**Front Row:** Tshego Phala, Teressa Malevu, Moray Hathorn, Asmita Thakor, Zeenat Dasoo

**Back Row:** Vlad Movshovich, Liz Correia, Andrita Maharaj, Nicole Abbott, Nick Robb, Ayanda Khumalo, Carol Verbeek
Through its pro bono and CSI activities, Webber Wentzel aims to have a beneficial impact on the individuals and communities that it chooses to interact with. In so doing, we hope to add positivity to South Africa.

The following pages include highlights of developmental contributions made in 2011 by the firm in partnership with our staff and the organisations we have worked with.

Over the past year, the most noteworthy development on Webber Wentzel’s journey as a responsible corporate citizen was the introduction of a new CSI policy and identified focus areas. Our defined CSI focus areas align more closely with our business, and therefore our pro bono efforts, and include:

1. economic participation for disadvantaged individuals (including enterprise development);
2. the protection of the rights of women and children; and
3. the enhancement of access to, and effectiveness of, the justice system.

The alignment between our CSI initiatives and pro bono efforts means that we are able to offer higher value to our beneficiaries through an integrated approach.

Thus, the bulk of our social contributions have been channelled through our Pro Bono Practice. Under the leadership of Moray Hathorn, the team has grown significantly over the past eight years.
WEBBER WENTZEL + STAFF + PARTNERS = 😊
OUR PRO BONO CONTRIBUTION

Pro bono work is not limited to the attorneys and partners within the Pro Bono Practice, but is undertaken by all professionals within the firm as needed.

In 2011, the Pro Bono Practice worked on 144 matters covering a range of legal areas from land claims to housing and services; traditional leadership disputes to sexual harassment and unfair dismissal claims; delictual disputes and amicus curiae representations and corporate work for SMMEs and not-for-profit organisations.

A total of 77 practitioners contributed almost 7000 hours with an estimated value of over ZAR12 million. This contribution was made by 23 partners, three senior associates, 29 associates, 19 candidate attorneys, one consultant, one company secretary and one legal administrator.
INJUSTICES + WEBBER WENTZEL = JUSTICE
Vlad Movshovich is a partner in Webber Wentzel’s Dispute Resolution Practice. He was awarded BA and LLB degrees (both with distinction) by the University of the Witwatersrand. He also holds a BCL (awarded with distinction) and an MLitt from University of Oxford. Vlad is admitted as an attorney of the High Court of South Africa and a solicitor of the Senior Courts of England and Wales.

“I get involved in pro bono matters where there is an issue of important principle that needs to be ventilated or tested.

I always involve the members of my team in matters of constitutional relevance or matters with a constitutional law emphasis. An example of this is the amicus application against the Minister of Safety and Security that we took on to challenge the extent of exemption of duty for off-duty policemen in relation to the principle of vicarious liability.

Another example is our work on a global corruption review. We did this on behalf of The Institute for Security Studies. It involved conducting comparative research and drafting research findings based on foreign law. This was done to test South Africa’s compliance in terms of international law standards.
I enjoy working on these matters because they provide intellectual stimulation and allow for principles to be tested. The work also provides unique opportunities for attorneys to work in teams across practice groups, which means that they are not restricted to specific areas of focus.

Pro bono matters also allow our candidate attorneys, in particular, to be exposed to, and gain experience in, research; drafting, preparing and changing heads of arguments; and litigation. They can also be involved in the process at hearings and at the Constitutional Court.

My contribution is typically between 400 and 500 hours a year in addition to the normal billing targets, but I do this work because it is important and provides an opportunity for personal growth.

“"I DO THIS WORK BECAUSE IT IS IMPORTANT AND PROVIDES AN OPPORTUNITY FOR PERSONAL GROWTH.""
The following matters give an indication of the range and complexity of the work completed by our Pro Bono Practice.
WEBBER WENTZEL
We successfully represented the Institute for Accountability in Southern Africa (IFAISA) as *amicus curiae* in challenging the ruling of the Supreme Court of Appeal in *Minister of Safety and Security v F* 2011 (3) SA 487 (SCA). This ruling found the State not liable for the loss suffered by F as a result of the rape and sexual assault by a policeman who was on “standby” duty at the time of the delicts. IFAISA’s argument prevailed and the State was held vicariously liable. The majority did not express an opinion on direct liability in view of their finding on vicarious liability. Froneman J, however, would also have found the State directly liable to F. The matter is reported as *F v Minister of Safety and Security* 2012(3) BCLR (cc).
Gender-Dynamix Test Case Development

We assisted a member of Gender-Dynamix to develop a test case to prevent discrimination against trans-gender people. The case involved a male to female trans-gender person who had applied to the Director-General of Home Affairs to have her identity document reflect her new gender as female rather than male. The officials at the Department of Home Affairs refused to do this (as is required by the Alteration of Sex Description Act) unless she divorced her wife (whom she had married prior to the gender change). Following various meetings between the officials at the Department of Home Affairs and the trans-gender person, the officials complied with the Alteration of Sex Description Act making the necessary changes to the identity document and abandoning the requirement that the trans-gender person divorce her wife.
CORPORATE ADVICE RELATING TO TRUSTS

The secretariat of the South African National Aids Council (SANAC) requested us to review the Trusts Deed of The South African National AIDS Trust (SANAT). We did this and proposed amendments to enable SANAT to obtain Public Benefit Organisation Status; employ staff; and become fully operational. The Trustees are currently reviewing the proposed amendments. Once these are adopted, we will lodge the amendments with the Master of the High Court. We assisted SANAT in the interim by concluding a Memorandum of Understanding with the Department of Health so that SANAT can continue to be supported by the department both financially and operationally. SANAC and SANAT are key organisations coordinating efforts of the public and private sectors in the fight against HIV/AIDS.
PROBLEMS + WEBBER WENTZEL = SOLUTIONS
Our Pro Bono Practice is proud to have been involved in a number of important projects including:

- The only law firm represented at the SANAC plenary convened by the Department of Health to develop the new National Strategic Plan (NSP) on HIV, AIDS, tuberculosis and sexually transmitted infections for the period from 2012 to 2016.

- Being invited to participate in the UN Women’s Forum on Sexual Harassment. The forum was involved in a series of five radio episodes on Channel Africa as part of a campaign to raise awareness on sexual harassment in the workplace. We provided the legal perspective at the end of each episode.
OUR CSI CONTRIBUTION

A number of projects, aligned with our focus areas, being:

a) economic participation for disadvantaged individuals,
b) the protection of the rights of women and children, and
c) the enhancement of access to, and effectiveness of the justice system,

were included in our 2011 CSI Programme as follows:
Members of our staff answered the call to volunteer in the inaugural formal employee volunteer programme (EVP) which was held from 18 to 22 July. We went out in full force to lend a hand to Baphumelele Children’s Home; Key to Success Crèche; and Matjele Community Project.

The EVP was planned to coincide with Nelson Mandela’s birthday and the 67 Minutes Campaign. Additional sessions were conducted between August and October 2011. Staff across all levels, departments and practice areas worked side by side at the project sites to make a difference.

A total of 165 staff members registered to volunteer. The cost of their time was paid by the firm. They collectively contributed almost 29 000 minutes or 480 volunteer hours with an estimated value of almost ZAR175 000, well above the call for individuals to volunteer for 67 minutes each. In addition, Webber Wentzel paid ZAR185 000 for materials and supplies for the EVP.
ECONOMIC PARTICIPATION SHANDUKA BLACK UMBRELLAS PROGRAMME

provides member SMMEs with a working environment and the support services to enable them to thrive. Beneficiaries are generally individuals who have a proven level of skills (e.g. an apprenticeship) but very little business experience. They are provided office space; telephones; computers with internet access; vehicles with drivers; a reliable bookkeeping service; a structured mentorship programme; and a business consultant/mentor. These benefits are extended for a maximum of three years before the emerging enterprises graduate as stand-alone businesses thereby making space for new companies.
Webber Wentzel supports the Matjele Community Project in Soweto which is working with the Wildlands Conservation Trust to establish the Indigenous Trees for Life Project. The project encourages young children to grow trees in exchange for food, school supplies, bicycles and other items. In addition to caring for the environment, the sponsorship creates jobs for mentors and facilitators who help the children to grow the trees.
THE BIG ISSUE MAGAZINE

enables willing, unemployed and marginalised adults to take responsibility for their own lives through a developmental employment programme. Webber Wentzel provided carry bags for the vendors, who sell magazines at traffic lights.
The volunteers’ flat at this home was in need of repair. Webber Wentzel staff and suppliers contributed volunteer hours, while the firm provided a further cash donation to support the makeover to other buildings at Baphumelele by Heart 104.9, the My School Project and NewKidz. We also acted for Baphumelele in finalising the purchase and transfer of land to build a home for orphaned and vulnerable children in Stellenbosch.
THE MATJELE COMMUNITY PROJECT

is an organisation that looks after 150 children including orphans, vulnerable children and child headed households. Operating from Monday to Friday between 08h00 and 16h30, the organisation provides lunch to children and food parcels to child headed households. Counselling and assistance with application for birth certificates, identity documents, disability and child support grants are also given. Webber Wentzel provides both financial and institutional building support to ensure the project becomes sustainable over time. Members of our staff also invested volunteer hours to assist the project in relocating to a more secure location.
Webber Wentzel + Creche = Creche
THE KEY TO SUCCESS CRÈCHE

has been receiving a grant from Webber Wentzel for over five years. During this time the crèche has moved from a shack to a suitable building. Funding from Webber Wentzel ensures that the crèche remains open. We are also providing legal assistance in the process of acquiring a lease/security of tenure from the City of Johannesburg. The lease is important as it will enable the crèche to make an application to the Department of Social Development for a subsidy.
WEBBER WENTZEL
People Opposing Women Abuse (POWA) was formed in 1979 by a group of female volunteers in order to provide shelter and referral services for women who were experiencing domestic violence. POWA also undertakes initiatives that keep the issue of women’s rights, with specific focus on violence against women, on the national agenda. Webber Wentzel made a donation to this organisation.
WEBBER WENTZEL
AFRIKA TIKKUN

is an international non-governmental organisation that provides education, health and social services to children, youth and their families through centres of excellence in South African townships. The organisation’s aim is to empower communities to develop new generations of productive citizens. Webber Wentzel funded a number of projects including the furbishing of three Early Childhood Development (ECD) classrooms at their Wings of Hope Centre in Diepsloot.
Zeenat Dasoo is a partner in Webber Wentzel’s Integrated Mining, Construction & Industry Solutions Practice. She has B Proc and LLB degrees from the University of the Witwatersrand and was admitted as an attorney in 1998.

“My pro bono contributions generally involve providing corporate and commercial advice on appropriate corporate structures; corporate governance; funding and compliance; BEE legislation; and participation in empowerment transactions. I am also often called upon to assist with commercial arrangements with donors and subcontractors; and special purpose vehicles for projects.

I believe that my work has made a huge difference by empowering non-governmental organisations to exist and operate in a business environment. It is my view that the management skill set required of these organisations is no different to that required in commercial enterprises focussing on profit generation. A good understanding of corporate and commercial legal principles is critical to both.

Assisting these organisations, their directors and executives to gain this understanding improves their efficiency and ability to deliver on their mandates from funders. Ultimately this has an impact on the beneficiary communities.
On a personal level, the engagement with these organisations keeps me grounded and alive to the challenges that we face in this country. I have had the privilege of working with some of the most intelligent, creative and dedicated human beings who choose to uplift the basic conditions of others. By assisting these organisations, I contribute in a small way to making a difference to people’s lives, especially when a project comes to fruition and I know that I have played a part in it.

On a professional level I have gained invaluable insight and perspective to corporate and commercial law and the dynamics faced by different stakeholders.”

“I BELIEVE THAT MY WORK HAS MADE A HUGE DIFFERENCE BY EMPOWERING NON-GOVERNMENTAL ORGANISATIONS TO EXIST AND OPERATE IN A BUSINESS ENVIRONMENT.”
PROBONO.ORG + WEBBER WENTZEL =
Access to Justice
probono.org

Probono.Org, in association with the South African Society for Labour Law (SASLAW), established a pilot project endorsed by the Judge President of the Labour Court and Labour Appeal Court. The project aims to assist:

• unrepresented and indigent litigants in gaining access to justice; and
• the Labour Court in addressing the backlog in its case-load to facilitate the efficient operation of the court.

Webber Wentzel provided a cash donation toward the continuation of the project.
NICHOLAS ROBB on SASLAW and the Labour Court Project

Nick Robb has been a partner of Webber Wentzel since 1989 and was head of the firm’s Employment and Employee Benefits Practice for a number of years. He holds a BA LLB from the University of the Witwatersrand and has practised as an employment and labour lawyer since 1985. Nick is the President of the Gauteng Chapter of the South African Society for Labour Law (SASLAW) and sits on its National Committee.

“In December 2010 I became involved in assisting with the establishment of the Pro-Bono Clinic at the Labour Court through SASLAW. I was (and still am) the President of the Gauteng Chapter of SASLAW at the time.

Prior to the establishment of the clinic, there was a crying need to assist the Labour Court to reduce a significant back-log of work. In addition to this, large numbers of indigent claimants and potential claimants were having difficulty navigating their way through a complex system which was difficult for the average layman to comprehend.

Establishing the clinic involved liaison with the Labour Court Judge President, other Labour Court judges, the Labour Court Registrar and staff, Pro-Bono.Org, and SASLAW’s membership of approximately 1200 people.
The clinic was launched at the Labour Court in Gauteng (Braamfontein) in February 2011. It has been an unexpected and unqualified success, earning widespread acclaim, including in Parliament. In the first year of its existence approximately 2000 members of the public were seen, and approximately 1600 hours of pro-bono work were recorded in staffing the clinic alone. Its success has led to the launch of clinics at the Labour Court in Cape Town, Durban and Port Elizabeth. Inter alia, it has yielded the following results:

- reduced the workload of Labour Court judges enormously;
- resulted in many attorneys taking on numerous deserving cases on a pro-bono basis; and
- assisted numerous members of the public to establish whether or not they have viable claims and where to direct valid claims.

The clinic is staffed predominantly by attorneys and occasionally by counsel from the Johannesburg Bar. All members of the Webber Wentzel Employment and Employee Benefits Practice attend sessions on a rotating basis. This involves five hour stints of staffing the clinic, rendering advice on the spot, and taking on deserving cases.

“IT HAS BEEN HUMBLING TO SEE THE ENTHUSIASM WITH WHICH MEMBERS OF THE ORGANISED PROFESSION HAVE RESPONDED TO THE CALL TO PROVIDE THEIR ADVICE AND TIME TO THOSE MOST IN NEED FOR NO CHARGE.”
RESPONSIBLY GREEN

Every year, we make an effort to reduce our impact on the environment. In 2011 we sent year-end greetings to our clients using e-cards instead of paper cards. The amount we saved by taking this approach was donated to Kids Haven Shelter in Gauteng and the Santa Shoebox Project in Cape Town.
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