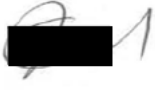


REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 077945/2023

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: NO
30 JANUARY 2026 _	
DATE	SIGNATURE

In the matter between:

ANDELINE WILLIAMS PRETORIUS

APPLICANT

And

**GAUTENG LEGAL PRACTICE
COUNCIL, KYLE DALTON , KIARA DU
PREEZ**

RESPONDENT

JUDGMENT

MAHOMED J

INTRODUCTION

[1] The applicant represented herself and wants to review and set aside a decision of the first respondent's investigating committee delivered on 27 November 2020.

The applicant contends the first respondent was biased and committed gross irregularities when it dismissed her complaint against two of its members, the 2nd and 3rd respondents.

The investigating committee found:

“ .. no charges should be formulated and the two candidate attorneys did not in any way acted mala fide and unprofessional.”¹

- [2] She lodged a complaint with the first respondent in which she complained that the two respondent's candidate attorneys, with Moore Attorneys, compromised a copyright she held in her idea for a TV program. She alleges they colluded with her opponent media 24, the “bigger player” in the industry, whom she alleges stole her ideas for a TV programme.
- [3] Advocate Pottas for the 2nd and 3rd respondents submitted his client together and under the supervision of a senior attorney at law firm Moores Attorneys, provided the applicant with an opinion about whether she actually held a copyright in an “idea”. The law firm offered to write to media 24 on her behalf but anticipated and advised her of their likely response. She rejected their opinion on her prospects of success in protecting her intellectual property rights.
- [4] The law firm's main area of practise is in the field of intellectual property. She contends that at the initial consultation, they were very positive about her product and on subsequent meetings she observed a change in attitude as they tried to dissuade her from pursuing her rights against a media giant. She contends that the “one pager” from the LPC is inadequate, the investigating committee failed to set out details on how is conducted investigations and arrived at its conclusions.
- [5] Advocate Moolman for the first respondent submitted that her client established an investigating committee, in terms of s 37(1) of the Legal Practice Act 28 of 2014 to attend to the complaint and it sought responses to the allegations from each of the respondents. The first respondent found no malpractice or mala fides on the part of its members and furthermore, her allegations of racism were unfounded.

¹ CL 02-236

- [6] The first respondent raised a point in limine and argued that the applicant failed to apply for condonation for the late filing of the review application, and contended that her client informed her of its decision in December 2020 and she launched the application only in September 2023. Counsel argued that Section of the PAJA applies in casu and allows for 180 days for filing of an application and beyond that period a delay is considered undue and unreasonable delay. Counsel relied on the judgment in *OUTA v South African National Roads Agency Ltd*². It was submitted that the decision arrived at was rationally connected to the facts before the committee and therefore the decision was reasonable, lawful and procedurally fair. There was no misdirection on its part. The committee's main inquiry was to determine if the second and third respondent conducted themselves ethically and professionally in rendering the service to the applicant. Ms Moolman submitted the applicant makes serious allegations but does not present any proof to support her allegations of bias and gross irregularities by the investigating committee.
- [7] Advocate Pottas for the second and third respondents referred to the idea/ expression dichotomy and explained that if one has an original idea and it is reduced to writing it is protected by copyright, however a generic idea per se cannot be protected. It was submitted that the opinion given explained the dichotomy and the law firm offered to write to media 24 on her behalf but expected that they will raise this very argument. The copy write establishes when all in in writing, the second and third respondents, under supervision of their senior provided her with their opinion as to her prospects of success.
- [8] Mr Pottas argued that an opinion is not actionable and can be wrong. But even if wrong, the applicant has failed to demonstrate the first respondent was so wrong in its findings that no reasonable persons would have arrived at such a finding. It was submitted the applicant failed to discharge her onus, there is nothing to be reviewed, no supporting facts were before this court and the application stands to be dismissed.
- [9] There was no proof that the committee exceeded its powers. The allegations of threats by employees of the LPC and deceitful conduct toward the applicant was

² 2013(4) ALLSA 639 (SCA)

denied. Advocate Moolman submitted the review application stands to be dismissed, no facts were before her client to respond to her allegations and there is nothing before the court to warrant any review of the findings.

[10] Counsel submitted that attorney client costs are appropriate in the circumstance, the applicant had failed to provide sufficient evidence to support her allegations, she was advised of the delay and about her need to apply for condonation. She failed to do make such application, despite being guided as to what would be required to succeed in the application. She dragged the parties along through many months of litigation. The second respondent sought finality of the matter and was forced to set the matter down.

[11] The applicant has refused to accept their opinion and has attacked anyone including counsels who do not support her beliefs. Counsel correctly pointed out that there is no basis set out for a review, the applicant fails to set out what the first respondent has failed to address, and the court cannot make any decision on insufficient evidence. The applicant simply makes bald unsubstantiated statements for as long as they are contrary to her beliefs about her product. The applicant has not demonstrated that the decision taken was not rationally connected to the facts before it.

[12] It is noteworthy that the applicant conceded she failed to apply for condonation and was informed of the investigating committees' findings on 2 December 2020. She launched her application for review only in September 2023 and she offered no explanation for the inordinate delay to bring the application. She was distrustful of the prosecution of her matter and levelled accusations of corruption against the 2nd and 3rd respondents and other attorneys she had consulted to date. According to her she consulted seven attorneys and all demonstrated a similar pattern of behaviour. There are 7 review applications pending before the LPC. She argued generally that the committee's decision lacked rationality, counsel for the second respondent argued that she simply refuses to accept the opinions of attorneys she consulted, in particular his client the second respondent.

[13] There is nothing before me to support the allegations of gross irregularity. The applicant has not provided any facts on irregular process of first respondent's

investigations and findings. Counsel for the second respondent correctly pointed out that this court cannot assist the applicant if she fails in her application for extension of time. In the OUTA judgment supra the SCA stated:

“ Absent such extension the court has no authority to entertain the review application at all. Whether or not the decision is unlawful no longer matters. The decision has been” validated” by the delay.”

[14] There are limited facts before me for the review application to succeed. A court cannot determine a matter on mere allegations, evidence is required to support the allegations. I found no evidence before me that would assist the applicant, even if she had succeeded in an application for condonation. The delay of two years is unreasonable, and she provided no explanation for the entire period of the delay as is required for condonation.³

[15] Having regard to the conspectus of the evidence, the allegations are not supported by evidence, and the applicant has failed to set out and argue sufficient facts on the traditional grounds of review. Accordingly, the application must fail.

COSTS

[16] Ms Moolman submitted that attorney client costs are appropriate having regard to the way the litigation has been conducted. The applicant made bald allegations, but no substantial evidence was placed before the court, she failed to even apply for condonation for a delay of over 2 years, even after having been advised to do so. Ms Moolman submitted that a punitive scale of costs is appropriate in that her client is an association of members, other members who have nothing to do with the matter are forced to finance this litigation. Costs are at the discretion of a court. The applicant represents herself and the court cannot hold her to the same standards as legal representatives. Having applied my discretion I am of the view that the lower scale of party party costs is appropriate, and the usual approach is the costs follow the cause.

³ Standard General Insurance v Eversafe 2000(3) SA 87 (W) at 93 para12

Accordingly, I make the following order:

1. The application is dismissed.
2. The applicant shall pay the costs of the application on a party party scale B.

A handwritten signature in grey ink, appearing to be 'Mahomed J', is written over a solid black rectangular redaction box.

Mahomed J
JUDGE OF THE HIGH COURT
JOHANNESBURG

Date of hearing: 11 September 2025

Date of Judgment: 30 January 2026

Appearances:

Applicant : self-represented

First Respondent: Advocate Moolman

Instructed by Damons Magardie Richardson

Email: mari@dmrlaw.co.za

2nd and 3rd Respondent: Advocate Pottas

Instructed by Le Mottee Rossle Attorneys

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