


IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA



Case number: 2023-048601  
Date of hearing: 12 May 2026  
Date delivered: 4 June 2026

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES/ <del>NO</del>	
(2) OF INTEREST TO OTHERS JUDGES: YES/ <del>NO</del>	
(3) <del>REVISED</del>	
<u>4/6/26</u>	
DATE	SIGNATURE

In the ex parte application of:

**LEONARD FRANCOIS BEZUIDENHOUT**

**Applicant**

and

**PRETORIA SOCIETY OF ADVOCATES**

**Intervening Party**

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**JUDGMENT**

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**SWANEPOEL J (MBONGWE J CONCURRING):**

[1] How is one to measure a man's character? How does one determine whether a person is inherently dishonest, or whether he or she has real remorse for prior actions? This question is at the heart of an enquiry into the fitness of a person to be readmitted as a legal practitioner. Good character is of immense importance, as the Court held in *Legal Practice Council v Mkhize*:<sup>1</sup>

“Advocates are required to be of complete honesty, reliability and integrity. The need for absolute honesty and integrity applies both in relation to the duties owed to their clients as well as to the courts. The profession has strict ethical rules to prevent malfeasance. This is for good reason. As officers of the court, advocates serve a necessary role in the proper administration of justice. Given the unique position that they occupy, the profession has strict ethical rules.”

[2] This application, for the applicant's readmission as an advocate, was brought on an ex parte basis, after he had been struck from the roll of advocates on 29 September 2011. The Intervening Party (“the PSA”) was the party at whose instance the applicant's name was struck from the roll in the first place. It sought to intervene in this application, and to oppose the relief sought by the applicant. The applicant should, in my view, have cited the PSA as a respondent from the outset, as it must have been obvious that it has an interest in the matter. Ultimately the applicant did not oppose the intervention application. It is appropriate that the PSA be heard in the matter, and that it be joined as a respondent. The applicant conceded that as far as the intervention application is

concerned, he should pay the costs on an unopposed basis, and we shall make such an order.

[3] A further preliminary issue is that a postponement application was brought by the applicant at the hearing of the matter. On 11 May 2026 a letter was addressed on behalf of the applicant to my brother Mbongwe J, as the senior judge, in which an objection was noted against Reid J sitting in the matter, on the grounds that the learned Judge had been a member of the PSA's ethics committee when the decision was taken to apply for the applicant's striking-off.

[4] In the letter the applicant recorded that, in his view, a postponement was inevitable. On the same date Mbongwe J advised the applicant that the matter would proceed, and that writer had replaced Reid J. At the hearing of the matter the applicant appeared in person. He placed on record that he had been unable to obtain the services of an appropriate counsel, and for that reason he applied for a postponement. The application was brought from the bar, without any explanation by the applicant as to the steps that he had taken to obtain representation.

[5] It is by now trite that a postponement is an indulgence that is not merely for the taking. The party seeking a postponement must explain precisely what circumstances have resulted in the application for a postponement. Save for the applicant asserting that he had been unable to obtain representation, there is no material explanation of the

circumstances that led to the applicant being unrepresented. The applicant made out no case whatsoever for a postponement.

[6] Furthermore, in light of the fact that the applicant had practiced as counsel for some 25 years before he was struck off, we took the view that he was entirely capable of conducting the matter himself. For those reasons the postponement was refused.

[7] The applicant's striking-off was the result of an investigation by the PSA in 2009 relating to the practice of double charging in (mostly) Road Accident Fund trials. A practice had emerged amongst counsel specializing in such cases, whereby they accepted multiple instructions in trial matters for the same date, subsequently billing for each matter as if a trial had been conducted, whereas most were settled between the parties. This practice continued despite a circular having been issued by the PSA on 1 November 2006, in which members were warned that acceptance of more than one trial matter per day amounted to double briefing and was seen in a serious light.

[8] When investigations commenced against the applicant, and a disciplinary enquiry was convened in which the applicant faced 819 charges of misconduct, the applicant, unlike a number of his erstwhile colleagues, took a hardline approach. The Full Court described his conduct as follows in its judgment in the striking-off application<sup>2</sup>:

"2. The present application was not preceded by a disciplinary hearing in terms of the rules of the applicant. Such a hearing is, however,

not a precondition for an application of this nature. Throughout the proceedings Bezuidenhout was obstructive. His view is that the relevant rules are 'antiquated', it's no longer what happens in day to day life. He did not willingly participate in the disciplinary process. He did not produce his books when requested to do so and ultimately together with MCC de Klerk, T Pillay, PG Leopeng and CG Jordaan threatened the deponent to the founding affidavit with s 14 of the Constitution of the Republic of South Africa. On 24 May 2010 he requested a postponement of the proceedings of the Voster committee, which request was granted. When eventually he appeared before the committee he requested the committee to recuse itself alleging that it was biased having in the interim found against Botha and De Klerk. The committee refused the application for recusal and Bezuidenhout withdrew from the proceedings. He threatened a review application. The bar council initially elected to rather convene a third disciplinary committee to deal with the case against him but subsequently decided to bring the present application. During this application he twice sought a postponement on grounds without merit. His attitude during argument was that his actions were morally justified, as they would be permissible under the Johannesburg Bar rules. We have shown that that is wholly incorrect. He has shown no remorse."

[9] Significantly, the Full Court held that the applicant had not only shown no remorse, but also that he had committed perjury in answering to a charge brought by Adv. JT Roos. The Full Court also found that the applicant had continued with his misconduct until at least June 2011. The Full Court held that the applicant had received R 5 992 400 in "ill-gotten

gains” during the period February 2009 to November 2009. The Full Court had some difficulty in calculating the applicant’s precise earnings as he refused to testify under oath to answer that question. There is no dispute that the applicant in fact double charged for some time after November 2009, and it is likely that he received much more in ‘ill-gotten gains’. As I will discuss hereunder, the true extent of the applicant’s scheme was never disclosed.

[10] On appeal before the Supreme Court of Appeal, similar sentiments were expressed to those of the Full Court:<sup>3</sup>

“[81] Turning to the appeal of Bezuidenhout, unlike the seven advocates I have dealt with, he was uncooperative, even obstructive in dealing with the allegations against him. He denied the evidence of Ellis SC that at first he ‘flatly refused’ to produce his records but that denial can be summarily dismissed. He was one of those who claimed their right to privacy when they became aware that the Bar Council was once more in search of their books, which is hardly consistent with an intention to disclose his books. Moreover, the court below recorded that he failed to comply with a request by the Bar Council to place certain of his records before the court. When he was compelled to do so by the court they reflected that his transgressions were continuing, obliging the court to order his suspension until the outcome of the application.”

[11] It is thus clear that in the striking out proceedings, and in the subsequent appeal, the applicant persisted in arguing that he had done nothing wrong. Some thirteen years have passed since the applicant’s

appeal was dismissed, and the question is now whether the applicant has gained any insight into his conduct. The applicant states in no uncertain terms that he is remorseful for his conduct, and he apologizes profusely in the founding affidavit to various persons and organizations that he admits having prejudiced. The applicant says that he is a reformed person and that the “defect of character or attitude that led to my transgressions no longer exist”.

[12] Words are, however, just words, and a person’s character can only be measured by his or her conduct. In the founding affidavit the applicant attempted to distinguish his conduct from other counsel who had also been implicated in double-briefing. He says the following:

“I humbly submit that I have no alternative but to, in this application, make a comparison and differentiate myself and some of the other advocates involved as respondents in the application a quo and the subsequent appeal, in that it was never alleged nor found that I:

23.1.1 charged fees for hours that I did not work, and/or fees for overlapping hours.”

[13] This statement is astounding in its disingenuity. Whilst it is so that the applicant never charged for preparation for trial or for other additional work, he charged multiple trial fees in cases that were on the roll on the same day. In eleven instances, the applicant charged for ten or more trials on one day. Overall, the applicant charged for trials that did not proceed

on 615 occasions. The applicant knew in advance that those trials would not proceed. When he prepared his fee notes, he knew that he had not conducted trials in those matters, notwithstanding which he charged a trial fee. On each of those occasions the applicant was guilty of dishonesty. The Full Court held that<sup>4</sup>:

“The [applicant] acted in an unprofessional, unworthy and dishonourable way. By debiting and accepting more than one trial fee per day the respondent was acting dishonestly. He is guilty of overreaching on a consistent basis over a considerable period of time.”

[14] In answer to the allegation by the PSA in these papers that he had been guilty of dishonest conduct, instead of conceding the point, the best answer that the applicant could muster in reply was that he understood the “reasoning that led to a finding of dishonesty in those circumstances”. He denied, however, that he had been dishonest intentionally. He could not bring himself to admit that he had been guilty of dishonest conduct over an extended period of time and on multiple occasions.

[15] The applicant persisted in his heads of argument to say that his intention was never to be dishonest, and to argue that these multiple infringements did not lead to a conclusion that he had a propensity to dishonesty. It was only in argument that the applicant admitted, for the first time, that he had been dishonest. That is not the conduct of a man who has an understanding of the egregious nature of his conduct, nor of someone who has changed. A full admission of wrongdoing is, after all, the first step to redemption. In my view the applicant’s conduct displayed

a propensity to dishonesty, and nothing suggests that he has changed his ways.

[16] A further aspect of importance is that, where an applicant applies to be re-admitted he should disclose fully the nature and extent of his transgressions. It is only then that a Court is able to weigh up his conduct against the standards expected of legal practitioners. I have pointed out above that the applicant continued to double charge after the enquiry into his conduct had already commenced, and he did so until June 2011, shortly before the Full Court heard the matter. The Full Court felt it necessary to suspend the applicant pending its judgment, in order to prevent further misconduct. If one accepts that he received some R 5.9 million in overcharges in a relatively brief period, namely from February to November 2009, it is highly likely that he received significant amounts in the period between November 2009 and June 2011.

[17] When I enquired from the applicant why he had not disclosed the true extent of his ill-gotten gains, he said that it had not occurred to him to do so. In my view, if an applicant does not fully and truthfully disclose the full extent of his misconduct, it is an indication that he has not truly reformed.

[18] Finally, although the applicant was not obliged by court order to repay the monies, the Supreme Court of Appeal having held that the Full Court was not empowered to make such an order, he at least had a moral obligation as a legal practitioner to make restitution. The applicant wishes

to demonstrate his reformation, but he is satisfied to retain the ill-gotten gains. That is, to my mind, disqualifying to a candidate who applies for re-admission on the basis that he has grasped the nature of his transgression and has undergone a character change.

[19] Where an applicant applies for readmission after having been previously struck off on the grounds that he was not a fit and proper person to continue in practice:

“...the onus is on him to convince the court on a balance of probabilities that there has been a genuine, complete and permanent reformation on his part; that the defect of character or attitude which led to him being adjudicated not fit and proper no longer exists; and that, if he is readmitted, he will in future conduct himself as an honourable member of the profession and will be someone who can be trusted to carry out the duties of an attorney in a satisfactory way as far as members of the public are concerned...”<sup>5</sup>

[20] The Court must have regard to:

“... the nature and degree of the conduct which occasioned applicant’s removal from the roll, to the explanation, if any, afforded by him for such conduct which might, inter alia, mitigate or even perhaps aggravate the heinousness of his offence, to his actions in regard to an enquiry into his conduct and proceedings consequent thereon to secure his removal, to the lapse of time between his removal and his application for reinstatement, to his activities subsequent to removal, to the expression

of contrition by him and its genuineness, and to his efforts at repairing harm which his conduct may have occasioned to others.”<sup>6</sup>

[21] In *Johannesburg Society of Advocates v Nthai (supra)* the Supreme Court of Appeal held<sup>7</sup>:

“Where, as here, an applicant for readmission has demonstrated a propensity for inherent dishonesty, ‘his prospects of being readmitted to what after all is an honourable profession, will be very slim indeed. Only in the most exceptional of circumstances, where he has worked to expiate the results of his conduct and to satisfy the court that he has changed completely, will a court consider readmission at all.”

[22] The applicant has not even made the submission that there are exceptional circumstances that justify his readmission, nor can we find any. It gives no pleasure to come to such a finding with regard to a legal practitioner, more especially as one is acutely aware of the impact of the judgment on the applicant’s life and livelihood. It must, however, be emphasized that these proceedings are not aimed at punishment, but at “maintaining the integrity, dignity and respect the public must have for officers of court.”<sup>8</sup>

[23] The application must be dismissed. In my view, the circumstances of the matter justify a costs order on the attorney/client scale.

**[24] I make the following order:**

[24.1] The Pretoria Society of Advocates (“PSA”) is granted leave to intervene in the matter as a respondent.


[24.2] The applicant shall pay the costs of the PSA in respect of the intervention application on an unopposed basis on Scale C.

[24.3] The application for readmission is dismissed with costs on the attorney/client scale, including the costs of two counsel where so employed.



SWANEPOEL J  
JUDGE OF THE HIGH COURT  
GAUTENG DIVISION PRETORIA

I agree, and it is so ordered:

  
MBONGWE J  
JUDGE OF THE HIGH COURT  
GAUTENG DIVISION PRETORIA

<sup>1</sup> Legal Practice Council v Mkhize 2024 (1) SA 189 (GP) at para [70]  
<sup>2</sup> Pretoria Society of Advocates and Another v Geach and Others 2011 (6) SA 441 (GNP)  
<sup>3</sup> General Council of the Bar of South Africa v Geach and Others 2013 (2) SA 52 (SCA)  
<sup>4</sup> At para 20  
<sup>5</sup> Law Society, Transvaal v Behrman 1981 (4) SA 538 (A) at 557 B-C  
<sup>6</sup> Kudu v Cape Law Society 1972 (4) SA 342 (C), as quoted with approval in Johannesburg Society of Advocates and Another v Nthai and Others 2021 (2) SA 343 (SCA)