

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 12 SEPTEMBER 2008

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

A MALAN AND ANOTHER v THE LAW SOCIETY OF THE NORTHERN PROVINCES

The SCA today dismissed an appeal by two attorneys who had been struck from the roll. They accepted that the court of first instance had correctly found that they were not fit and proper persons to continue to practise as attorneys but, they argued, the court should, instead of removing them from the roll, have suspended them from practice for a period of time. The SCA found that the court below had exercised its discretion to remove them in a judicial manner and that no reason existed for interfering with the order. The SCA revisited the approach to matters such as this and held that in order to stem an erosion of professional ethical values a 'conservative approach' is more appropriate than an 'enlightened approach', which requires of courts to deal with misconduct which does not involve dishonesty with kid gloves.

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