

SOUTH AFRICA / JUDGMENT

Legal Practice Council v Stanley (2756/2021) [2021] ZAFSHC 228 (7 October 2021) [2021] ZAFSHC 228

COURT

Free State High Court, Bloemfontein

BEFORE

Mathebula, Molitsoane

CASE / FILE NUMBER

2756/2021

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IN THE HIGH
COURT OF SOUTH AFRICA,
FREE
STATE DIVISION, BLOEMFONTEIN
Case
number: 2756/2021
In

the matter between:	LEGAL PRACTICE COUNCIL Applicant and LETSELA NAKO STANLEY Respondent HEARD
ON:	07 OCTOBER 2021
CORAM:	MATHEBULA, J et MOLITSOANE, J

JUDGMENT

BY: MATHEBULA, J

DELIVERED ON: 07 OCTOBER 2021

Introduction

- [1] This is an application to have the respondent suspended in his practice as an attorney of this court. Before us Mr Qwelane appear for the applicant and no appearance for the respondent. We are satisfied that the respondent was properly notified about the date of hearing. No reasons were advanced for his non-appearance. It is my considered opinion that the matter is properly placed before us.

Background**facts**

- [2] The respondent was admitted as an attorney on 11 March 2004. Presently he is practicing for his own account under the name and style of Letsela Attorneys, based in Phuthaditjhaba. It appears that this firm commenced business on 1 March 2018. In terms of the rules of the applicant, the respondent was supposed to submit an audit report for the financial year ending 28 February 2019 on/or before 31 August 2019. In order to practice he also had to be issued with the Fidelity Fund Certificate valid until 31 December 2020. A member in good standing must pay membership fee for the year 2018/2019. The respondent has failed to comply with any of these requirements. It stands to reason that he has not submitted the latest audit report for the financial year 2020/2021. Assuming that he is still practicing, he continues doing so without a valid Fidelity Fund Certificate and probably his membership fees are in arrears.
- [3] Notices were sent by the applicant to the respondent reminding him of his responsibilities. His response under the hand of Nel and Partners purporting to be his auditors dated 29 June 2020 simply stated that they are still busy with the audit. No explanation was tendered about the cause of the delay and/or the duration it will take to finalise it.

Discussion

- [4] In the light of the facts as set out, the inescapable conclusion is that the respondent has transgressed the provisions of the applicable Act and rules governing his profession. In the light of these acts of misconduct thus established the question to be considered is, whether the respondent is a fit and proper person to practice as an attorney of this court
- [5] I consider it to be a fundamental and an unqualified duty of an attorney to protect trust funds. This means that it is absolutely important that an attorney keeps proper books of account. Failure to account in the form of an audit report is an indication that there are deep

rooted problems of compliance which pose a threat to the public and the profession. This on its own is a good ground for suspension. The respondent displays a cursory attitude in his explanation of the failure to comply. This brings me to the conclusion that the respondent is not a fit and proper person to practice as an attorney. The respondent as the custodian of professional ethics is compelled to act against those practitioners who operate outside the generally accepted principles and the law. Therefore, my view is that a proper case has been made for the relief sought.

Order

[6] I make the following order: -

6.1 The respondent is suspended from practicing as an attorney and the ancillary relief as prayed in the Notice of Motion is granted.

M. A. MATHEBULA, J

I concur,

P.E. MOLITSOANE, J

On behalf of applicant: Adv. D.S. Qwelane

Instructed by: Qwelane Theron & Van Niekerk

BLOEMFONTEIN

On behalf of respondents: No appearance

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Prepared on 10 October 2026 · Esheria