of thousands of consumers. The Clinic's dedicated team worked hard to ensure that this important resource accurately reflects the current legal position.

On 27 October 2021, the guide was launched. The guide is a reference guide to paralegals, that will empower them with the knowledge to advise their clients on this important area of the law.

Two of the Clinic's attorneys, Odwa Nweba and Josie Parks, attended the virtual launch and provided training on the manual to over 60 paralegals from all over the country.

The Clinic places a high value on collaborating with individuals and institutions who share their vision for a community that is legally empowered and that possesses a strengthened capacity to exercise their rights.



Hasselt University, Belgium

The SU Law Clinic is pleased to collaborate with Hasselt University in Belgium. As part of this collaboration, a joint virtual conference was conducted on 2 July 2021. Stephan van der Merwe presented on the topic of making an impact through a university law clinic.



SA Legal Academy webinar on class actions

The Clinic's Odwa Nweba was invited to attend the SA Legal Academy webinar on class actions, which was conducted on 26 August 2021 and was hosted by Louis Podbielski. Odwa spoke about the Clinic's work, and in particular about the Clinic's recently certified class action.

Wills Week on Wheels

From 27 to 30 September 2021, the SU Law Clinic conducted its very own Wills Week on Wheels. The initiative, coordinated by one of their attorneys, Ms Josie Parks, was a great success, and the Clinic was able to assist clients from Pniel, Lanquedoc, Johannesdal, Kylemore, Paarl, Idas Valley and Cloeteville with the drafting and signing of their wills.

The Clinic wishes to extend their sincerest gratitude to the Pniel Congregational Church and Eikestad Hall for allowing it to utilise these venues.



SAULCA online workshop



On 8 and 9 November 2021, the Clinic participated in the South African University Law Clinics Association (SAULCA) online workshop and AGM. The workshop created a platform for Law Clinics from across the country to share their experiences relating to the provision of legal services, clinical legal education, support to paralegal advice offices and community outreach programs during Covid-19. One of our attorneys, Josie Parks, presented on our legal services, including consultations and representation of indigent clients. We are pleased to have been part of this workshop and look forward to consistently improving and adapting to significant obstacles such as Covid-19 to continue efficient service delivery to our clients.

ESTA training sessions

On Saturday, 20 November 2021, attorney Nikita Stander presented an ESTA training session on farm occupiers' right of security of tenure in terms of ESTA. The session was attended by various farm occupiers and community leaders from Paarl and Stellenbosch in the boardroom of the office of the Food & Allied Workers Union (FAWU) in Paarl. It was well received by all the attendees, all of whom actively participated by posing questions on issues and concerns in their respective communities. Ms Stander was accompanied by candidate legal practitioners Elandré van der Gryp and Stephanie O'Reilly. Another ESTA training session was presented to farm occupiers and community leaders in Rawsonville on Saturday, 4 December 2021.



Financial Literacy Project

The Financial Literacy Project, the SU Law Clinic's annual initiative which aims to educate and empower our vulnerable surrounding communities, is conducted in conjunction with civil procedure and financial planning students currently enrolled at Stellenbosch University.

Due to Covid-19 restrictions, the SU Law Clinic could not conduct their normal in-person training at high schools and farms during 2021. The Clinic therefore found innovative ways to reach their communities through technology and social media. Calendars, posters, pamphlets and posts, which contain pivotal information on saving and budgeting, credit, the National Credit Act, and the Consumer Protection Act, were developed by the FLP team. The material has been distributed to old age homes, high school learners, minimum wage earners and social media followers.

This project is coordinated by attorney Josie Parks, with candidate legal practitioner Stephanie O'Reilly assisting her with the translation of the material and dissemination of the project.

BUDGETING

GROCERIES
+ R2500

- **Checkers** has the lowest prices.
- **Pick n Pay** has the best discounts.
- **Extra Savings Cards** for Checkers and Pick n Pay make savings even bigger.
- **Checkers Little Garden programme** plant and grow your food in containers around your house.

HYGIENE
+ R400

- **Laybuy** clothes and products instead of paying all at once or getting credit.
- **GAVE** has all round best deals for sanitary products.
- **Dischem and Pick n Pay** pharmacy has the lowest prices on medicine.

TRANSPORT
+ R500

- For affordable monthly travel, look at **Intercape Travel** buses.
- Use public transport such as **MyCity Bus** in Cape Town.
- Affordable second hand bicycles at **Cash Crusaders** or **Hospice** shops.

COMMUNICATION
+ R100

- **Vodacom** share every day and **Vodafone** get rewards and buy devices using your Vodafone.
- **MTN Yellowbills** get discounted data, airtime and voice using your Yellowbills.
- **Cell C** make data prepayments 1.5x for 500.
- **Virgin Mobile's Virgin Red Rewards** get cashback for your purchases with the more points you earn.

HOUSING
+ R1200

- To get the most out of your electricity purchase, buy electricity within the **Gasolite** data of the month - the price goes up after this.
- **ESB** - never buy more than 1000 electricity in a time to save.
- **REMEMBER** - switch off your lights and close taps properly.

EDUCATION
+ R200

- Most affordable school clothes and stationery at **Pep Stores**.
- **Vodacom** uses 0 data to watch their **GR 12 E-School** lessons.
- Get a free pair of school shoes at **WALK A CHILD TO SCHOOL**.
- Free extra classes and textbooks online for Grade 10 - 12 Maths and science on **Studydrive**.
- **Thunderbolt 806** gives free textbooks and workbooks downloads for grades 10-12.

OTHER COSTS

- **FNB Easy Account** has the lowest bank fees with a 0.05% monthly fee and R1.20 fee per R100 without cash.

Law Clinic
Stellenbosch University
Reginklink

BEGROTING & BESTEDINGS-WENKE
VIR STUDENTE

ANGEBOED DEUR
Kyla Jansen van Rensburg
Robert Strachan
William Moodie

Law Clinic
Stellenbosch University
Reginklink

TOP TIPS
for managing your finances

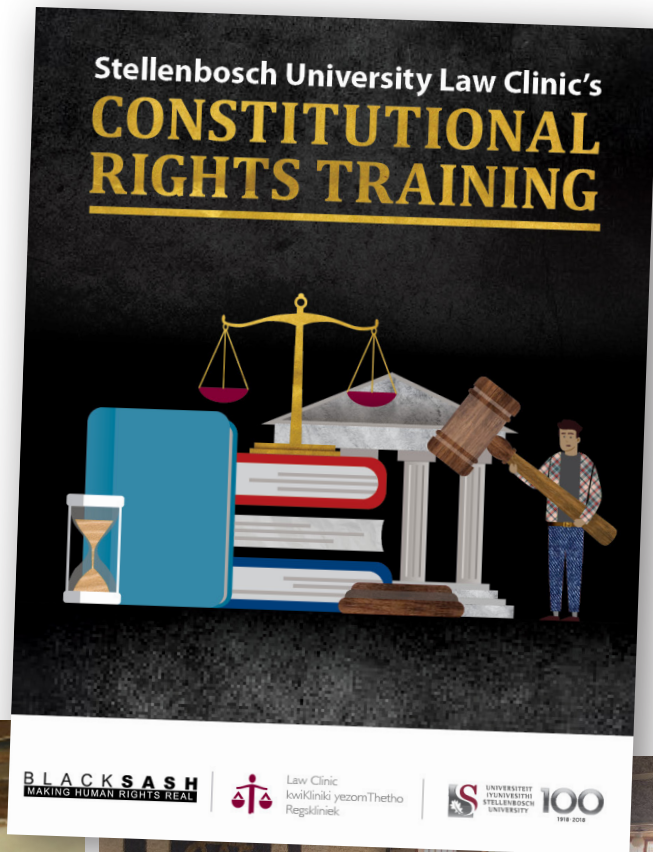
SAVING is important
February | Februarie | uFebruari

Create a BUDGET
January | Januarie | uJanuarie

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Constitutional rights training project

From 23 November 2021 to 3 December 2021, attorney Odwa Nweba and candidate legal practitioner Abulele Mkhize travelled throughout the country to conduct constitutional rights training to numerous vulnerable and marginalised communities. These sessions were conducted in Gauteng, Kwa-Zulu Natal, the Eastern Cape and North-West, in collaboration with the Black Sash and Law Clinics nationally. The purpose of the project is to empower hundreds of rural community members by creating increased constitutional awareness on their constitutional rights, as contained in Chapter 2 of the Constitution. The sessions were very successful and rewarding.



Legal Ethics / Ethics in law conference

The 2021 Stellenbosch University Law Clinic Legal Ethics / Ethics in Law Conference, supported by the International Association of Legal Ethics and the Stellenbosch University Faculty of Law, was hosted online on Monday and Tuesday, 29 and 30 November, from 14:00 until 20:00 SAST.

The conference provided an important platform to enable conversation and debate between legal ethicists, academics, professionals, philosophers, and enthusiasts interested in the fields of legal ethics and ethics in law. The conference formed part of the centenary celebrations of the Stellenbosch University Faculty of Law and was free to attend.

The keynote address, entitled *The Ethics of Teaching and Lawyering in Treacherous Circumstances*, was delivered by Prof Thuli Madonsela. Expert panels were conducted on Ethics and Legal Education, Public Interest Litigation, and Ethics and Lawyering in Politically Turbulent Times. The panels consisted of foremost international specialists and were chaired by Justice Edwin Cameron, Dr Helen Kruuse, and Adv Geoff Budlender SC. The conference also included various presentations on contemporary and controversial topics related to legal ethics.

The conference was well received and provided thought-provoking and challenging debate. The complete programme follows.

2021 Stellenbosch University Law Clinic

Legal Ethics / Ethics in Law

Virtual International Conference

with the support of the International Association of Legal Ethics and the Stellenbosch University Faculty of Law



Law Clinic
kwiKliniki yezomThetho
Regscliniek



COVID-19: ETHICS UNDER PRESSURE

Conference Programme

Monday, 29 November 2021, 14:00-20:00 SAST - [JOIN MEETING HERE](#)

13:45-14:00	Login
14:00-14:20	Welcoming Addresses Mr Stephan van der Merwe - Stellenbosch University Law Clinic - Housekeeping Prof Theo Broodryk - Stellenbosch University Law Clinic Manager Prof Nicola Smit - Stellenbosch University Faculty of Law Dean Prof Nico Koopman - Stellenbosch University Deputy-Vice Rector
14:20-14:50	Keynote Prof Thuli Madonsela - Stellenbosch University - Law Trust Chair in Social Justice <i>"The Ethics of Teaching and Lawyering in Treacherous Circumstances"</i>
14:50-14:55	Break
14:55-16:25	Panel: Ethics and Legal Education Dr Helen Kruuse (chair) - Rhodes University - South Africa Prof Ernest Ojukwu - Ojukwu Faotu & Yusuf Lawyers - Nigeria Prof Magda Slabbert - University of South Africa Dr Abiola Makinwa - The Hague University of Applied Sciences - Netherlands Mr Alexander Petkov - United Nations Office on Drugs and Crime - Austria
16:25-16:30	Break



- 16:30-17:15** Prof Hugh Corder (University of Cape Town - South Africa) & Prof Richard Devlin as Respondent (Dalhousie University - Canada)
"The Ethical Obligations of the Members of the Judicial Service Commission of South Africa"
- 17:15-17:20** Break
- 17:20-18:20** Stream 1: Ethics of Care/Relational Lawyering in Law Clinic Contexts - **JOIN STREAM HERE**
- Mr Stephan van der Merwe - Stellenbosch University Law Clinic - Stream Facilitator
- Dr Olcay Karacan (Çukurova University) & Dr Muhammet Koçakgöl (Erzincan Binali Yildirim University) - Turkey
"Clinical Legal Studies Based on Care Ethics: Some Experiences of Ankara University Human Rights Law Clinics"
- Prof Jonathan Campbell - Rhodes University Law Clinic - South Africa
"The Role of Preventative Lawyering in Law Clinic Practice and Teaching"
- Prof Gülriz Uygur - Ankara University - Turkey
"Epistemic Injustice, Seeing Injustice and Legal Clinics: Losing-Finding Oneself in One's Own Prejudices"
- 17:20-18:20** Stream 2: Clinical Legal Education - **JOIN STREAM HERE**
- Dr Helen Kruise - Rhodes University - Stream Facilitator
- Dr Izabela Kraśnicka (University of Białystok) & Dr Filip Czernicki (Legal Clinics Foundation) - Poland
"Legal Ethics in Legal and Clinical Legal Education in Poland"
- Mrs Ewelina Gee - Milan (Legal Clinic at Lazarski University), Ms Julia Kujda (Lazarski University), & Mr Maciej Czerwiński (65th Secondary School General Józefa Bemaw) - Poland
"Hybrid Law Clinics - a Response to the Changing Reality. The Example of the Law Clinics of Lazarski University, Poland"
- Dr Jeffrey Wale - Bath Spa University - United Kingdom
"Clinical Legal Education: Conflicting Aims, Political Activism and Extraordinary Times Thinking"
- 18:20-18:25** Break
- 18:25-19:25** Stream 1: Ethical Responses Needed During/After the COVID-19 Pandemic - **JOIN STREAM HERE**
- Dr Helen Kruise - Rhodes University - Stream Facilitator
- Dr Ronagh McQuigg - Queen's University Belfast - Northern Ireland
"Ensuring an Ethical Response to Domestic Abuse in the Context of Covid-19 – the Role of Human Rights Law"



Adv Ori Ben-Zeev - Johannesburg Society of Advocates - South Africa
"Virtual Hearings and the Art of Litigation: Adapting Advocacy to New Platforms"

Ms Małgorzata Biszczanik - University of Warsaw - Poland
"Deterioration of Freedom as a Result of Abuse of Involuntary Temporary Detention During Pandemic"

18:25-19:25

**Stream 2: Ethical Responses Needed During/After the COVID-19 Pandemic
 (continued) - [JOIN STREAM HERE](#)**

Prof Theo Broodryk - Stellenbosch University Law Clinic - Stream Facilitator

Dr Noor Dzuhaidah Osman & Dr Syahirah Abdul Shukor - Universiti Sains Islam - Malaysia

"A Review of the Bioethical Issues in Regulating Environmental Biosafety in Time of Pandemic Covid-19"

Dr Callixte Kavuro - Stellenbosch University - South Africa
"Ethics in Immigration Law: Refugee Protection During the Pandemic"

Mr Johan Botes - Baker McKenzie - South Africa
"Ethics in Labour Law: Indirect Discrimination Resulting from Forced Work-From-Home Policies"

Tuesday, 30 November 2021, 14:00-20:00 SAST - [JOIN MEETING HERE](#)

13:45-14:00

Login

14:00-15:30

Panel: Public Interest Litigation and Ethics

Adv Geoff Budlender SC (chair) - Extraordinary Professor - Stellenbosch University

Ms Umunyana Rugege - SECTION27 - South Africa

Ms Tshegofatso Phala - Equal Education Law Centre - South Africa

Adv Stuart Wilson - Socio-Economic Rights Institute of South Africa

Ms Wilmien Wicomb - Legal Resources Centre - South Africa

15:30-15:35

Break

15:35-16:20

Roland Sutherland J - Judge of the High Court of South Africa - South Gauteng

"Is There a Place for Ethics in the Cross-Examination of an (Alleged) Rape Victim?"

16:20-16:25

Break

16:25-17:55

Panel: Lawyering in Politically Turbulent Times

Edwin Cameron J (chair) - Stellenbosch University Chancellor - South Africa

Prof David Luban - Georgetown University - USA

Ms Erica Newland - Protect Democracy - USA

Adv Wim Trengove SC - Thulamela Chambers - South Africa

Adv Tembeka Ngcukaitobi SC - Duma Nokwe Group, Fountain Chambers - South Africa



- 17:55-18:00** **Break**
- 18:00-19:00** **Stream 1: Legal Ethics and Practitioners - [JOIN STREAM HERE](#)**
- Prof Theo Broodryk - Stellenbosch University Law Clinic - Stream Facilitator
- Prof Helena Whalen-Bridge - National University of Singapore - Singapore
"Devising Storytelling Ethics"
- Prof Francesca Bartlett (University of Queensland) & Sear - Australia
"Domestic and Family Violence Lawyering in Australia - Shared Understandings and Teaching Ethical Competency"
- Dr Bernard Wessels - Stellenbosch University - South Africa
"General Issues and Questions that Relate to Legal Ethics: What is Legal Ethics and What Role Does It Play in the Imposition of Liability on Legal Practitioners and in Regulating the Legal Profession?"
- 18:00-19:00** **Stream 2: COVID and Legal Ethics Education, Ethics in Legal Practice and Procedure, & Ethics in the Context of Inequality and Injustice - [JOIN STREAM HERE](#)**
- Mr Frans Haupt - Former Director of University of Pretoria Law Clinic - Stream Facilitator
- Dr Michele van Eck - University of Johannesburg - South Africa
"Covid-19: A Breeding Ground for Academic Dishonesty?"
- Mr Krish Govender - National Association of Democratic Lawyers - South Africa
"Ethics in the Law and its Absence Nationally and to Some Extent, Globally"
- Prof Gideon Christian - University of Calgary - Canada
"The Ethics of Social Media Discovery in Canadian Civil Litigation"
- 19:00-19:05** **Break**
- 19:05-19:50** **Stream 1: Legal Ethics Education – Generally - [JOIN STREAM HERE](#)**
- Mr Stephan van der Merwe - Stellenbosch University Law Clinic - Stream Facilitator
- Dr Limor Zer-Gutman - The Haim Striks School of Law - Israel
"Ethics Education in an Ethical Learning Environment"
- Dr Kajori Bhatnagar & Prof Charan Tej T.V. - Christ University - India
"Ethics in Legal Education: A Study of Indian Legal Education System"
- 19:05-19:50** **Stream 2: Legal Ethics Education – Generally (continued) - [JOIN STREAM HERE](#)**
- Mr Frans Haupt - Former Director of University of Pretoria Law Clinic - Stream Facilitator



Dr Gabor Andrasi & Dr Katalin Szoboszlai-Kiss - Szechenyi Istvan University - Hungary
"The Best of Two Worlds: Combination of Philosophical Theories and Professional Practice in Teaching Legal Ethics - The Case Study of the University of Gyor"

Prof Bernard Bekink - University of Pretoria - South Africa
"A Re-Emphasis on the Moral Reading and Application of the Constitution of the Republic of South Africa, 1996"

19:50-20:00

Closing & thank you - [JOIN MEETING HERE](#)

Mr Stephan van der Merwe - Stellenbosch University Law Clinic

STAFF AND OTHER NEWS



Successful LLD dissertation by former consultant

Adv Lerato Rudolph Ngwenyama, who worked as a consultant at the Clinic until 30 June 2021, successfully defended his LLD dissertation at the Stellenbosch University Faculty of Law during February 2021. The title of his dissertation is "A common standard of habitability? A comparison between tenants, usufructuaries and occupiers in South African law". In his dissertation, he examines whether there is a common (or minimum) standard of habitability between tenants, usufructuaries and occupiers in South African law, and crucially he determines whether a common standard of habitability for these categories of inhabitants in South African law can be derived from the Constitution of the Republic of South Africa. His dissertation also investigates whether the obligation to ensure such a standard of habitability for dwellings in all three categories of inhabitants rests on the owner, the state, or the occupant of the dwelling.

The Clinic is very proud of Dr Ngwenyama.

Formal admission as doctoral (LLD) candidate

The Clinic is extremely proud of senior attorney and lecturer, Stephan van der Merwe, who was formally admitted by our Faculty of Law as a doctoral (LLD) candidate with an approved research proposal, the title of which is "Developing a procedural framework for advanced debtor protection: The case of Emolument Attachment Orders". We have no doubt that Stephan's doctoral research will have a significant impact on the South African EAO landscape. It is an area of South African law that remains under-researched and one that will benefit from a procedural framework along the lines that Stephan's research will propose.



Welcoming new candidate legal practitioners



Abulele



Elandré



Stephanie

The SU Law Clinic was excited to welcome three new candidate legal practitioners to join the team on 1 April 2021. Elandré van der Gryp is currently working in the Clinic's eviction department, Stephanie O'Reilly works in the family law department, while Abulele Mkhize works in the general civil department. Rotations are set to occur during January 2022, to ensure that the candidate legal practitioners get the necessary exposure to all three of the Clinic's departments before concluding their vocational training programs.

SU Law Clinic welcomes Josie Parks

On 1 June 2021 the SU Law Clinic welcomed Josie Parks to their team as the Clinic's new family law attorney. Josie obtained her LLB degree from Stellenbosch University in 2016, whereafter she completed the LSSA Lead School for Legal Practice through the University of Cape Town in 2017. She was admitted as an Attorney of the High Court in March 2020.

At the Clinic, Josie assists clients with Family Law related matters such as divorces, maintenance applications and protection orders for domestic violence. She is very passionate about assisting final year law students at the Clinic with advice, as well as mentoring candidate legal practitioners who are currently completing their articles at the Clinic.

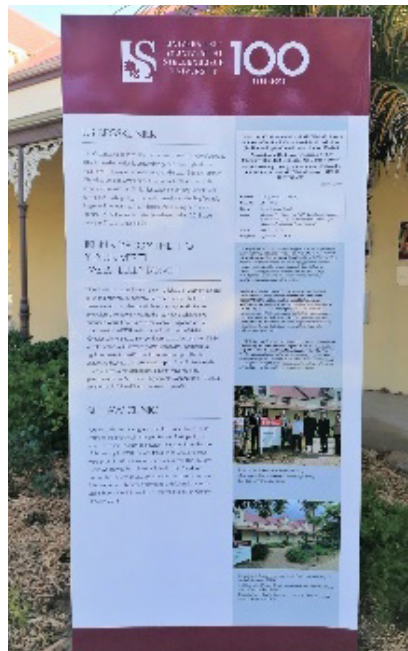


2021 year end function



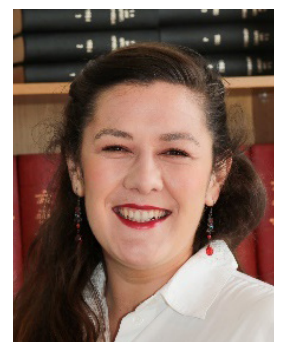
New context board installed

During March 2021, a new SU Law Clinic context board was installed outside the entrance to the Clinic's reception area.



Saying goodbye to colleagues

The Clinic had to say goodbye to their wonderful colleagues, Lerato Ngwenyama, Susann Louw and Liline Steyn, on 30 June 2021. Each of them are now embarking on exciting new chapters in their lives in different parts of the world, from Durban to Switzerland. They will be immensely missed.



FUNDERS AND STAKEHOLDERS

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:

<p>STELLENBOSCH UNIVERSITY LAW FACULTY</p>  <p>UNIVERSITEIT•STELLENBOSCH•UNIVERSITY jou kennisvennoot • your knowledge partner</p>	<p>HET JAN MARAIS NATIONALE FONDS</p> 
<p>LEGAL AID SOUTH AFRICA</p> 	<p>THE CLAUDE LEON FOUNDATION</p> 
<p>OPEN SOCIETY FOUNDATION FOR SOUTH AFRICA</p> 	<p>GERMAN-SOUTH AFRICAN LAWYERS ASSOCIATION</p> 
<p>THE LOMBARDI FAMILY CHARITABLE TRUST</p>	



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