

changes at the top

A leader is a dealer in hope.
- Napoleon Bonaparte

Redvers Lee takes over as Chief Executive Officer with effect from 1 May 2009. Redvers has headed the Property Division for many years and specialises in transfers, bonds, servitudes and property developments. Redvers comes from a long line of accountants (who are probably still mildly surprised that the family has inadvertently grown a lawyer!) and has a sound grasp on the firm's finances.

Deon Schaup has served a distinguished

term as CEO and will now focus on his significant insurance law practice in the high court.

With Redvers taking on his new role, Guy Smith has agreed to head our Property Division. Guy is already making an impact with his intuitive business sense and commitment to service quality.



Redvers Lee
Property Division

grist for the mill

Remember that as a teenager you are at the last stage in your life when you will be happy to hear that the phone is for you.
- Fran Lebowitz

Venn Nemeth & Hart recently participated in a Law Professions Day hosted by the Law Faculty of the University of KwaZulu-Natal.

The Law Professions exhibition is held at both the Pietermaritzburg and Durban campuses, and allows students to find out more about vacation jobs, internship and life as an attorney.

Law firms from around the country participate and Venn Nemeth & Hart, as always, made a special effort with its stand.

The Law Professions Day gives us access to the best students, who in turn become the best candidate attorneys and the best practising attorneys in time.



Lindy le Roux and Hiresen Govender
at the VNH stand.

hard times

*'Please, sir, I want some more'.
The master was a fat, healthy man; but he turned very pale. He gazed in stupefied astonishment on the small rebel for some seconds, and then clung for support to the table. The assistants were paralysed with wonder; the boys with fear.
'What!' said the master at length, in a faint voice.*
- Charles Dickens, Oliver Twist



Marcel Sandells, Marketing Manager; Rashika Naidoo, Save Cash & Carry; Debbie Schroeder, Natal Children's Home Co-ordinator.

The Natal Children's Home recently suffered a delay in the receipt of its social grant and put out an urgent plea for food hampers. Venn Nemeth & Hart and Save Cash and Carry were delighted to come to the rescue of the 70 children supported by the Home.

You will be pleased to note that the Department of Social Development, which has confirmed that a technical error caused the non-payment, has now resolved the problem.

effective credit control

*My father taught me two things about bills;
always query them and never pay till you have no alternative.*
- Miles Kington



Sharleen Lorly, Pick n Pay Family Store; Vani Anthony, Nashua; Rishi Ramsingh, VNH; Soondrie Singh, Nashua and Spe Ngwenya, Nashua.

Venn Nemeth & Hart has hosted credit controllers in the education, health, corporate and municipal environments at a series of Effective Credit Control workshops.

The workshops covered steps that clients can take at inception to make debt more readily collectible, including the use of appropriate Credit Application Forms and a disciplined approach to collecting customer data. The workshop also covered the psychology of telephone and SMS communications with debtors, explained

how debtors are traced and outlined the steps involved in legal collection once a debtor is handed over.

The message? When offering credit, do everything you can to maximise your chances of successful debt collection and hand over 90-day old debt promptly!

vennnemeth&hart
ATTORNEYS

281 Pietermaritz Street • PO Box 600, Pietermaritzburg, 3200

Tel: 033 355 3100 • Fax: 033 394 1947

LAW LETTER

Supplement

June 2009

vennnemeth&hart
ATTORNEYS

services directory

Chairman

Matthew Francis

Chief Executive Officer

Redvers Lee

Agency Conveyancing

Leanne Holder
Redvers Lee

Banking Law & Foreclosures

Pat Dewes
Robert Stuart-Hill
Lindy le Roux

Constitutional

Matthew Francis
Pat Dewes
Tim Brown

Conveyancing & Sectional Title

Lindy le Roux
Nosipo Mgojo
Redvers Lee

Corporate & Commercial

Bob Williams
John Wallace
Matthew Francis
Simon Francis
Tim Brown

Criminal

Deon Schaup
Yuri Maharaj

Debt Recoveries

Anthony Grant
Dudu Dlamini
Garnet Venn
Hellen Dolphin
Hendrika Forrester
Jeanne Smith
Louise David
Maureen Krog
Veliile Radebe
Michael Swanepoel

Estates Administration

Hannah Szudrawski
Joanne Payne
John Wallace

Environmental

Matthew Francis

Family

Deon Schaup
Gerry Meyer
Pat Dewes
Liza Bagley

Farm Sales & Agricultural

Simon Francis

Immigration

Matthew Francis
Yuri Maharaj

Information Technology

John Wallace
Tim Brown

Insolvency

Anthony Grant
Pat Dewes
Rob Stuart-Hill

Insurance

Deon Schaup
Nagesh Maharaj
Pat Dewes
Yuri Maharaj

Labour Law and Industrial Relations

Matthew Francis
Tim Brown

Liquor Law

Tim Brown

Litigation & Alternative Dispute Resolution

Anthony Grant
Deon Schaup

Gerry Meyer
Hiresen Govender
Liza Bagley
Nagesh Maharaj
Pat Dewes
Robert Stuart-Hill
Yuri Maharaj

Mass Housing

Nosipo Mgojo

Medical

Deon Schaup
Pat Dewes

Mortgage Loans & Investments

John Wallace
Simon Francis

Personal Injuries

Deon Schaup
Nagesh Maharaj

Property Development & Town Planning

Guy Smith
Matthew Francis
Tim Brown

Public & Local Government

Matthew Francis
Tim Brown

Tax Planning

Bob Williams
Hannah Szudrawski
John Wallace
Simon Francis

Trusts & Wills

Bob Williams
Hannah Szudrawski
John Wallace
Simon Francis

coffee with lindy

Knowing that Lindy has four young sons explains a lot of things, not least of all the miniature zen garden on her desk and the calming ginger tea that she drinks. We broke tradition and caught up with this busy conveyancer over a cup of the infused herb ...

Many people find social interaction demanding, but it gives me a real buzz.

An important part of my job is networking with estate agents. This means that I must be constantly visible to the estate agents who supply our firm with work. Thankfully this has never been a burden for me, because I enjoy socializing and many agents have become personal friends.

Client entertainment can range from a trip to the Barnyard Theatre to coffee tasting with an expert on the brew.

Regardless of the exact nature of the entertainment, I spend time with my agents getting to know them and understanding their needs. Sometimes it's a flamboyant event, but it can also be a quiet cup of coffee or a movie.

I have been involved in property developments for the last three years and this has added a wonderful new depth to my practice.

It has been a privilege working with beautiful estates like the Victoria Country Club Estate, Gowrie Village, Gowrie Farm, Garlington and Dunkirk on the North Coast. Again, it is about people - my



Lindy le Roux
Property Division

role is to liaise between the developer and the purchaser, and to motivate and direct a dedicated team that deals with the efficient drafting of documents and administrative details. It's all about providing a high quality service to both the developer and the purchaser, and this becomes possible if you have spent time developing an effective team.

With the slow-down in the property market, I have expanded into foreclosures.

It is rather ironic that I pass transfer in one area of my practice and take away properties in the other! I do try to be sympathetic with homeowners in difficulty, but at the end of the day I must act in the best interests of the banks. Our Foreclosures Division is doing very well and Standard Bank now rates us 1st in KwaZulu-Natal and 7th country-wide.

I was the first female attorney appointed to the Port Elizabeth State Attorney's office.

I was welcomed on board by a grumpy official who told me that I was not allowed to get married or have children for the next five years! But it was a great experience and I spent the next 10 years dealing with a wide range of matters including Supreme Court matters, criminal trials, inquests and collections on behalf of government departments.

lean and mean

It's a recession when your neighbour loses his job, it's a depression when you lose yours.

- Harry Truman



Tim Brown
Commercial Division

A slowing economy can make retrenchment an unpleasant reality for employers. The problem is that many employers fail to follow the complex consultation process required by the Labour Relations Act. Instead, they reach a unilateral and final decision and then break the bad news to the affected employees. Doing things the wrong way can only *increase* your financial pain!

You should, at first, take only an in-principle decision to retrench. You must recognize the possible need to retrench, while retaining an open mind to constructive feedback from your employees.

Then you need to consult with your employees about the possible retrenchment. Generally, you need to talk to all employees who might possibly be affected by retrenchment, and not just those individuals who you have identified in-principle. If the employees are unionized, you need to be talking to the union.

The consultation process is very formalized, commencing with a written notice that must provide a range of compulsory information. You then must seek feedback at consultative meetings. Having considered the feedback, you are now, at last, in a position to make a final decision on whether or not to retrench. If you decide to proceed with the retrenchment, you must give your reasons to the employees or union.

There are a number of issues to be considered during the consultation process. Take the selection of employees to be retrenched, as an example. This is not always as straight forward a decision as it might seem. LIFO (last-in-first-out) is generally applied, but this principle need not always prevail. Departmental boundaries also become pervious in a retrenchment - if you want to retrench a long-standing employee in a particular department, you need to consider whether there are junior employees in other departments who might need to be "bumped" so that you can retain the long-standing employee.

You also need to consider the alternatives to retrenchment, including any vacant positions, changes in working hours and other measures. Employers often make the mistake of quickly reaching the conclusion that there are no alternatives or that the alternatives will be unattractive to the affected employees. You need to be creative in identifying alternatives and present these to the employee regardless of their perceived attractiveness.

Failure to follow the right procedure can result in significant financial penalties. Make sure that your documentation is bullet-proof and that you get advice on the adequacy of your proposed retrenchment process.