

KWAZULU-NATAL PROVINCIAL OFFICE

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Advocate B Wanless SC
E-mail: brad@enterafricaonline.co.za

YOUR REF:

OUR REF : NH/mg/48172021

Please Quote Our Reference

29 June 2021

cc. Mr J van Staden
Legal Practice Council : Gauteng Provincial Office
E-mail: directorgp@lpc.org.za

Dear Advocate Wanless SC

RE: REQUEST FOR A RULING BY AN INVESTIGATING COMMITTEE AND FOR THE ISSUE OF A CERTIFICATE OF GOOD STANDING

We refer to your letter addressed to the Director of the Gauteng Provincial Office, Mr van Staden, dated 10 June 2021 and confirm that your request for a Ruling was referred to the KwaZulu-Natal Provincial Offices for consideration.

The matter had been urgently referred to an Investigating Committee, for the purposes of considering your request and have subsequently finalised its investigations. The Investigating Committee has concluded the following: -

1. That there is no evidence on record justifying an investigation into Advocate Wanless; and
2. That the Legal Practice Council has no alternative but to issue a certificate of good standing.

Please find attached herewith a copy of the Investigating Committee's unsigned Memorandum dated 28 June 2021 for your info and records.

We confirm that we are now proceeding to close our file.

Yours faithfully


MRS N HARRIPERSAD

SENIOR LEGAL OFFICER - DISCIPLINARY DEPARTMENT

Encl.

EX PARTE: THE LEGAL PRACTICE COUNCIL

IN RE: ADV B C WANLESS SC

MEMORANDUM

RE: APPLICATION FOR CERTIFICATE OF GOOD STANDING

1.

Advocat Wanless ("Adv Wanless") applied to the Judicial Services Council ("JSC") for appointment as a Judge.

2.

The Johannesburg Society of Advocates ("JSA") published on its website a review which it had submitted to the JSC regarding Adv Wanless' application (as it did with regard to other such applicants). In that review it was published that Adv Wanless was alleged in 2012 (nine years ago!) to have acted improperly after a farewell gathering at the end of a trial outside a coffee shop in Pretoria by inappropriately kissing a woman in the team (whether legal or client) whose litigation had just finished. Her identity was not disclosed.

3.

As I understand, the complaint appears to have been made by another JSA member who was, in 2012, a director of the client whom Adv Wanless had represented in the litigation after which the farewell incident happened.

4.

Adv Wanless has furnished three affidavits by practitioners in his legal team denying that any such incident ever took place.

5.

The JSA and the GCB refuse to identify the woman concerned.

6.

The JSA declines to take any disciplinary steps against Wanless.

7.

The JSA does not withdraw the allegations published.

8.

The conduct of the JSA certainly raises eyebrows and the suggestion can arguably be made that it is just conveying tittle tattle.

9.

Wanless has invited the Legal Practice Council to conduct an investigation so that he can lead evidence to clear the slur on his name.

10.

There are absolutely no grounds available for the LPC to conduct an investigation. No complaint has been made to the LPC. No evidence is available to the LPC. The JSA has furnished no information to the LPC nor has the Complainant nor has the unnamed woman.

11.

A certificate of good standing is not a matter of law nor is it a matter of legal procedure. It is a convention. The practice has grown up of institutions requiring certificates of good standing in various commercial, academic and professional circumstances where institutions or companies call for certificates of good standing. This occurs in tender situations. Similarly, often tertiary education institutions are requested to supply certificates of good standing regarding its graduates. Similarly, tender invitations often require a certificate of good standing. For example the South African Revenue Services issue certificates of good standing as a matter of course. Bar Councils usually do so as a matter of course if there is no investigation etc pending.

12.

I am advised that there are no such matters pending against Adv Wanless in the LPC. In the absence of any sustainable complaint against Adv Wanless, he is entitled to be issued with a certificate of good standing. Indeed, if the LPC does not do so then it is at risk of being the subject of proceedings against it by Adv Wanless.

13.

Accordingly, it is advised that:

- 13.1 there is no evidence on record justifying an investigation into Adv Wanless;
- 13.2 the LPC has no alternative but to issue a certificate of good standing.

A W M HARCOURT SC

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28 June 2021

TO: THE LEGAL PRACTICE COUNCIL
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