

big on BEE again...

We are very pleased to announce that a triple-A Empowerdex rating certificate will be adorning our reception once again this year.

Venn Nemeth & Hart was awarded the coveted rating for the first time last year and we are absolutely delighted that our ongoing empowerment initiatives have been recognised once more.

The effect of the triple-A rating is that Venn Nemeth & Hart is classified as a Level 2 Contributor under the Department of Trade and Industry's Codes of Good Practice on Black Economic Empowerment.

Please contact Vourn Lombard if you need a copy of our new rating certificate. Vourn

can be reached on 033 355 3158 or vourn@vnh.co.za.

"My career must be slipping. This is the first time that I've been available to pick up an award."

- Michael Caine at the Golden Globe awards in 1999.

the business of law the law of business

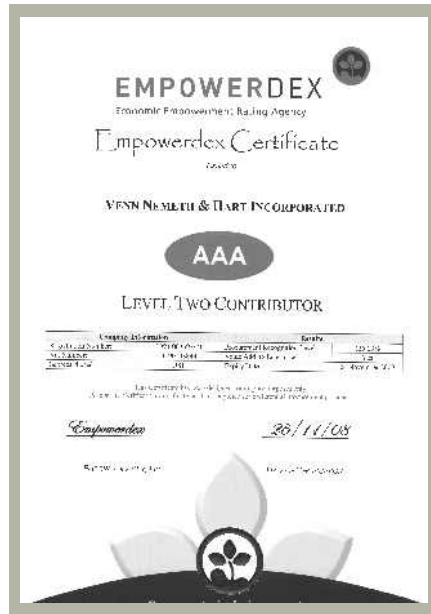
We are pleased (and just a *little* surprised) to announce that Tim Brown has completed his MBA *cum laude* with the University of Stellenbosch's Graduate School of Business.

Those of you who know Tim will be aware of his much-bemoaned and much-delayed research project; the final leg in his MBA. Tim

complained at length about the harsh rigours of research - to family, friends, clients, partners and just about anyone who would listen - without doing much research of the actual and observable



Tim Brown
Commercial Division



kind. But Tim finally succumbed, just when we had almost given up, and completed the project late last year.

Seriously, though, we are delighted that Tim has run the course and come out tops.

"I wrote my name at the top of the page. I wrote down the number of the question '1'. After much reflection I put a bracket round it thus '(1)'. But thereafter I could not think of anything connected with it that was either relevant or true. It was from these slender indications of scholarship that Mr Welldon drew the conclusion that I was worthy to pass into Harrow. It is very much to his credit."

- Winston Churchill, on writing the entrance examination to Harrow.

going up...

Two of our attorneys - Yuri Maharaj and Michael Swanepoel - have been appointed associates.



Yuri Maharaj
Litigation Division

Yuri joined the firm as a candidate attorney in 2005 after finishing his studies at the University of KwaZulu-Natal, Pietermaritzburg. Yuri focuses on litigation and has built up strong relationships with his clients.

Before joining the firm in 2008, Michael worked as a legal advisor with the South African Social Security Agency. Michael hails from Ladysmith where he was a director of Maree & Pace Attorneys. Michael specialises in high-end debt recovery, mostly in business-to-business debt. Michael's work includes liquidations and sequestrations.



Michael Swanepoel
Debt Recoveries Division

"Success took me to her bosom like a maternal boa constrictor."

- Noel Coward.

vennnemeth&hart ATTORNEYS

281 Pietermaritz Street • PO Box 600, Pietermaritzburg, 3200

Tel: 033 355 3100 • Fax: 033 394 1947

LAW LETTER

Supplement

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coffee with simon

At 05:30 on most mornings you'll find Simon Francis either at the gym or out on his bicycle. Simon is famously focused and disciplined in his sport, and he brings these same qualities to bear in his work as a commercial lawyer and estate planner. With the help of a double Red Bull, we caught up with Simon to find out more about his practice ...

I have always appreciated clear communication. I read a lot as a youngster - especially ancient Greek and Roman history - and that gave me an intuitive feel for words and structure. So it was natural that I specialized in commercial law and now spend much of my time drafting and vetting contracts. I find it satisfying to draft a clear, understandable contract ... or at least to believe that I have done so!

You might not think so, but imagination is important for a commercial attorney. You need to be able to imagine how a contract will be implemented and where problems might arise. You can add real value by tackling issues that your client might not have considered - your client's position may thereby be better protected or a dispute avoided.

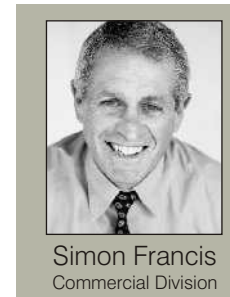
I know I have done a good estate planning job if I can loosen SARS grip on a client. The goal is to reduce a client's tax burden by restructuring his or her assets,

primarily through the use of trusts. The end result is that the South African Revenue Service does not get to claim more estate duty and other taxes than is absolutely necessary.

I enjoy the rewards of discipline. Sport brings self-discipline into sharp focus, because you have to be disciplined in order to perform. I have always enjoyed sport and was involved in ultra-distance running until my knee began to object. I now do a lot of road and MTB cycling, and hit the gym a couple of times a week to off-set the ravages of Father Time. I particularly enjoy multi-day events, like the Imana and the Sani2C.

With due respect to my "brothers" in litigation, I prefer the constructive aspects of commercial work. At the end of the day, litigation is about fighting over how a cake is to be divided - will your client get more or less than half the confectionery? Commercial work, on the other hand, is about finding a sensible and appropriate solution to a business matter. If you do it right, you can end up with two clients instead of one!

It means a lot to me that clients trust me with their work. Clients give lawyers free access to their confidential business; the least a client should expect in return is truthfulness and a straight-forward approach. I place



Simon Francis
Commercial Division

the ambidextrous sheriff

Once upon a time, there was a clever Sheriff.

This Sheriff was sued and a summons was issued against him. When the summons arrived in the Sheriff's in-tray, he diligently proceeded to serve it on himself.

In terms of the Rules of Court, a Sheriff is required to explain to a defendant certain legal aspects of the summons and to make a written report explaining how he has discharged his duties. The Sheriff must have engaged in a rather interesting discussion with himself: introducing himself, as Sheriff, to himself, as defendant and thereafter explaining to himself the nature of the document, before formally handing the summons to himself.

Our Sheriff then hatched a cunning plan - he objected to the summons on the basis that it had not been properly served on him!

The court was asked to decide whether this was proper service of the summons as required by the Rules of Court. With surely a

been interacting with and assisting those clients, many of whom are also personal friends.

suppressed smile, the court noted that -

(The Sheriff)... does not say how he accomplished this dextrous feat save to aver modestly that he went through the motions ... thereby no doubt letting his left hand know what his right hand was doing ... For this nimble service, he charged a fee ... which included a cost of living (claim) ... - an ambidextrous sheriff must live!

The court observed that the Sheriff's right hand had lost none of its cunning, for, in applying to have the summons set aside, he also sought a costs order in his favour!

Well now, the judge asked, *what is the court to do about this drollery?* Thankfully, the court found that the Shakespearean comedy should end right there - plain justice required that the irregularity be condoned. The Sheriff's application was dismissed.

Dogberry, the grand constable in charge of Messina's night watch, reporting to the prince Don Pedro (in typically confusing terms) on the crimes allegedly committed by two prisoners:

"Marry, sir, they have committed false report, moreover, they have spoken untruths; secondarily, they are slanders; sixth and lastly, they have belied a lady; thirdly, they have verified unjust things; and, to conclude, they are lying knaves."

- William Shakespeare, Much Ado About Nothing.



Deon Schaup
Litigation Division