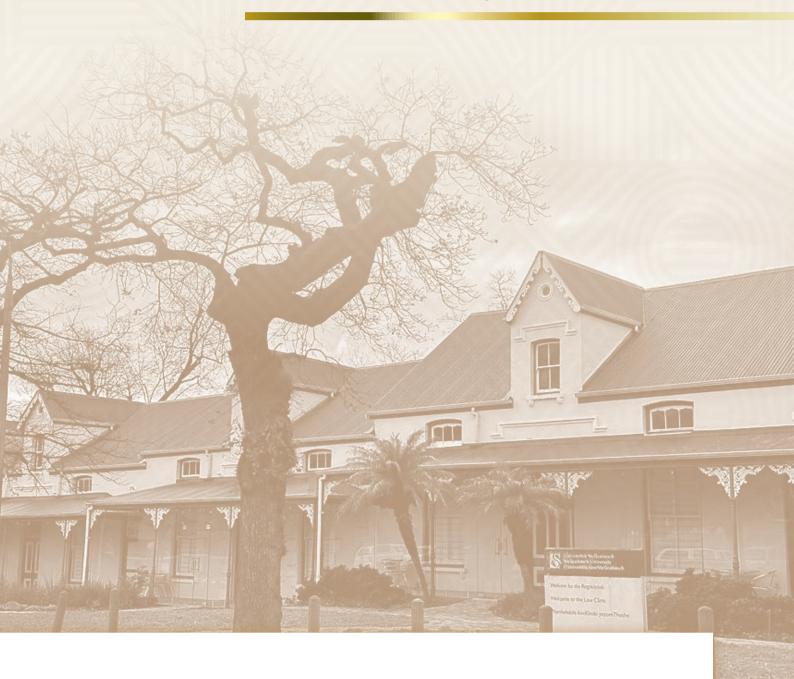
Law Clinic Annual Report 2023











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Letter from PROF THEO BROODRYK

Professor and Managing Attorney of the SU Law Clinic

It is with great pleasure that I present to you our Annual Report for the year 2023.

Throughout the past year, our dedicated team of legal professionals and passionate law students have worked tirelessly to uphold the Clinic's commitment to providing accessible legal assistance to our community. The 2023 Annual Report encapsulates our achievements, challenges, and the impact we have had on the lives of those we serve.

Our mission to promote justice, equality, and the rule of law has driven us to address a diverse range of legal issues, ensuring that our clients receive the highest quality legal support. The report showcases the breadth of our activities, including noteworthy cases, community outreach initiatives, and collaborative efforts with partners in the legal and academic sectors.

We have remained steadfast in our commitment to legal education and skills development, empowering the next generation of legal professionals with practical experiences that transcend the classroom. The report highlights the Clinic's role in fostering a culture of social responsibility and legal awareness among our students.

As we reflect on the accomplishments of the past year, we also acknowledge the ongoing challenges that underscore the importance of our work. The Annual Report provides insights into the strategic initiatives we are undertaking to enhance our impact and better serve the needs of our community in the coming years.

We extend our sincere gratitude to our Faculty of Law, our dedicated staff, students, volunteers, and partners whose unwavering support has been instrumental in our success. Together, we remain committed to making a meaningful difference in the lives of those seeking justice.

Thank you for your continued support and belief in our mission.

Yours sincerely,

TBroodryk
Prof Theo Broodryk
Managing Attorney

Stellenbosch University 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 costeffective 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.

"he 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.

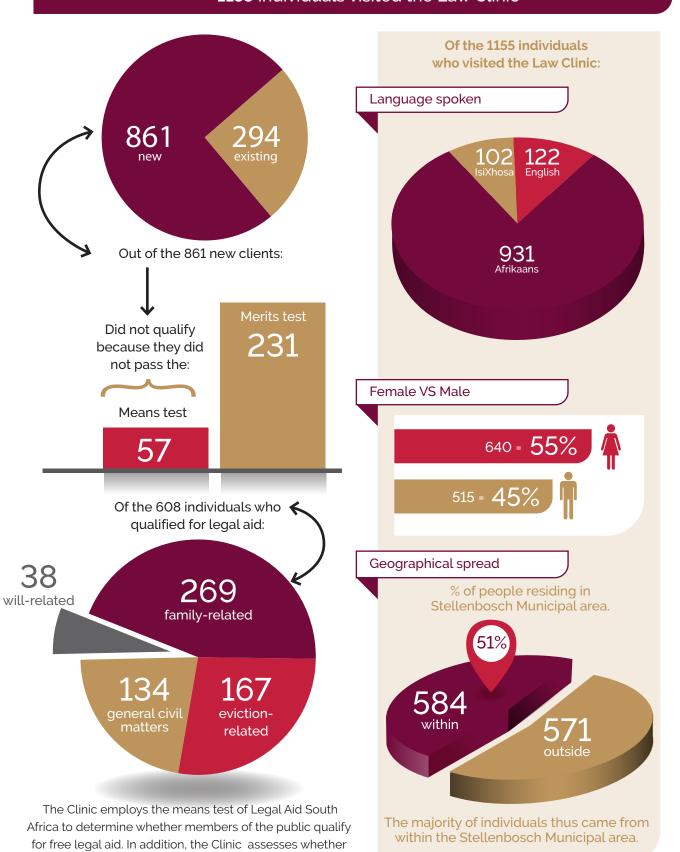
Staff	
Prof T Broodryk	Professor and Managing Attorney
Dr S van der Merwe	Senior Attorney, Notary Public and Lecturer
N Stander	Senior Attorney
J Parks	Attorney
O Nweba	Attorney
S Smith	Administrator
P Khoeaene	Receptionist
M Esau	Administrative Assistant
I Mashego	Candidate legal practitioner
M Booyens	Candidate legal practitioner
R Garson	Candidate legal practitioner
T Raath	Candidate legal practitioner
T Van Breda- Opperman	Candidate legal practitioner
Z Charles	Candidate legal practitioner
C Bester	Paralegal
L Mqina	Postgraduate consultant
A Young	Postgraduate consultant



2023 Statistics

From the beginning of January 2023 until 30 November 2023:

1155 individuals visited the Law Clinic



cases have sufficient legal merits to justify intervention.

Impact Work

STELLENBOSCH UNIVERSITY LAW CLINIC & OTHERS // LIFESTYLE LEGAL INTERNATIONAL GROUP (PTY) LTD & OTHERS



The Clinic's class action application, supported by eight clients, was certified by the Western Cape High Court on 21 July 2021, seeking permission to represent thousands of defrauded consumers. Following minor clerical corrections on 6 August 2021, an application for leave to appeal was filed by the first to eighteenth respondents but was ultimately dismissed by Gamble J in the High Court on 3 November 2021. A notice for leave to appeal to the Supreme Court of Appeal in Bloemfontein was subsequently filed by the respondents but was dismissed with costs on 12 May 2022. On 13 June 2022, the respondents brought an application to the President of the Supreme Court of Appeal for reconsideration and variation, but it was also dismissed with costs on 12 August 2022. An appeal against the High Court's decision was filed by the respondents in the Constitutional Court on 5 September 2022. The Constitutional Court similarly dismissed the appellants' application for leave to appeal, with costs. We believe that we will be able to launch the class action imminently.

NATIONAL CREDIT REGULATOR

Following the *in duplum* litigation, the Clinic approached the NCR with proposals for legislative change regarding certain issues considered under the auspices of said litigation. We are extremely pleased to have subsequently concluded a memorandum of understanding with the NCR. The NCR, in collaboration with the Clinic, prepared and published a circular pertaining to emolument attachment orders. The circular was published in November 2023 and it sets out the legal position regarding emolument attachment orders and the legal costs associated therewith. The circular is available at the following link: www.ncr.org.za/documents/Circulars/Circular%206of%202023-%20Emoulument%20 Attachment%20Orders.pdf.

NATIONAL CONSUMER COMMISSION

The Clinic entered into a memorandum of understanding on behalf of Stellenbosch University with the office of the NCC to formalise a strategic partnership that will contribute to learners' academic experience whilst contributing to community and student development pertaining to consumer law.

Teaching

Staff associated with the Clinic remain responsible for coordinating and lecturing the following undergraduate law modules:

- · Legal Ethics 214 (Dr van der Merwe);
- · Law of Civil Procedure 244 (Prof Broodryk);
- · Law of Civil Procedure 314 (Prof Broodryk);
- · Law of Civil Procedure 371 (Prof Broodryk); and
- · Practical Legal Training 471 (Dr van der Merwe).
- · Prof Broodryk coordinates and lectures Global Litigation on a postgraduate level.
- Dr van der Merwe lectures a component on legal ethics in the module Legal Skills 411.

Prof Theo Broodryk received an award in the category 'Scholarly Teacher' at the 2023 Stellenbosch University Teaching Awards. Dr Stephan van der Merwe is also a previous recipient of this award

PLT: MOCK TRIALS

This year's PLT mock trials were a big success. We love involving amongst others our previous students in training the new generation of legal professionals. Thank you adv Herna Beviss-Challinor, adv Aran Brouwer, adv Gert Gagiano, adv Geoff Budlender SC, adv Piet Olivier, and mr Eugene Opperman.





PLT: GENERAL



The PLT module aims to equip final year law students with the necessary skills, knowledge, and techniques to prepare them for legal practice. The module adopts the active learning (learning-by-doing) approach where students learn in real-life scenarios by rendering legal services to the indigent community. In the process, students are sensitised to their social justice responsibilities and receive training in such matters as file administration, consultation and negotiation skills, drafting techniques, and court conduct.

Teaching and Learning Conference

Dr Stephan van der Merwe delivered a presentation entitled "Heeding Aesop's advice: A fable of buses, seats, and legal ethics" to delegates at the Regional Teaching and Learning Conference of The Law Faculties of UCT, UWC and Stellenbosch University on 28 September 2023. In this presentation he discussed the planning and roll-out of the first dedicated Legal Ethics module presented to second-year LLB students of the Faculty of Law at Stellenbosch.

Media Exposure



During 2023, 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 **close to R17 million***.

R16 695 928 (AVE)

16 816 96

(Potential number of audience that had exposure to the coverage)

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

Clinic staff were involved in numerous interviews during 2023.

A few of these instances are highlighted below.



he Clinic's Dr Stephan van der Merwe featured in the news during 2023 discussing his doctoral research, which is largely based on the Clinic's work in the field of emolument attachment orders. In addition to printed media, he was interviewed on Radio 786, RSG, Pretoria FM, and YouFM during February. Dr Van der Merwe also prepared a report on the exploitive payroll deduction system which was widely reported upon in the media. The subsequent release from the Stellenbosch University media office, entitled "Unscrupulous lenders continue to fleece vulnerable debtors", distributed in September, was one of the University's biggest stories of the year. It featured prominently in top-tier media in amongst others the Cape Argus, The Star, Cape Times, The Mercury, The Citizen, Cape Business News, Politicsweb, Moneyweb, Die Burger, and on eNCA and eTV news.

Josie Parks, who heads up our family law department, conducted a very insightful interview on RSG. She spoke on the plight of women in the prevailing, challenging socio-economic context and shared some of the Clinic's experiences in this regard.



Josie was also interviewed on RSG for a discussion on the Domestic Violence Amendment Act, 2021



Attorney Odwa Nweba appeared on eNCA where he discussed the Clinic's imminent class action against the Lifestyle Direct Group International and others.

Research

Staff associated with the Clinic produced the following accredited research outputs during 2023

S van der Merwe "Paid in full: The enduring battle for advanced emolument attachment order debtor protection in South Africa" Stellenbosch Law Review 2023 1 137-160.

S van der Merwe "Caught in the crossfire: Employers of emolument attachment order debtors and the challenge to achieve proportionally fair wage deductions" Potchefstroom Electronic Law Journal, 26, (Published on 7 July 2023) 1 – 31.

S van der Merwe "Evaluating the role of judicial oversight in the context of the post-2018 emolument attachment order legal framework: Revisiting University of Stellenbosch Legal Aid Clinic v Minister of Justice 2015 5 SA 221 (WCC)" Journal for Juridical Science 2023:48(1):1-15.

S van der Merwe "Examining Attachment of Earnings Orders: Does the English Wage Garnishment Mechanism Offer Solutions to the Challenges Experienced by its Contemporary South African Counterpart?" Civil Justice Quarterly (2023) 42 C.J.Q., Issue 4 301-332.

S van der Merwe "Judicial intervention and the call to transformative constitutionalism in the context of consumer law, debt collection and the National Credit Act: Bayport Securitisation Limited v University of Stellenbosch Law Clinic" South African Law Journal, 2023 SALJ 140(2): 328-364.

S van der Merwe "Responding to the call for legislative development to alleviate the challenges with wage deduction as civil debt enforcement mechanism in South Africa: Formulating a cohesive emolument attachment order act" Journal of South African Law (TSAR) 2023 (1) 60 – 78.

S van der Merwe "The development of the South African emolument attachment order mechanism: A historical overview" Fundamina Legal Journal 2022 28(1) 140 – 170.

T Broodryk "A cause of action raising a triable issue in a class action: reconsidering the certification threshold" (2023: 2) TSAR 270-282.

T Broodryk "The Appealability of Decisions to Certify Class Actions: Where Are We Now? A Proposed Approach Post Stellenbosch University Law Clinic and Others V Lifestyle Direct Group International (Pty) Ltd and Others (WCC)" (2023: 2) SALJ 263-284.

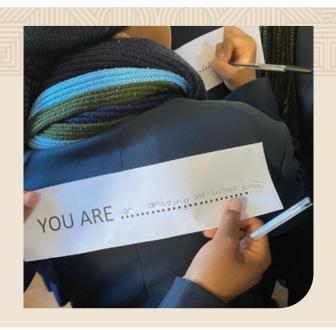
T Broodryk "Access to justice in South Africa: everyone's right; an inaccessible ideal for many" (2023: 20(1)) Litnet Akademies (https://doi.org/10.56273/1995-5928/2023/j20n1e4).

The Clinic is proud to see our managing attorney, prof Theo Broodryk, feature on the list of Contributing Authors to the latest reprinting of one of the seminal South African textbooks on Civil Procedure.



Dr Stephan van der Merwe was nominated and shortlisted for the University of Stellenbosch Research & Innovation Excellence Awards in the category Early Career Researcher.

Workshops, Training, Conferences and Other Initiatives



Anti-bullying workshops

uring 2023, the Clinic conducted antibullying workshops at local high schools, reaching hundreds of learners in the process. The aim of the workshops is to educate learners on the harmful effects of bullying, to motivate positive self-reflection and to view their peers in a more sensitive light. We also provided important information on the sharing of personal information on social media.

Bishop lavis

t the end of October 2023, we conducted our first satellite visit to Bishop Lavis. We are pleased to extend the reach of our services to provide legal assistance and advice to qualifying clients in this region. We will conduct a satellite visit once a month in Bishop Lavis forthwith. This extends our existing satellite office services project beyond our monthly visits to Worcester and Ceres.





Wills Week

The Clinic conducted a successful Wills Week in the Paarl and Strand communities over four days. Having a last will and testament is vital, and we are pleased to bring this important service to the vulnerable members of these communities. The Clinic assists qualifying members of the public with the drafting of their wills throughout the year.



Debt, Credit and Consumer Rights









he Clinic's Odwa Nweba collaborated with some of our esteemed partners – the Black Sash Trust, Professor Deborah James from the London School of Economics and Political Science, and the Office of the Credit Ombud – to deliver training on the Debt, Credit and Consumer Rights manual. We are delighted to contribute to vital community empowerment initiatives in remote areas like Pampierstad. Our commitment to these initiatives remains steadfast, and we eagerly anticipate future collaborations with our partners to extend this valuable knowledge to other communities in the Eastern Cape, Kwa-Zulu Natal and Mpumalanga.

Drafting Heads of Argument

The Stellenbosch University Faculty of Law Moot Society and the Law Clinic collaborated in conducting a workshop aimed at equipping students with the skills and knowledge to tackle heads of argument. Tsavo Raath, a second year Candidate Legal Practitioner in our Family Law Department, presented an introductory lecture on "a practical guide to drafting heads of argument" where he offered his insights and experience from his time as a clerk at the Clinic.





CLOETESVILLE

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Child Maintenance Workshops

on 13 and 20 May 2023 the Clinic hosted child maintenance workshops in collaboration with Oppermans Inc. Attorneys and the National Prosecuting Authority. The free workshops were aimed at educating members of the public, as well as legal professionals who encounter obstacles in claiming child maintenance.



Training on Protection Orders

Two of our candidate legal practitioners, Theo Van Breda-Opperman and Ruwayda Garson, conducted a training session on applications for protection orders due to domestic violence and harassment at Bergzicht Training & Development, Stellenbosch. The aim of the workshop was to empower attendees with the knowledge of their rights and how the application process works.



Children's rights



The Clinic conducted four annual children's rights sessions at surrounding primary schools. The project entails educating primary school learners in our local community about their rights in a fun and interactive way. Our candidate legal practitioners presented on important topics including the right to family care, love and protection, the right to food and the importance of an education to hundreds of learners. We once again extend our gratitude to our collaboration partners, Legal Aid South Africa, for their continued support.

ESTA Training



From left to right: Priscilla Khoeaene, Theo Van Breda-Opperman, Marié Booyens and Itumeleng Mashego.

n Saturday, 27 May, the Clinic presented a workshop in De Doorns. The purpose of the workshop was to inform farm occupiers of their rights and obligations in terms of the Extension of Security of Tenure Act (ESTA). The session was presented by three of the Clinic's candidate legal practitioners, Theo Van Breda-Opperman, Itumeleng Mashego and Marié Booyens, assisted by the Clinic's administrative officer, Priscilla Khoaeane.

Nikita Stander also hosted two further workshops, with the assistance of Theo Van Breda-Opperman, on Saturday, 4 November 2023 (Wolseley) and Saturday, 18 November (Paarl).

Hasselt Internship

The Clinic continued its international internship program when it hosted three Hasselt interns for a 5-week period during July and August. 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 Emily, Emma and Britt, and we are excited to receive the next group of interns in 2024.



Farewell to the Hasselt interns! Pictured: the Hasselt interns flanked by Odwa Nweba (far left), Nikita Stander (left) and Dr Stephan van der Merwe (right).



Financial Literacy Project

oney plays an important role in life, so every person should understand how to deal with it as well as the legal obligations and rights that flow from it. The Financial Literacy Project (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. With this approach, the FLP offers the opportunity to students from both disciplines as well as members of the community to learn from each other. This serves to establish a mutually beneficial relationship based on the Faculty and SU Law Clinic's teaching, learning, and research expertise combined with societal practice and indigenous knowledge. Practically, this entails teaching farmworkers and high school learners basic financial literacy skills such as how to prepare a budget, how to plan for retirement, and how to prepare a savings plan, thus instilling a culture of saving in these learners and farmworkers. Financial Planning 378 and the Law of Civil Procedure 371 students assist in conducting the training. During 2023, we visited five high schools and five farms, reaching a total of 420 individuals. 31 student participants and four of the Clinic's candidate legal practitioners were involved in the project.

Constitutional Rights Training

n collaboration with Strathmore University's Law Clinic, SULC has, during 2023, taken a significant step in extending our Constitutional Rights Training Project beyond the borders of South Africa. Having successfully implemented the project in all South African provinces alongside various Law Clinics and NGOs, this initiative marks our inaugural expansion into the rest of the African continent. The focus of the project was to conduct rights empowerment sessions in Kenya, specifically targeting the Bill of Rights enshrined in Kenya's Constitution. The sessions were strategically held in three locations - Lasuuk, Maralal, and Twala - from 30 October to 3 November 2023, with a total attendance of 404 participants. This expansion represents a commitment to empower rural and marginalized communities, fostering legal awareness and understanding of the Bill of Rights. By strategically choosing locations in Kenya, the project sought to make a positive impact on communities that may have limited access to information about the Constitution of Kenya, more specifically the Bill of Rights.

Law Career Fair

We had a great day at the Faculty of Law career fair, having had the good fortune of interacting with many aspiring legal practitioners. Hopefully some of them will work at the Clinic in the not too distant future.



Staff News



Accredited Mediator

We are proud of **Josie Parks**, our family law attorney, who is now a Conflict Dynamics Accredited Mediator. The course is accredited in South Africa by DiSAC and by the Public Service Sector – Education & Training Authority (PSETA), and it is recognised internationally by the International Mediation Institute and the Centre for Effective Dispute Resolution (CEDR) in the United Kingdom. Well done, Josie!

Promotion

We are very proud of **Nikita Stander**, who has been promoted to Senior Attorney with effect from 1 November 2023. Well deserved for a much appreciated colleague of ours.



Prof Broodryk promoted to Full Professor

Professor Theo Broodryk was promoted to full Professor with effect 1 January 2024. This is one of the most important milestones in an academic career and we know that Theo has worked continuously to grow and deepen his scholarship while also providing excellent leadership to our SU Law Clinic and participating in Faculty initiatives. Congratulations, Theo; we look forward to your contributions at this level.

Sharon Smith continues to excel!

Our office manager, **Sharon Smith**, recently successfully obtained a National Certificate in Paralegal Practice through the Safety and Security Sector Education and Training Authority. Congratulations, Sharon!





Bok fever!

The Law Clinic supported the Springboks during their 2023 Rugby World Cup campaign.

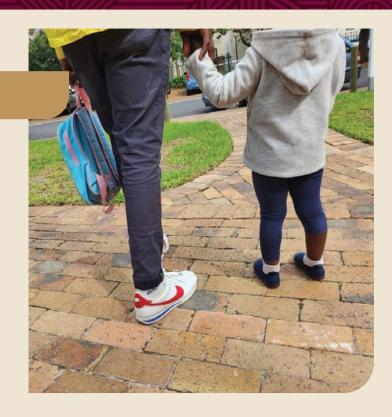
Law Clinic staff, on Fridays, dressed up to show their support for the Springboks, with a prize being awarded for the best dressed employee at the end of the tournament!

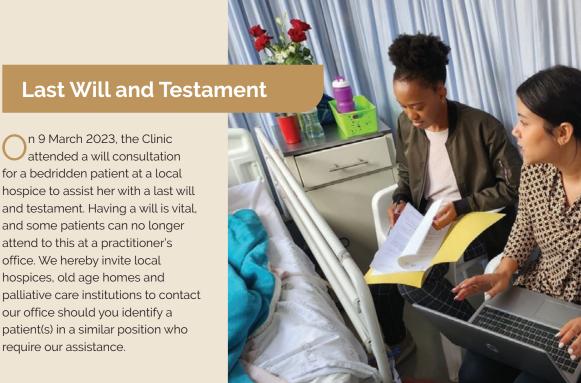
Itumeleng was the best dressed Bok supporter at the office during the Rugby World Cup!

Promoting Access to Justice

Child reunion

ur client, an unmarried father, approached the Clinic for assistance with his application for care and contact with his minor child. Our client was denied access by the minor child's mother. The Clinic assisted the client to obtain an order granting him regular reasonable access to the minor child. To extend his gratitude, our client brought the minor child to the Clinic to introduce her to the practitioners who played a role in their reunion. We are honoured to have been part of their journey.





require our assistance.

Relocation

uring March 2023, a group of farm occupiers were referred to our office through the farm's legal representatives to assist the with negotiations regarding their potential relocation from the farm they occupy in Wellington. In April 2023, the Clinic consulted with representatives of the twelve households on this farm to identify concerns the occupiers may have regarding their potential relocation from the farm to the housing offered to them in a housing development in Van Wyksvlei, Wellington. After successful negotiations between the Clinic's eviction department and the farm owner's attorneys, the Clinic successfully assisted the households with the signing of their purchase and relocation agreements, in terms of which the Clinic's clients will all obtain ownership of newly built houses in Van Wyksvlei.

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



PA and Alize Malan Memorial Trust

The Lombardi Family Charitable Trust









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