

Law Clinic

Annual Report 2022



Stellenbosch
UNIVERSITY
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UNIVERSITEIT



Law Clinic
kwiKliniki yezomThetho
Regskliniek



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Awarded: the leading African social justice and specialist law firm.



Letter from **PROF BROODRYK**

Associate Professor and Managing Attorney of the SU Law Clinic

As I reflect on the year that's been, I am filled with a sense of pride and immense gratitude. As this report demonstrates the Clinic has been able to give

effect to its vision of a legally empowered community, professionally trained law graduates and a broader South African community that is sensitised to their social justice responsibilities. I highlight some of the Clinic's 2022 activities and achievements below.

Recently, from 11-15 December 2022, the Clinic joined the Faculty of Law in hosting the Global Alliance for Justice Education (GAJE) 11th Worldwide Conference in collaboration with the International Journal of Clinical Legal Education (IJCLE) and the South African University Law Clinics Association (SAULCA). The theme of the conference was "Justice Education: Building Resilience and Strong Connections in Times of Global Challenges".

Our financial literacy and constitutional rights training projects continue to be well received. The Financial Literacy Project is an annual initiative which aims to empower our surrounding communities (schools and farms) with essential financial literacy skills. The project is coordinated by one of our attorneys, Josie Parks, who was assisted by our candidate legal practitioners, Theo Opperman, Itumeleng Mashego and Stephanie O'Reilly. The training is conducted by third year civil procedure students of the Faculty of Law and financial planning students currently enrolled at the EMS Faculty of Stellenbosch University. The training deals with issues such as the importance of a good credit score, the effects of being over-indebted, the benefits of saving, and certain rights contained in the Consumer Protection Act. This year, we conducted five sessions through which we reached approximately 800 individuals. From 17 October to 5 November 2022, the Clinic continued with its constitutional rights training project in terms of which we provide training to numerous vulnerable and marginalised communities across different provinces in South Africa. The sessions were conducted by the Clinic's Odwa Nweba and Stephanie O'Reilly. We visited KwaMakutha and Mpophomeni in KwaZulu Natal, Duncan Village in Eastern Cape, Thohoyandou and Mankweng in Limpopo and KwaMhlangu in Mpumalanga. Close to 200 individuals attended with many more benefitting from these sessions.

The Clinic recently hosted a delegation of staff and students from Strathmore University Law Clinic, Nairobi, Kenya. Our colleagues from East Africa conducted a benchmark exercise to gather information to improve their own clinical program and we were very pleased to have been able to assist in this regard. We also hosted a group

of intern students from Hasselt University in Belgium for a 6-week period. The primary aim of the programme is for interns to experience, first-hand, the workings of a South African law firm. Interns were assigned to student firms, consisting of final-year law students enrolled for the Practical Legal Training module at the Faculty of Law. Interns observed student consultations, took part in mock consultations facilitated by the Clinic's consultants, and ultimately conducted their own consultations with the Clinic's clients. Consultations took place at one of numerous consultation rooms in the Clinic's offices in Stellenbosch and, once per month, at the Clinic's Ceres and Worcester satellite offices. Interns also accompanied the Clinic's attorneys and candidate legal practitioners to observe appearances at courts and tribunals.

From an impact litigation perspective, the Clinic successfully opposed numerous appeals, up to the Supreme Court of Appeal, of the decision to certify its consumer class action involving the Lifestyle Direct Group International. The matter has now been appealed to the Constitutional Court. We are confident that we will be able to launch the class action during 2023. The certification of the Clinic's class action application on 21 July 2021 is groundbreaking for a number of reasons: it represents only the tenth South African class action to be certified successfully, as well as the first successful class action certification by a South African university law clinic, and the first opposed consumer law class action to be certified.

There were also many pleasing developments among our staff. Dr Stephan van der Merwe graduated with a Doctor of Laws and Nikita Stander obtained her Master of Laws (by research). The Clinic is also very proud of two of our candidate legal practitioners, Stephanie O'Reilly and Elandré van der Gryp, who recently received confirmation that they passed all their attorney admission examination papers.

These are just some of the highlights of the year in review. The Clinic's successes and its ability to provide access to justice to poor, vulnerable and marginalised individuals, would not be possible without the continued support of the Faculty of Law and of our funders and stakeholders. We are indebted to them for enabling us to make a tangible difference in the lives of ordinary South Africans. A special word of thanks to the Dean of Law, Prof Nicola Smit. She is a visionary leader and one who is a massive proponent for social justice. Her support has been the bedrock to the Clinic's success.

I am pleased to present our 2022 annual report.
Yours sincerely,

T 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;

&

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 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 & 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

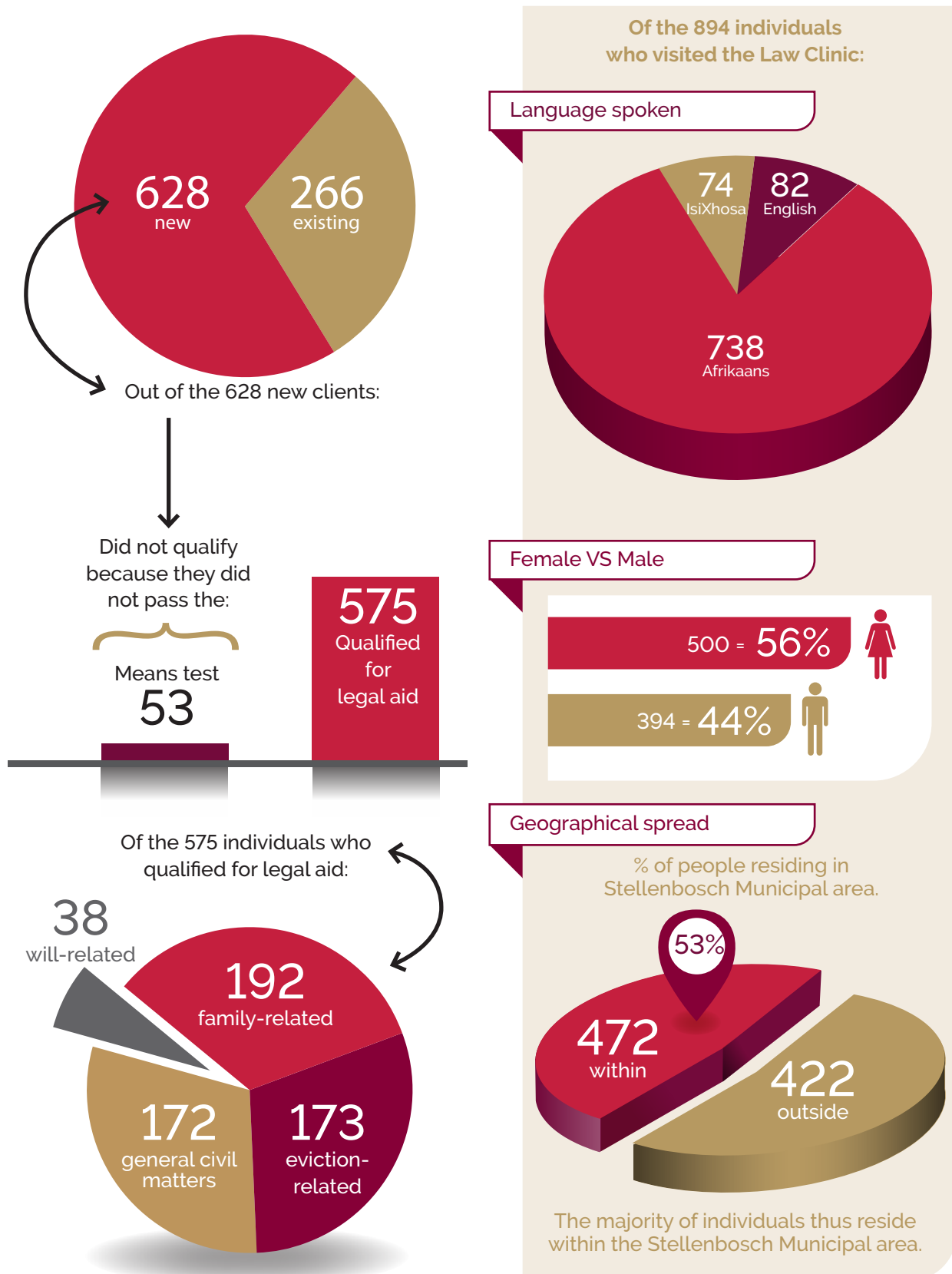
Prof T Broodryk	Associate Professor and Managing Attorney
Dr S van der Merwe	Senior Attorney, Notary Public and Lecturer
N Stander	Attorney
J Parks	Attorney
O Nweba	Attorney
S Smith	Administrator
P Khoeaene	Receptionist
M Esau	Administrative Assistant
E van der Gryp	Candidate Legal Practitioner
A Mkhize	Candidate Legal Practitioner
S O'Reilly	Candidate Legal Practitioner
T Raath	Candidate Legal Practitioner
T Opperman-Van Breda	Candidate Legal Practitioner
I Mashego	Candidate Legal Practitioner
M Booyens	Postgraduate Consultant
K Madiba	Postgraduate Consultant
C Bester	Paralegal



2022 Statistics

{ From the beginning of January 2022 until 30 November 2022: }

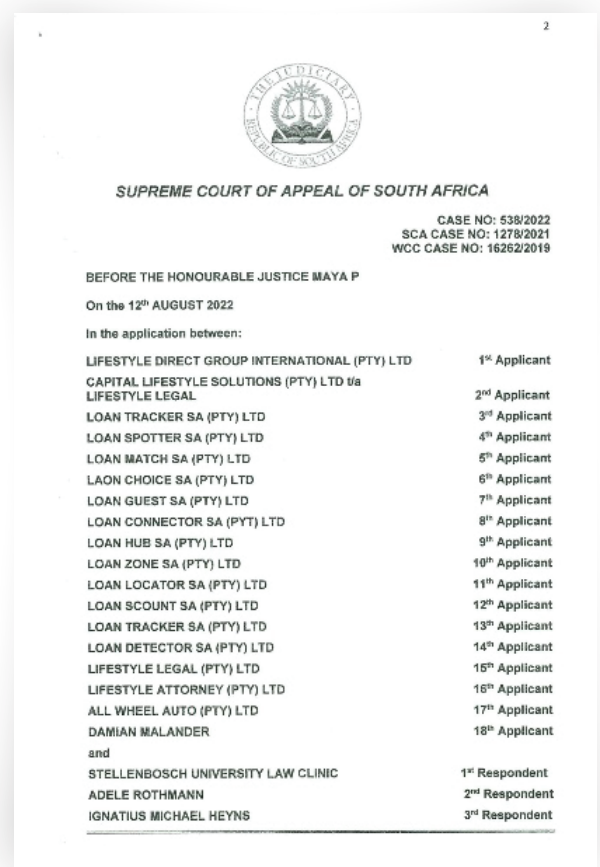
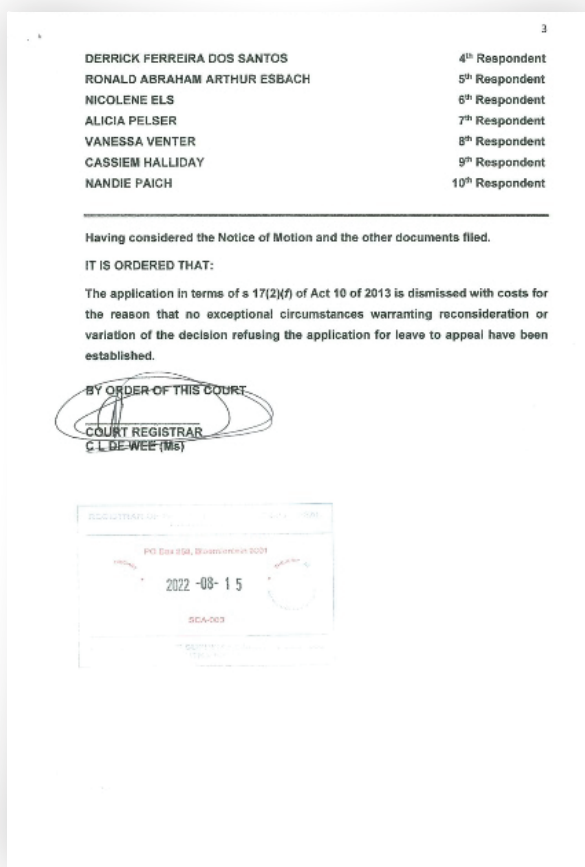
894 individuals visited the Law Clinic



Impact Matters

Lifestyle Direct Group International

SU Law Clinic class action certification success: *SU Law Clinic and others v Lifestyle Direct Group International and others*. The application by Lifestyle Direct Group International and others to the Supreme Court of Appeal for reconsideration was dismissed, with costs. The matter has now been appealed to the Constitutional Court. We are currently awaiting judgment. If the appeal to the Constitutional Court is also dismissed (hopefully, once again, with costs), then the class action will finally commence.



Grobler v Phillips

The Clinic received judgment in one of our high impact matters in which our office opposed the eviction of an elderly client. After earlier successes in the High Court and Supreme Court of Appeal, the Constitutional Court judges unfortunately did not agree that our client should receive a permanent right of occupation in her current home. Nonetheless, under the circumstances of her having to leave her residence, we are grateful that the Court has made adequate arrangements for her subsequent relocation. Safeguarding the best interest of our clients, and protecting their rights, remains the Clinic's primary concern.

Teaching

PLT: Mock trials

This year's PLT mock trials were a big success. We love involving our previous students in training the new generation of legal professionals. Thank you Tauriq Moosa, Aran Brouwer, Natalie Meyer, Gert Gagiano, Janine Janssen and others. The panel of assessors for one of the morning's PLT mock trials (picture here) consisted of three exceptional ladies, including Clinic attorney Josie Parks and the dynamic duo of Fiona and Carla Bester. Fiona is a senior partner at Chennels Albertyn Attorneys and Carla is the Clinic's incumbent paralegal.



PLT: General

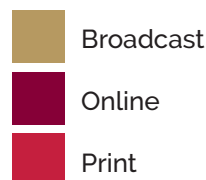


Media Coverage

During 2022, 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 **almost R10 million***.

Row Labels	Count of Headline	Sum of AVE	Sum of Reach
Broadcast	15	R4 176 128.34	157644920
Online	28	R1 381 027.56	4496116
Print	41	R4 239 691.38	1322168
Grand Total	84	R9 796 847.28	163463204

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

National Prosecuting Authority Community Dialogue

On 26 March 2022 the Clinic attended the National Prosecuting Authority (NPA) Community Dialogue on the Maintenance Act, 99 of 1998, as held at the NPA offices in Cape Town. The dialogue strengthens the existing knowledge of professional legal bodies on important topics related to maintenance with the aim of improving and expediting service delivery to clients. The topics included the claiming of maintenance from deceased estates, mediation in a maintenance setting, drafting of parenting plans, variation of maintenance orders and financial abuse. The dialogue is held monthly and focuses on new topics each month. We are excited to host the dialogue in the near future. Photographed from left to right are the organizers, Advocate Deon Ruiters and Mr. Eugene Opperman, our family law attorney, Josie Parks and candidate legal practitioner, Abulele Mkhize.



Collaborations with The Black Sash

The Black Sash along with Stellenbosch University Law Clinic facilitated a stream on debt, credit and consumer rights at the 6th Annual Dullah Omar School for Paralegalism. We are proud of the work done by our team, represented by attorney Odwa Nweba and candidate legal practitioner Tsavo Raath.



Training in Northern Cape

On 12-14 July 2022, the Clinic's Odwa Nweba and Tsavo Raath – in collaboration with the Credit Ombudsman, Black Sash Trust, and the National Credit Regulator – conducted community training in Pampierstad, Northern Cape. The training was based on the Debt, credit, and consumer rights manual, drafted by the Clinic, and the Clinic's constitutional rights program. The sessions were well received and attended by over 50 community members. We are delighted to be a role-player in this important community empowerment initiative and look forward to continued collaboration with our community service partners in expanding it to other communities.

Children's Rights Project

Thank you to Legal Aid South Africa for enabling us to conduct a Children's Rights Project at primary schools in our local community. The project is aimed at educating young children, grades 1 to 3, on their rights in a fun and interactive way. The training is conducted by the Clinic's Candidate Attorneys. The children responded very enthusiastically, and the teachers were very appreciative. We would like to extend our sincere gratitude to all the participating schools without whom this initiative would not have been possible. With the support of our collaboration partners Legal Aid South Africa and some local schools, the Clinic recently conducted our second round of the Children's Rights Project for this year. The project is aimed at educating primary school learners in our local community about their rights in a fun and interactive way. We educated 319 learners about important topics including the right to family care, love and protection, the right to food and the importance of an education. The training was conducted by our Candidate Legal Practitioners, who also reminded these children about their right to feel safe and encouraged them to speak up if they do not feel safe. We appreciate the opportunity to enrich the minds of some of our most vulnerable and valuable members of society.



Wills Week

During 4-5 October 2022, staff from the Clinic paid a visit to the Kylemore community to assist 53 people with the drafting of their wills. Although this service is offered at our office to qualifying clients throughout the year, this initiative has increased practical access to justice. Various elderly persons, those without any means of transportation as well as physically disabled persons were assisted in the process. We remain positive that we will be able to assist many other members of our surrounding communities through this initiative in the future.



The Clinic conducted a workshop on security of tenure of farm occupiers on 26 November. The workshop was extremely well attended and all participants indicated that they had learnt a lot regarding their rights and obligations as farm occupiers in terms of ESTA.



The Stellenbosch University Law Clinic and The Black Sash Trust are collaborating again to uplift marginalised communities and inform South Africans about their responsibilities and rights. Amanda Rinquest (Black Sash), and the Clinic's Tsavo Raath and Odwa Nweba (clockwise from left) are pictured whilst discussing the co-facilitation of a workshop where the organisations will train paralegals on debt, credit, and consumer rights.



Constitutional Rights Project

From 17 October to 5 November 2022, the Clinic continued with its constitutional rights training project in terms of which we provide training to numerous vulnerable and marginalised communities across different provinces in South Africa. The sessions were conducted by the Clinic's Odwa Nwebi and Stephanie O'Reilly. We visited KwaMakutha and Mpophomeni in KwaZulu Natal, Duncan Village in Eastern Cape, Thohoyandou and Mankweng in Limpopo and KwaMhlangu in Mpumalanga.



Financial Literacy Project

The Financial Literacy Project is an annual initiative which aims to empower our surrounding communities (schools and farms) with essential financial literacy skills. The project is coordinated by one of our attorneys, Josie Parks, who was assisted by our candidate legal practitioners, Theo Opperman, Itumeleng Mashego and Stephanie O' Reilly. The training is conducted by third year civil procedure students of the Faculty of Law and financial planning students currently enrolled at the EMS Faculty of Stellenbosch University. The training deals with issues such as the importance of a good credit score, the effects of being over-indebted, the benefits of saving, and certain rights contained in the Consumer Protection Act. This year, we conducted five sessions through which we reached approximately 800 individuals



Internationalisation

Hasselt Internship

The Clinic's hosted a number of Hasselt interns for a 5-week internship programme. The interns were exposed to orientation and training in clinical processes, South African law, and sensitivity to our social justice environment. They were involved in some of our consultations and court visits and supported our staff and students in serving the community. It was a real pleasure to host Indy, Mariska, Alexander, Julie, Fien, Luna and Linde, and we are excited to receive the next group of interns in 2023.





Visit by Strathmore Law Clinic

The Clinic is pleased to have been able to host a delegation of staff and students from Strathmore University Law Clinic, Nairobi, Kenya earlier during 2022. Our colleagues from East Africa conducted a benchmark exercise to gather information to improve their own clinical program. In the process, they also shared their own experiences and expertise with our clinicians, staff, and students at the Clinic and Faculty of Law.

GUEST LECTURE


THE RELATIONSHIP BETWEEN PERSONS WITH INTELLECTUAL DISABILITIES AND THE POLICE IN KENYA

PRESENTED BY
STRATHMORE
UNIVERSITY LAW CLINIC


THURSDAY,
13 OCT 2022

13H00-14H00


Room 2027
Old Main Building



PATRICK NZOMO
Faculty Director,
Strathmore Law
Clinic

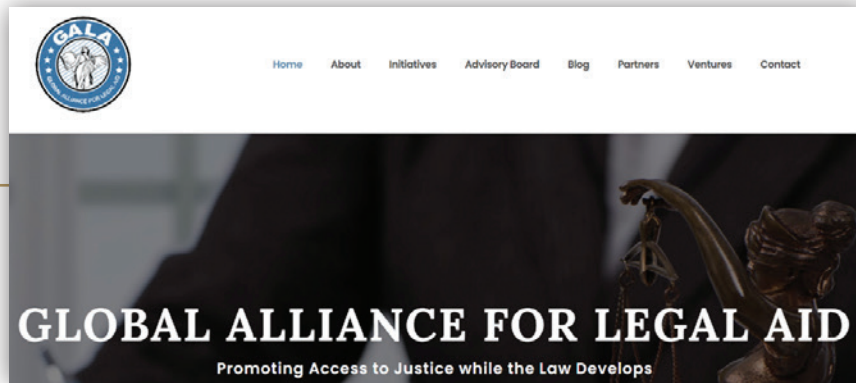


ELVIS COSMOS
Faculty Co-ordinator,
Strathmore Law Clinic



TESSY WACHIRA
President,
Strathmore Law Clinic





The Clinic is pleased to be collaborating with international organisations Global Alliance for Legal Aid (GALA) and Advocates for International Development (A4ID) as part of their valuable project to review 34 countries' legal frameworks related to financial consumer protection and debt relief. The project focusses on the negative consequences of debt default and analyzes options for debt discharge. This work is closely aligned with our own objectives to educate and empower our financially vulnerable community.




CHRIST
UNIVERSITY
BANGALORE - INDIA

School of Law CHRIST
(Deemed to be University), Bangalore
Welcomes you to
GUEST LECTURE



Stephan van der Merwe
 Senior Attorney and Lecturer, Former secretary and treasurer of the South African University Law Clinic Association (SAULCA) and is currently a member of the International Association of Legal Ethics and a Fellow of the National Institute for Teaching Ethics & Professionalism (NIFTEP), based at Georgia State University, USA.

Date: 13th April 2022
Time: 1.30-2.30 PM
Venue: 4th Floor, Central Block

MANAGEMENT
Dr. Fr. Benny Thomas (Director)
Dr. Jayadevan Nair (Dean)
Dr. Sapna S. (HOD)

FACULTY IN-CHARGE
Dr. Kajori Bhatnagar

The Clinic's Stephan van der Merwe was invited to present an online guest lecture to faculty and students of Christ University in India to highlight the Clinic's social justice and clinical legal education projects.

Staff News

We are extremely proud of **Dr Stephan van der Merwe**, who recently obtained his Doctor of Laws. The title of his dissertation is "Developing a Procedural Framework for Advanced Debtor Protection: The Case of Emolument Attachment Orders". Although the dissertation focuses on the position of abused debtors, it evidences that legal reforms are also needed to serve the interests of creditors, employers and the broader society. Many congratulations! It is very well deserved, especially given all your hard work and sacrifice.



The Clinic is very proud of the achievements of our managing attorney, **Prof. Theo Broodryk**, who has been appointed, in terms of section 3(1)(f) of the Rules Board for Courts of Law Act, 1985, as a member of the Rules Board for Courts of Law. This appointment is with effect from 30 November 2022 for a period of 5 years.

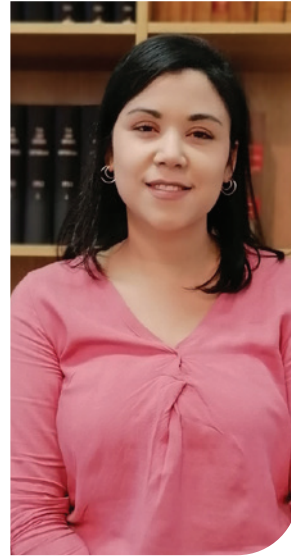


The Clinic is very proud of two of our candidate legal practitioners, **Stephanie O'Reilly** and **Elandré van der Gryp**, who recently received confirmation that they passed all their attorney admission examination papers. Many congratulations!

Attorney **Nikita Stander** was awarded her LLM degree in April. The title of her thesis is 'Developing a framework for mediating farm evictions and security of tenure related disputes in South Africa'. The Clinic is now in the process of seeking to implement the findings and recommendations in her thesis so as to assist in developing the mediation framework in ESTA.



Consultant **Marié Booyens** obtained her LLM degree in April. The title of her thesis is *Community-based mental health care for adults with psychosocial disabilities in South Africa through a right to health lens*. She presented this research at the World Congress of Constitutional Law, held at the University of Johannesburg in December 2022.



Josie Parks, our family law attorney, recently completed the 40-hour divorce mediation course through the Family Mediators Association of the Cape (FAMAC). The aim of this course is to educate practitioners on the process and advantages of mediation as a form of alternative dispute resolution in divorce matters. We welcome this into our practice and look forward to incorporating mediation within our divorce matters in future.

Other News



We are extremely pleased to announce that we have concluded an MOU with the National Credit Regulator. We have identified various areas of cooperation, including research and information sharing; development of the South African credit regulatory framework and consumer protection policy and legislation; and advocacy and outreach initiatives. A promising relationship beckons!



On 26 April, the Clinic's Stephan van der Merwe and Odwa Nwebi appeared on the SABC1 programme, Yilungelo Lakho ("It's Your Rights"), which focused on how false and misleading advertising puts consumers at a disadvantage.



UNODC

United Nations Office on Drugs and Crime



Global Resource for Anti-Corruption
Education and Youth Empowerment

On 15 December 2022, the Clinic co-hosted the United Nations Office of Drugs and Corruption (UNODC) Workshop for University Lecturers on Integrity and Ethics Education. The workshop was held under the UNODC Global Resource for Anti-Corruption Education and Youth Empowerment (GRACE) initiative and was aimed at academics interested in teaching integrity and ethics-related courses. The Clinic's Stephan van der Merwe presented a session under the topic of Integrity and ethics education in South Africa, with the aim of providing an overview of good practices and examples of education on integrity and ethics in African universities.



Nikita Stander participated in the WIETA ethical leadership webinar series on 26 September, in a session titled 'Landowners and occupiers: their respective rights under ESTA and PIE'.



Global Alliance for Justice Education Conference

From 11-15 December 2022, the Stellenbosch University Law Clinic joined the Faculty of Law in hosting the Global Alliance for Justice Education (GAJE) 11th Worldwide Conference in collaboration with the International Journal of Clinical Legal Education (IJCLE) and the South African University Law Clinics Association (SAULCA). The theme of the conference is "Justice Education: Building Resilience and Strong Connections in Times of Global Challenges". Among the speakers were Prof Thuli Madonsela, Director of the Centre for Social Justice at Stellenbosch University, and renowned jurist professor David McQuoid-Mason.



**Best wishes
for a prosperous
2023 to our
clients, colleagues,
stakeholders, funders,
and the broader
community that we serve.**

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:

Stellenbosch University Law Faculty



Het Jan Marais Nationale Fonds



Legal Aid South Africa



The Claude Leon Foundation



Open Society Foundation For South Africa



German-South African Lawyers Association



Legal Practice Council



The Lombardi Family Charitable Trust



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