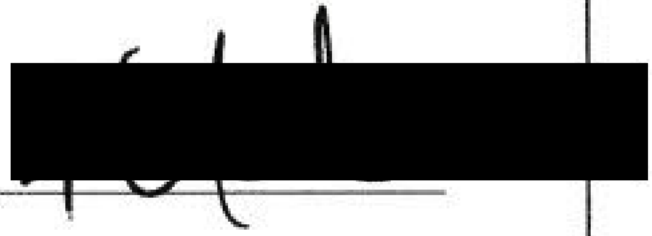




**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**CASE NO: 2023/099265**

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
<u>11 JUNE 2026</u>	
DATE	SIGNATURE

**IN THE MATTER BETWEEN:**

**THABO JOHANNES MOKETSI NTSOKO**

**APPLICANT**

**and**

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL**

**RESPONDENT**

*Delivered: This judgment is handed down electronically by circulation to the Parties / their legal representatives by email and by uploading to Caselines. The date of hand down is deemed to be 11 June 2026*

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**JUDGMENT**

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## **LUKHAIMANE AJ**

- [1] This is an opposed application brought by the applicant on 05 February 2024 for the upliftment of his suspension as a legal practitioner in the High Court of South Africa.
- [2] The applicant was suspended on 6 March 2006. He disputes that he was struck from the roll and therefore applies for the upliftment of his suspension. The LPC could not confirm whether he had been struck or not. As the applicant would bear the same onus of proving that he is a reformed character in an application for readmission and in an application for uplifting his suspension, nothing turns on this.
- [3] The applicant contends that he is now rehabilitated and is a “fit and proper person” for readmission as a legal practitioner. The Respondent (where appropriate referred to as the LPC) however opposes the application, contending that the applicant is not reformed.

### **Background**

- [4] The facts and circumstances which led to the suspension of the Applicant related to 17 (seventeen) complaints received by the Respondent against the Applicant, which complaints *inter alia*, included the following:
- a. The Applicant’s failure to give proper attention to his clients’ matters;
  - b. The Applicant’s failure to account to his clients;
  - c. The Applicant’s failure to pay his clients in full;
  - d. The Applicant practising without a trust banking account;
  - e. The Applicant’s failure to inform the Respondent of his change of address;
  - f. The Applicant’s failure to update his firm’s accounting records;
  - g. Delayed payments to clients;
  - h. Trust cheques not always made payable to the order of a payee specifically.

[5] Generally, the committee found, that there was evidence of misappropriation of clients' moneys by the Applicant, that resulted in client losses. The committee held that the misconduct also amounted to technical violations of the regulatory framework on the handling of clients' funds.

[6] The applicant was evasive regarding his guilt and tended to blame other people, including his principal when he was serving articles.

### **Re-Admission**

[7] The Legal Practice Act<sup>1</sup> (LPA) does not specifically provide for the re-admission of legal practitioners previously struck off the roll. Section 24(2) of the LPA provides that the High Court must admit to practice and authorise to be enrolled as a legal practitioner, any person who, upon application, satisfies the court that he or she is a fit and proper person to be so admitted. The same criterion applies to an application for re-admission. More is required, however, with re-admission as a legal practitioner. That is because the Court is dealing with a person, who, having sworn to comport as required of an officer of the court was found to have fallen short, of upholding ethical standards<sup>2</sup>.

[8] In reaching the decision whether a person is indeed 'fit and proper' for legal practice, the court also relies on the report by the Respondent in all applications. In Behrman supra at 557, the court stated that:

*"it is not a condition precedent to re-admitting a person to practice that the Law Society should first be satisfied as to his fitness to be re-admitted but the Court gives considerable weight to the views of the Law Society. The view to be given to the attitude of the Law Society will be determined by the soundness of the reasons for its attitude"*

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<sup>1</sup> Act 28/2014

<sup>2</sup> Law Society, Transvaal v Behrman 1981 (4) SA 538 (A) at 540E-G; Swartzberg v Law Society of Northern Provinces [2008] ZASCA 36; [2008] 3 All SA 438(SCA); 2008(5) SA 322 (SCA) at para [18]

[9] An applicant for re-admission must show that there has been a genuine, complete and permanent reformation of the defect that led to removal from the roll. The defect that led to removal must be shown to no longer exist and it must be shown that the applicant can be trusted to be a person with integrity, worthy to be a member of the profession.

[10] In the determination as to whether the onus that rests on the applicant has been discharged, the court is required to scrutinise his conduct that led to the suspension order, together with his conduct subsequent thereto<sup>3</sup>.

### **Discussion and Findings**

[11] It has been over 19 years since the applicant's name was removed from the roll.

[12] In his founding and supplementary affidavits, the applicant *inter alia* sets out his life history and acceptance of the guilty findings made by the disciplinary committee, established by the then Law Society. The applicant was raised in impoverished circumstances, his father had passed and he took care of his 81-year-old mother. He has a brother and three sisters that are financially self-sufficient. He had a tough childhood as his parents did not have much. From Grade 10, he did part-time work, through to varsity. His wife divorced him because of him being suspended from practise and left with their three children that he still maintains.

[13] His children had to endure the stigma of his suspension. His life goal has always been to be a lawyer. He obtained his law degree at the University of Natal and served articles from 1991 to 1992. Thereafter he worked as a legal advisor and salesman before completing his Board Exams in 2000.

[14] Following his suspension, he worked for Comfort Bedding for three years, thereafter he opened his own company, Express Foam 212 Manufacturers CC and then opened his own legal and business consultancy, Thabo Ntsoko Inc (which he was forced to

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<sup>3</sup> Johannesburg Society of Advocates and Another v Nthai and Others 2021 (2) SA 343 (SCA) ; Kudo v Cape Law Society 1972 (4) SA 342 (C) at 345H-346A

close as most persons required a practising attorney due to the nature of the business). He has been an assistant at Mahlangu Attorneys from June 2021 to date, mainly involved with drafting legal documents.

[15] He has been admitted for a Masters Degree in Law (International Business Law) at the University of Cumbria, Robert Kennedy College, UK, for which he has applied for funding assistance.

[16] It is the applicant's contention that he was unable to attend to his clients' affairs with the requisite care and professionalism, because of naivety, lack of skills and experience, lack of emotional strength to manage his predicament, lack of seed capital to start his practise and lack of financial backing to sustain him.

[17] The Applicant states in his supplementary affidavit, that one Ms Malatji at the LPC, helpfully provided him with the guidance as to what he needs to do to prepare for a re-admission application, which the applicant summarised as being the requirement to attend the Practical Management Training Course, with LEAD (which he did in 2016), provide a clearance certificate from the South African Police Service and to make amends with the Legal Practitioners Fidelity Fund (hereinafter referred to as the Fidelity Fund) by repaying what the Fidelity Fund has disbursed to his erstwhile clients. The Respondent on the other hand appeared bewildered at the involvement of Ms Malatji with the Applicant as Ms Malatji is not involved in the disciplinary affairs of practitioners. Having said that, the way the applicant presented his case, did not demonstrate that he understands the nature and purpose of this type of application.

[18] In his affidavit, he criticises the Professional Affairs Committee of the LPC for failing to provide him with reasons for not recommending him for re-admission. He also re-argues the merits of the various charges founding the suspension order, without providing any proof for his submissions. Generally, the applicant still disputes the merits of some of the charges he was found guilty of and minimises or seeks to explain away those charges he accepts, as misunderstandings on the part of the clients.

[19] Even though he accepts that he found himself in financial difficulty without financial backing and not having had seed capital, the applicant only identifies and acknowledges his lack of accounting skills and training as a shortcoming that he has since remedied by attending a course. He does not consider this a character defect<sup>4</sup>.

[20] Applicant has successfully completed the prescribed Practice Management Training Course with LEAD and professes that he now understands the bookkeeping principles for Attorneys. However, his conduct and attitude to the earlier enquiry, which attitude subsists with this application, proves a lack of insight and appreciation for the serious nature of the charges and findings made against him.

[21] The applicant was found to have been dishonest, in the conduct of his defence against the charges by the Law Society. In this application, he fails to acknowledge his dishonesty and therefore does not even provide evidence of how this has since been cured. One such attempt at evidence of rehabilitation is the submission of letters of support from persons that he has interacted with. However, these are insufficient evidence as the role he was occupying whilst interacting with these persons does not provide evidence to the characteristics of 'fit and proper'. More specifically, the element of dishonesty or handling funds on behalf of others. It is commonly accepted that to be 'fit and proper', a person must show integrity, reliability and honesty.

[22] In *Swartzberg v Law Society, Northern Provinces* 2008 (5) SA 322 (SCA), the Supreme Court of Appeal held that:

*"22. The fundamental question to be answered in an application of this kind is whether there has been a genuine, complete and permanent reformation on the appellant's part. This involves an inquiry as to whether the defect of character or attitude which led him to being adjudged not fit and proper, no longer exists.*

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<sup>4</sup> Character defects refers to personality traits or behavioural patterns that are harmful, unethical, or unprofessional eg. dishonesty, irresponsibility, or untrustworthiness.

*Allied to that is an assessment of the applicant's character reformation and the chances of his successful conformation in the future to the exacting demands of the profession that he seeks to re-enter. It is thus crucial for a Court confronted with an application of this kind to determine what the particular defect of character or attitude was. More importantly it is for the appellant himself to first properly and correctly identify the default of character or attitude involved and thereafter to act in accordance with that appreciation. For, until and unless there is such a cognitive appreciation on the part of the appellant, it is difficult to see how the defect can be cured and corrected. It seems to me that any true and lasting reformation depends on such appreciation"*

[23] In addition, he entered into an agreement with the Fidelity Fund<sup>5</sup> for the repayment of R361 790.37 (three hundred and sixty-one thousand, seven hundred and ninety rands and thirty-seven cents) on 1 July 2023, agreeing to pay monthly instalments of R6 029.83 (six thousand and twenty-nine rands and eighty-three cents), on or before the 7<sup>th</sup> of every month. However, he failed to provide any proof of payment towards this agreement, nor could he remember how much he has already paid back and what is outstanding. The mere fact of such payments having been made by the Fidelity Fund meant that it had been satisfied that the applicant had been guilty of theft of trust funds. This is not something the applicant appears to appreciate. He has failed to identify the character defects that led to his suspension. What is more is that he has failed to come to grips with these defects in a manner establishing that he is a reformed character.

[24] The applicant has not shown that he is a 'fit and proper' person for re-admission as a legal practitioner. As the LPC is a sui generis litigant acting in the public interest, it should not be out of pocket for having opposed these proceedings.


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<sup>5</sup> CaseLines 01 – 78 to 83

[25] The following order is made:

(a) The application is dismissed.

(b) The applicant is ordered to pay the costs of the application, on a scale as between attorney and client.

  
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**LUKHAIMANE AJ**  
**ACTING JUDGE OF THE HIGH COURT**  
**GAUTENG DIVISION, PRETORIA**

  
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**LABUSCHAGNE J**  
**JUDGE OF THE HIGH COURT**  
**GAUTENG DIVISION, PRETORIA**

Appearances:

On behalf of the Applicant:	Self-represented
On behalf of the Respondent:	Ms Moolman on behalf of Damons Magardie Richardson Attorneys
Date of hearing:	5 May 2026
Date of judgment:	11 June 2026