MINUTES
OPEN SESSION

1. **WELCOMING REMARKS BY THE PRESIDENT**

President Mabunda officially opened the meeting and advised members to participate immensely in the meeting. He however advised the meeting that we are running late with time. He attributed the lateness to the location of the venue from the Bloemfontein City. He welcomed all members present and call upon the Branch Chairperson to officially welcome members in attendance.

2. **WELCOMING OF GUESTS AND MEMBERS BY THE CHAIRPERSON OF THE FREE STATE BRANCH**

Mr Morobane, the Free State branch chairperson, welcomed members present. He noted the presence of the President of BLA, The Honourable Judge Francis Lekgodi JJA, the NEC, General membership and the student chapter. He congratulated members for braving the Free State’s winter. He indicated that Bloemfontein is known for its conferences and meetings. He
reminded members that the Province marked the birth of the ANC and as a result we have the democracy we are currently enjoying. He advised members to visit places of tourists’ attraction. He assured the members that as the chairperson of the branch he is in charge and members should feel free and actively participate in the business of the conference.

3. **INTRODUCTION OF GUEST SPEAKER: MR PB MABUNDA**

President Mabunda introduced the Guest Speaker, Judge Francis Lekgodi AJA. He then read his short resume.

4. **ADDRESS BY GUEST SPEAKER: THE HONOURABLE JUSTICE FRANCIS LEGODI**

The speaker indicated that he is addressing this meeting standing in for the Acting President of the Supreme Court of Appeal, Justice Rampati. He conveyed apologies for Acting President of the SCA, the Honourable Justice Rampati who could not attend the meeting due to a very busy schedule.

He indicated that he has been requested by the President to speak on the topic “Repositioning Black Lawyers Association to respond to the challenges in the democratic order: A reflection on the past 20 years of the democratic Society”. He indicated that he does not have the answer to the question posed but all what he knows is that the BLA is a voluntary association which was prompted by the prosecution of black lawyers who practised law in the Central Business District of the so-called white towns as at the time no black
lawyer was allowed to practice law in these towns. He indicated that it was an offense to practice in those Towns because of the Group Areas Act 35 of 1966. He indicated that that piece of legislation regulated where blacks should live and work. He reminded the meeting that this was not the only problem faced by black practitioners of the day then. They also encountered problems in procuring articles of clerkship, they struggled in securing finances to set up their practices, and they faced discriminatory treatment in the courts and other Government institutions. He then referred to the case of State v. Godfrey Pitje in this regard.

The speaker indicated that as a result of this treatment some forty black lawyers in the then Transvaal came together to discuss their challenges. From this discussion there emerged the idea to form the Black Lawyers Association. The strategic aim behind the formation of the organization was to expose and to highlight the discrimination and the other unjust laws. They also deemed it important to increase the number and enhance the quality of the black law practitioners.

He indicated that in October 1977 the African Business News ran an article which reads that, “Government move this month to oust black attorneys from white arears has shocked the business and professional sectors. Coming at a time of the Government’s published new initiative on alleviating restrictions, the banning notices served on black attorneys in terms of the Group Areas Act, has left a sour taste. And the belated offer to deal with each
case on merit from the secretary for Bantu Administration has done little to cool the anger of black lawyers.

He further indicated that the black lawyers of the time sacrificed their time, resources, experience and knowledge to achieve their objectives at the time on voluntary basis. They also sacrificed their lives and freedom.

In addressing the theme of the conference he indicated that the organization on the 31st day of May 2003 amended and adopted its new Constitution in line with the new democratic South Africa. Its aims and objectives were the following:

1. To foster, protect and uphold the rights and interest of its members;
2. To uphold, protect and advance human rights, civil liberties and rule of law;
3. To co-operate with bodies that have similar objectives;
4. To fight and challenge discriminatory practices;
5. To be and remain non-sectarian politically;
6. To actively participate in its programme to create a non-racial, non-sexist judicial system;
7. To be the national and international voice for its members;
8. To strive for the empowerment of women;
9. To strive for the empowerment of disadvantaged communities; and
10. Without limitations to its aims and objectives to do all or any of the things which advance its image
He indicated that despite the objectives and aims of the constitution of this organization, detractors still believed that there was no need for BLA to exist in its current brand name. He continued to remind members about the newspaper article by Pierre De Vos entitled BLA in need of a PR Makeover? As this was his question, he then wrote, “Some people who have not come to grips with the notion of substantive equality and think that equality is about treatment of everyone under all the circumstances get very cross about the existence of organization like Black Lawyers (BLA). “It is racist” they shout. “It is discriminatory”. How very dare they say. The speaker indicated that De Vos was not referring to himself. He was referring and quoting those who were complaining about the brand name of this organization.

The speaker asked where are we today? He indicated that the statistics has not changed much. He however indicated that BLA is not a toothless organisation. He indicated that BLA in terms of the new constitution has repositioned itself to deal with the current challenges. He commended BLA to live to its Constitution by remaining non-sectarian politically. He commended BLA for its active participation in the LPB and the threat to take the Government to court. He pointed it out that black practitioners of today are still faced with a huge problem of briefing pattern by the Government. He also indicated that as Judicial Officer he is daily pained by the continued absence of black practitioners in cases which involves the government. He indicated that he hope that the LPB will change the situation. He also
indicated that BLA LEC is busy with trial advocacy outside the boarders of the republic.

He indicated that the BLA is alive to the provisions of its Constitution, that the BLA will be the voice of its members. It is the true national voice of its members. He indicated that it has however traversed the continent and beyond on this regard for it participates in the affairs of SADC, NBA and IBA. He indicated that he is particularly touched and impressed by the role played by the BLA in the best interest of its members, law students (in a form of student chapter) and over the communities as a whole.

He indicated that it is correct that BLA has done much but there is still much to be done. He indicated that we must give BLA an eternal life span for it to be useful for the coming generations. It must sustain many generations to come and there is only one way of doing it and bearing in mind that this is a voluntary organisation, as its founders did. They sacrificed their resources. They sacrificed their comfort. They were generous with their knowledge and experience. It is in that way that they became strong and together with others they defeated the evil and unjust laws. The BLA and its members of today must live by that spirit. The BLA will in that way continue to play a leading role in the shaping of this country.

He indicated that a number of black judges who are appointed to the bench full time are there through the ticket of BLA. He indicated that he is also a beneficiary of the efforts of BLA.
He continued to indicate that the Judges who are appointed to the bench on the strength of the ticket of BLA should do something for BLA. He indicated that such judges may plough back to the people, black judges could be part of all training facilitated by BLA, he said. That will also help in not drying the BLA purse. Judges must lead by example, by being of service to the organisation that made them what they are. He indicated that true leaders are those who are pleased by serving others above their personal glories. He indicated that our profession is an important profession but same must not be more important than the people we serve. As members of BLA we need to be generous and be noble to put interest of others above self. He said that true generosity is not an event but must be a way of life. We must sacrifice our time and other resources as generosity comes out of contentment not from the wealth. He reminded the members about a writer who said.

When it comes to money you cannot win. The only way to win in life is to hold what you have loosely and share same with others. One writer said money is a wonderful servant and terrible master. Are we giving others, do we give those who cannot give us in return. The speaker advised the meeting that the people will not care on how much you know and how much you have until they know as to how much you care for them. He indicated that if you are enslaved by greed you cannot lead our communities where we come from. The quality that all successful persons are the ability to take responsibilities head on. Members must be willing the interest of the organisation ahead of theirs.
In concluding he indicated to the members of the student chapter that there is a brighter future for them which is even brighter than of those who are already in the profession.

5. **SHORT PRESENTATION BY KORBITEC: Mari**

Mari thanked BLA for giving Korbitec a chance to address the meeting. She requested BLA to advise Korbitec for any training if the need arises. These trainings include secretaries and support staff training. She advised members of all the products which Korbitec does.

6. **WORD OF THANKS: MS THABANG (PEPPY) KEKANA**

Ms Peppy Kekana thanked the key note speaker and handed him a token of appreciation.

**CLOSED SESSION**

1. **Opening**

In opening the closed session the President reported that two members met an accident on their way to this meeting. He indicated that they have since returned back and wished them well and also assured the meeting that they were not injured in the process.
He acknowledged the following members:

I. Prof Nwango from Wits

2. **Announcement**
   The President allowed Adv. Pinkie Mokgatla to briefly address the meeting about the NPA’s training project. She said that she was sent by Adv. Ranaka who is the head of training division nationwide at the NPA. She indicated that the NPA will call upon BLA to provide members to train the aspirant prosecutors and new prosecutors. She further indicated that BLA must have accredited trainers in order to present such a training. She said that such trainers must be endorsed by BLA. This project will run from June 2013 to March 2014. Thereafter the engagement will be done on individual basis.

3. **Settlement of the Agenda**

   The agenda was adopted with minor adjustments.

4. **Roll call and apologies**

   The register of the members in attendance and those who apologized was circulated for members to complete and sign.
5. **Minutes of the previous meeting held in Polokwane mm the 25 May 2013**

5.1 **Reading of the minutes of the previous meeting**

Minutes taken as read. Mr Mohoto proposed that we deal with the minutes without dealing with the speeches, which suggestion was accepted by the meeting.

5.2 **Correction of the previous minutes**

Minutes were adopted without correction.

5.3 **Adoption of the previous minutes**

Mr Lobi proposed adoption of the minutes and they were accordingly adopted.

5.4 **Matters arising from the previous minutes**

5.4.1 BLA-LEC
5.4.2 LLB Curriculum
5.4.3 Judicial matters amendment bill

6. **Reports**

6.1 **President’s Report:**

President presented a written report to the meeting.

6.2 **Discussion of the President’s Report:** Mr Jolwana took over and chaired the meeting when the President’s report was being discussed.
Mr Maodi asked the President on how best can we approach the issue of curriculum as an organisation. In response the President indicated that we have an organizational position. The President Further indicated that the organisation gave the chapter a hearing in respect of the LLB curriculum and thereafter the mother body took a decision after considering all factors involved like access to the profession and financial burden to black students and their parents. He reminded the meeting that in Polokwane the general meeting resolved that LLB must remain 4 years. Student Chapter must therefore abide by the organizational position. Mr Makgale indicated that the LLB Curriculum needs to be revisited. The President indicated that the organizational position on LLB has been reached in the properly constituted meeting. He indicated that the organisation looked at the historical and social issues before arriving at its current position. He indicated that the problem with LLB can not only be left in the door of the student. He indicated that we should be careful of the tendencies through which the black people are closed out of the profession.

Mr PC Mogale indicated that it is not enough for BLA to participate in elections through the LSSA only. He indicated that BLA should consider to actively participate in Elections independently from the LSSA. The President indicated that the organisation will take the matter up with the IEC and request to be grant an observer status. He emphasized that there is nothing that prevents BLA from taking up such a position. He
however indicated that once same is done members should avail themselves to work.

Mr Seabi drew the attention of the President to pages 5 and 6 of his report dealing with the criterion of appointment of the members of the BLA to the Transitional Council and Empowerment policy and sought clarification and report on developments. The President indicated that there is document attached to the meeting bundle dealing with the appointment of BLA members to the National Forum. He indicated that this matter flows from the Limpopo NGM. He then advised the meeting of the contents of the document. He then advised the meeting that the NWC has resolved to present the document to this meeting after it was circulated to members for their consideration. He also referred the meeting’s attention to the proposed empowerment policy document and indicated that it is good that the organisation should have policy documents. Ms Kheswa indicated that she agrees with the criterion put forward on appointment of the members to serve in the National Forum. She suggested that the meeting must suggest about five names out of which the NEC will appoint the two members to serve in the National Forum. Mr Mvundlela agreed with Ms Kheswa but continued to indicate that we must agree to discuss the criteria. He suggested that it must be amended. Mr Maseti on the other hand supported Mr Mvundlela’s idea that there document must firstly be interrogated before the meeting may proceed to nominate five members to serve from whom
the NEC shall make its appointment. Mr Kutama indicated that the criterion has place a bar too high for members. He, like Mr Mvundlela, would not understand why the National Forum should have its own deployment policy separate from the already existing organizational policy. He then moved that the criterion should be done away with. He further indicated that the meeting must empower the NEC to nominate the two members to serve in the National Forum. Mr Godla supported the suggestion raised by Mr Kutama. The meeting resolved that the NEC must nominate people to serve in the National Forum.

In respect to the Empowerment Policy Ms Mogale indicated that the Policy was not interrogated by members as such it should be sent back to members to discuss same in their respective branches. The meeting resolved as such.

On the status of the organisation Mr Kutama indicated that there are branches which do not qualify to be the branches of the BLA because their membership is below the constitutional threshold of 25 members per branch. He indicated that the NEC must come with the program of action on assistance of the branches which do not comply with the required minimum number. He intimated that may be the NEC should consider allowing some other branches to pay less subscription fee so that they may attract enough members. President Mabunda indicated to the meeting that what Mr Kutama has raised is captured in the
report. He further indicated that in the report he spoke of the powers the NEC have in respect of the branches which do not form quorum. He further indicated that he does not believe that the NEC should be saddled with the task of resuscitating the bleeding branches. He indicated that it is the branch’s duty to see to it that it meets the minimum threshold in order for it to qualify to be a branch. The President indicated that he does not agree with the proposal that other branches be required to pay less money for the sake of membership.

Mr Luvuyo Godla enquired as to what is the organisation doing in respect to the Marikana saga. The President in response indicated that BLA is hands on in the Marikana matter. He indicated that the Marikana saga is involved. He reminded the members that at one stage the office of the State President and that of the Minister of Justice opposed the funding of miners in the Marikana Commission of Inquiry. He indicated that BLA intervened and took this matter to courts for the sake of the poor miners. BLA at the end was triumphant. He also indicated that BLA even issued print and electronic press media statements condemning the Government position.

Mr Ramathe advised the President to also attend the Old Mutual-Mtha deal hedging meeting so that the President should be hands on. The President acknowledged that it was not easy for the NEC to come to comprehension of the existence of the shares. He indicated that in the
Durban AGM the he was confronted with the question about the existence of the shares but he had no clue about same. He advised the meeting that the NEC will not again loose clue on these shares. He indicated that in law it is the director who is to attend the meeting. Mr Ike Motloung indicated that if the Mtha issue is not well handled it will end up in the same way as the LEC matter. The President indicated that even if members may be concerned they need not worry because the Mtha issue was being well handled.

Mr Nungu Mthobela indicated that he welcomes the report by the President and he congratulated him for the sterling work and efforts put to produce such a good report. He condemned the actions of Boko Haram of kidnapping the girls in Nigeria and continued to advise the meeting that BLA must add its voice on the “Release the girls” campaign. Mr Mabunda advised that the NEC will issue a press statement in this regard without delay. He thanked the member for his foresight and ability to see issues of national importance.

Adv. Mokgatla indicated that she is worried about the drift between the BLA-LEC and BLA. She then indicated that the President should to attend the meeting at the LEC and such a meeting must amongst others be dealing with the programmes, adoption of the ailing branches, hold the strategic programs and briefing of white firms. She also indicated that the Presidential Report is about the past. The president indicated that he agrees with her about her concerns with
respect to the relation between the NEC and the LEC. He however disagrees with her on saying the report is about the past. He said the report should of course deal with the organisational report as we take stock and prognosis of the organisation and thereafter map way forward. The President did not agree with the fact that the report is haphazard. With respect to the instruction of white law firms the president then narrated the reasons why the organisation instructed white law firm in the RAF Case.

Mr Kutama indicated that the BLA members should also take very serious the issue of training of the candidate attorneys.

In respect to the Attorneys Fidelity Fund’s request for monthly transfers of trust interest by attorneys in order to sustain the AFF the meeting resolved to support AFF’s request of Automated Trust Interest Transfer.

In response to the question by Ms Nolundi on ADF Funding of practitioners the indicated that the ADF is available at the LSSA for attorneys to apply for assistance. He indicated that the Fund assists in the establishment of a new practice or branch or division or purchase of the office equipment or legal programme.
Mr Mohoto moved for the adoption of the report and the report was adopted accordingly.

6.3 **Treasurer’s Report**

The treasurer gave her report in writing. The meeting noted the report. The meeting also noted that there must be debiting of the 10% from the stipend the deployees receive from the LSSA council and committees. The Resolved that the treasurer should submit the audited financial statements in the coming AGM.

6.4 **Report by the President of the Student Chapter:**

There was no Report from the BLASC.

6.5 **LEC Report**

The LEC did not submit its Report

7. **Commissions’ reports and resolutions from the commissions**

7.1 The Practice of Law: Advocates and Attorneys (Sole Proprietorship, Partnership and the Incorporated): Pros and cons (Facilitators Mr M Kutama and Mr M Jolwana). Mr Maphutha reported on behalf of this group as follows:

The Commission discussed the topic and identified the following challenges in the practice of the law by members, namely:-
a) Most black people do not have access to work;
b) Members Lack skills in collecting fees;
c) There is Lack of succession plan in practices;
d) Members tend to directing funds to wrong directions or activities;
e) There is need to have business education through the LEC;
f) Running law firms as business;
g) The Importance of structuring of law firms; and 
h) There is need to establish partnerships or incorporations in order for members to attract work from big business or commercial work.

The meeting resolved as follows:-

a) LEC to be approached to include a course in business skills;
b) BLA to approach the ADF and the corporate entities to attract grants for new offices; and 
c) BLA to assist its members to get work.

5.2 Gender Representation in the BLA: Finding Solutions in attaining the 50/50 gender representation within the BLA deployments (Facilitator Ms K Dlepu-Matolo). Report for this group was delivered by Adv Mokgatla

After listening to the report from the group and discussion the meeting resolved that:-
a. BLA should revive the gender desk;
b. The Gender Desk to be represented the NWC structure;
c. Representation should be balanced;
d. The Constitution should be amended in order to address gender representation; and
e. The NEC to provide the Gender Desk with the gender statistics from all the Provincial Law Societies.

7.2 Policy strategic approach: BLA Vision 2030 (Facilitator Mr PB Mabunda). The President advised the meeting that this topic will be dealt with in the coming AGM. The meeting agreed. There was therefore no report and resolution.

8. **Announcements:**
Mr Morobane announced that after the meeting there will be braai.

9. **Closure:**
The president closed the meeting at 18:15

Approved by the President on the 23rd day of May 2015 at Rustenburg.

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Mr Pritzman Busani Mabunda