

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NUMBER: 2023-080761

In the matter between:

MICHELLE VAN DER MERWE

Applicant

and

ANTHONY KILROY BEAMISH

1st Interested Party

LEGAL PRACTICE COUNCIL

2nd Interested Party

APPLICANT'S FURTHER SUPPLEMENTARY AFFIDAVIT

I, the undersigned,

MICHELLE VAN DER MERWE

hereby make oath and state:

1. I am a major female currently residing at 12 Shield Drive, The Glades, Wapadrand in Pretoria. I am the applicant in this application for my admission as a Legal Practitioner, namely as an attorney.
2. The content hereof falls within my personal knowledge and belief and is both true and correct.



3. The first "interested party" is Anthony Kilroy Beamish, ("Mr Beamish") a journalist who has attempted to intervene and has opposed my admission various grounds.

PURPOSE OF THIS AFFIDAVIT

4. My application for admission as a Legal Practitioner was enrolled for hearing before the Honourable Judges Dippenaar and Lenyai on Monday 4 November 2024.
5. On Friday 1 November 2024 Mr Beamish's attorneys uploaded supplementary heads of argument on caselines, now alleging that I had neglected to disclose my admitted attempt "*to source allegations of impropriety*" against retired SCA Justice Brandt, and my attendance at a School for Legal Practice was not compliant with the Regulations of the LPC (see caselines ("cl") 33-12).
6. I did not have a proper opportunity to consider these new allegations.
7. When the matter was called and in response to a letter also uploaded at the last minute (30 October 2024) on behalf of Mr Beamish (cl 35-3), the Court asked about my employment history.
8. The learned Judges also questioned my compliance with the LPC's requirements regarding my attendance at Legal Practice School ("LPS") and advised that I needed to elaborate on paragraph 6.2 of my founding affidavit pertaining to the Legal Practice Course attended by me during 2018.
9. The Court addressed my counsel and indicated that these aspects should be



addressed by me in a further supplementary affidavit.

10. The application was postponed in terms of a consent order, paragraph 2 (cl 003-2) of which provides as follows:

"The applicant is granted leave to deliver a further supplementary affidavit, addressing her employment history, her attendance at the School for Legal Practice and any other aspect which may be relevant to assist the Court in deciding the issues, by no later than 13 November 2024."

11. I provide this supplementary affidavit pursuant to that order.
12. I had initially delivered my application for admission on 16 August 2023, disclosing what I believed to be all relevant information required by the Legal Practice Act and regulations at that time.
13. The issues I intend to address in this further supplementary affidavit either had not occurred at the time of my initial application or did not appear relevant to me.
14. Accordingly, I will address the following aspects in this affidavit:
- 14.1. my attendance at the Legal Practice School in 2018;
 - 14.2. my employment history;
 - 14.3. the allegations concerning retired Appeal Judge Brandt;
 - 14.4. criminal charges laid against me by Mr Beamish on 28 October 2024;

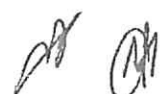


- 14.5. my communication in December 2019 with Mr Ronald Bobroff;
- 14.6. the recent service on me of an application by Mr Beamish against the LPC; and
- 14.7. the requirement of a Police Clearance Certificate.

SCHOOL FOR LEGAL PRACTICE CERTIFICATE

15. From 15 January 2018 to 26 June 2018, I attended a recognised LPS, presented by Enterprises University of Pretoria, and held at the University of Pretoria:
 - 15.1. classes were held from Monday to Thursday, typically from 16:30 to 21:00, depending on the module being covered;
 - 15.2. the course spanned a period of six months; and
 - 15.3. the modules that I have successfully completed are recorded on the issued certificate, attached hereto as annexure "MM1".
16. Full payment was required before a certificate of attendance could be issued.
17. At the time when I attended the LPS, this requirement was governed by the Attorney's Act 53 of 1979, and a completed LLB degree was not required. The LPS provides in its Enterprises University of Pretoria's course description as follows:¹

¹ <https://www.enterprises.up.ac.za/course/school-for-legal-practice-law-school>



"The [LPS] provides you with a unique training opportunity that will enable you to reduce the duration of your articles of clerkship to one year instead of two by covering the whole ambit of the Attorneys Admission Examination. Presented by esteemed practitioners renowned for their practical experience and expertise in various fields of law, the School aims to provide you with further applied skills in legal practice, thereby also improving access to the legal profession. The [LPS] is accredited in terms of the Attorneys Act 53 of 1979 (as amended)," (my emphasis).

18. Mr Beamish has raised two queries surrounding the validity of my certificate of attendance received from the LPS:
 - 18.1. the certificate is undated; and
 - 18.2. the certificate is not compliant with the legal requirements for admission as a legal practitioner.
19. Neither of these submissions have any merit.
20. The LPS training course covered the subjects approved and prescribed by the Law Society of the Northern Provinces for the purpose of Section 7(5) of the Attorney's Act, 53 of 1979, as amended.
21. After I had completed the training course, the University of Pretoria required full payment for the course before issuing the certificate and attendance record.
22. At the time, I did not have the financial means to make payment. My estranged



father was unwilling to pay.

23. In January 2020 that I asked my mother to provide me with the means to make payment to the University, which she did.
24. Once the payment was made, the LSP issued me with the certificate and attendance register. The certificate was issued on 3 January 2020, after payment was received.
25. It is only because payment was delayed that there is a gap between the date on which I completed LPS and the date on which I received my certificate and attendance register.
26. The date of issue of the Certificate is stated in extremely small type at the bottom right thereof, (cl 03-41).
27. At the time when I completed the LPS, I complied with the requirements of the Attorneys Act. The LPC has upon enquiry, advised me that the compliance in terms of the Attorney's Act, is recognised.

TERMINATION OF FORMER EMPLOYMENT

28. Shortly before I completed my articles at Tiefenthaler Attorneys Inc, Mr. Beamish filed another complaint against me with the LPC. The LPC requested that I remove my application from the roll set for 3 October 2023. From October 2023 to January 2024, I was not employed full-time, because any further employment was dependent on the outcome of Mr. Beamish's complaint.

29. This complaint was dismissed by the LPC and in September 2023, I was offered employment by Cox Yeats commencing on 15 January 2024 as a "candidate designate", in other words a person who has satisfied the requirements for admission as a legal practitioner and is awaiting admission.
30. At the time of accepting the employment offer from Cox Yeats, my date for admission was set-down for 8 February 2024 and Cox Yeats accepted the situation as such.
31. On or about 5 February 2024, I received an email from the LPC, requesting that I remove my matter from the roll as the Provincial Council of the LPC, Gauteng had not yet convened to consider the findings of the Professional Affairs Committee. This is dealt with in the LPC's affidavit.
32. Due to the delaying tactics of Mr. Beamish, initially with an *'intention to intervene'* and later with an application to intervene, my matter was indefinitely removed from the roll, awaiting Mr. Beamish to place his intervention application on the unopposed roll. This placed me in a tricky situation at Cox Yeats, as the expectation of my employers was that I would be an admitted attorney by February 2024.
33. During or about July 2024 I was suspended from Cox Yeats pending investigation of my electronic devices.
34. It was alleged that I emailed documentation from my work computer to my Gmail address, which violated the company's email policy, of which I was unaware at the time.



35. The reason I emailed the documentation to myself was that I could not initially connect to the server from home. However, by having the documents accessible in my Gmail account, I was able to access and work on them on my iPad. I would not have emailed the document to myself in the instance that I had been aware of the policy.
36. There was also an allegation that my mother, a practicing attorney reviewed a bill of costs and opinion that I have prepared on the recovery of damages from the State when the Court set aside a tender.
37. At the time my mother was employed by a law firm in Pretoria, namely John Walker Attorneys, which acted as a correspondent for Cox Yeats in another matter.
38. Despite my explanations, my employer was concerned about a breach in confidentiality. I advised that there was no breach of confidentiality and that I would never have allowed one to occur.
39. On 14 July 2024, I decided to approach the CCMA to mediate the situation. My primary purpose in approaching the CCMA was to facilitate mediation in a non-confrontational manner. My aim was to resolve the manner and to find a workable solution.
40. On or about 14 July 2024, most of my files were removed from my office and I was excluded from group communication and left with no work.
41. On 19 July 2024 I lodged a second matter with the CCMA on the premise that I



was not treated fairly and equally.

42. Once again, I believed that approaching the CCMA would provide me with a non-confrontational means to mediate the situation.
43. On 22 July 2024, I received a notice to attend a disciplinary hearing on 26 July 2024. The hearing was postponed to 26 August 2024.
44. On 14 August 2024, I applied for legal representation, which was granted by the chairperson.
45. I approached Andrew Goldberg ("**Mr Goldberg**"), a labour attorney, to represent me in the hearing set down for 26 August 2024.
46. Cox Yeats contacted Mr Goldberg a week before the hearing to settle that matter.
47. On 26 August 2024, Mr. Goldberg and my employer held a pre-hearing meeting, during which the labour dispute was settled. I am unable to disclose the terms of this settlement, to this Court as Cox Yeats included a confidentiality clause.
48. The result of the settlement was that we all agreed that the employment contract would come to an end and both CCMA matters would be withdrawn.
49. I will obtain a confirmatory affidavit from Mr Goldberg.
50. I am presently employed by Roelf Nel Incorporated as a candidate designate, having commenced employment with them on 1 October 2024.



FURTHER RELEVANT INFORMATION*Text Message to my mother Cora van der Merwe in 2019*

51. During or about 2019 I was employed by senior counsel as a personal assistant whilst I was still a student. I do not wish to disclose her identity and will refer to her as Adv R SC.
52. Advocate R SC represented a party in an arbitration. The arbitrator was retired Justice Brandt.
53. Adv R SC believed she had been treated unfairly and that the arbitrator discriminated against her, because she was a woman.
54. On one particular day she returned from the arbitration to her chambers, she was visually upset and instructed me to source information regarding the retired judge from the internet.
55. She instructed me to look for any information regarding possible misconduct on his part and suggested I should investigate if there had been any complaints of discrimination or sexual misconduct.
56. Adv R SC was my only source of income, and I was extremely apprehensive as



to how to handle the instruction. I sent a text message to my mother because I was unsure on how to deal with the situation.

57. Following the initial proceedings, Adv R. SC and Justice Brandt agreed to mediation in Johannesburg, during which the grievances between them were resolved.
58. At the time, Mr Beamish was a close friend /associate of my mother. It appears he exploited this relationship to screenshot my mother's private WhatsApp messages. The aforementioned WhatsApp communication sent by me to my mother pertaining to Adv R SC's instruction was an instance of a message extracted by Mr Beamish from my mother's computer.
59. I did not follow up on the instruction. A full record of the messages would have shown that I was unable to understand why Counsel R. SC would provide me with such an instruction.

BEAMISH LAID CRIMINAL CHARGES AGAINST ME AT THE LAST HOUR

60. On or about 29 October 2024, two days before the hearing of my admission application, Mr Beamish laid criminal charges against me at the Pretoria Central South African Police Service ("SAPS") Station.
61. The charge laid against me alleges that I photographed² the intervening party while he was standing in the dock at the Pretoria Magistrate's Court, during the

² Paragraph 36.3 of the LPC affidavit [Caselines 29-16]



private prosecution criminal proceedings³ that I instituted against him.

62. The issue of the photograph formed part of a complaint that served previously before the LPC and was dismissed for lack of *prima facie* proof.
63. I did not take this picture, and the criminal charge is baseless.
64. Mr Beamish has known of the existence of this photograph for over three years, previously accused me of taking it in a complaint to the LPC which was dismissed, and has no doubt laid a charge at this time to impact on my admission application, and any further attempts by me to be admitted as a legal practitioner.

COMMUNICATION WITH MR RONALD BOBROFF – 16 DECEMBER 2019

65. Mr Beamish, in his supplementary heads of argument dated 28 October 2024, refers to a supposed association between me and Mr Ronald Bobroff and his son.
66. My mother used to work for Mr Bobroff, during the period 2012 to 2014.
67. At the time this did not impact on me at all, but I became aware of Mr Beamish's obsession with him and his family, because Mr Beamish would mention him when visiting my mother nearly every weekend.
68. At the time the Bobroffs left the country I was a full-time student. In my answering

³ Paragraph 25 of the LPC affidavit [Caselines 29-11]



affidavit to the intervention application⁴, to which Beamish has not responded, I made it clear that I have never had any association with the Bobroffs.

69. On or about 15 December 2019, I was completing an application form for a Protection from Harassment Order against Mr Beamish I was sexually assaulted by him and wished to protect myself against him.
70. At the time Mr Beamish had prevailed on my mother to put me out of the house and to stop assisting me financially should I proceed with such application.
71. On 16 December 2019, I saw a letter from my mother, warning me to reconsider the application.
72. I was in a vulnerable and emotional state and because of Mr Beamish's obsessive dislike of Mr Bobroff, I felt that I could talk to Mr Bobroff.
73. I sent the email to him. I do not shy away from this.
74. I have addressed the reference to the allegation made by Beamish in the intervention application, claiming that I stated in one of the matters he brought against me that I regarded Bobroff as one of my advisors.
75. In my answering affidavit, to which Beamish has not responded, I clarified that my attorneys took incorrect instructions, and I will rectify this error through an amendment in terms of the Court Rule 28 of the Uniform Rules to amend the

⁴ Paragraph 31 Caselines 30-8

Handwritten signature and initials in the bottom right corner of the page.

plea.

NEW APPLICATION TO REVIEW THE LETTER FROM THE LPC

76. On 4 November 2024, whilst I was sitting in Court waiting for my admission application to be called, the Sheriff served Mr Beamish's application to review the letter of non- opposition from the LPC, dated 22 February 2024, on me.
77. This was obviously a tactic to intimidate and distress me even further.
78. I am not required to respond to this review application, but I bring it to the Court's attention, nevertheless.

POLICE CLEARANCE CERTIFICATE

79. I have ascertained that since I first applied for my admission as a Legal Practitioner, there has been a further requirement to be met and that is the production by a prospective candidate of a Police clearance certificate.
80. I will ensure that I obtain one and have it uploaded to caselines.

I accordingly ask that I am admitted as a Legal Practitioner.


MICHELLE VAN DER MERWE

I certify that the deponent has acknowledged that she knows and understands the contents of this affidavit which was signed and sworn to before me at PRETORIA on 13 ^{NOVEMBER} 2024, the regulations contained in Government Notice R1258 published in the Government Gazette No 3619 dated 21 July 1972 (as amended) having been complied with.


COMMISSIONER OF OATHS
FULL NAMES:

ADDRESS:

DESIGNATION:

JOHANN MEYER
Kommissaris van Ede\Commissioner of Oaths
Praktiserende Prokureur\Practising Attorney
Kamer\Room 10 Blok/Block A
Wapadrand Winkelsentrum/Shopping Centre
✉ 571 WAPADRAND 0050
☎ (012) 807 2128



"MM1"



University of Pretoria

SCHOOL FOR LEGAL PRACTICE (UP)

CERTIFICATE

It is hereby certified that candidate attorney

M van der Merwe

ID: 9212110090083

satisfactorily attended a training course at the School for Legal Practice (UP) with regards to subjects approved and prescribed by the Law Society of the Northern Provinces for the purpose of Section 7(5) of the Attorneys Act 53 of 1979, as amended

SUBJECTS

CONTRACTS
INSOLVENCY LAW
ATTORNEY ETHICS
WILLS AND ESTATES
HUMAN RIGHTS PRACTICE
PERSONAL INJURY CLAIMS
CRIMINAL COURT PRACTICE
MAGISTRATE COURT PRACTICE

LEGAL COSTS
MATRIMONIAL LAW
LEGAL ACCOUNTANCY
HIGH COURT PRACTICE
LITIGATION TECHNIQUES
LABOUR DISPUTE RESOLUTION
FORMS OF BUSINESS ENTERPRISES

Prof R Cloete
DIRECTOR

Prof A Boraine
DEAN

ATTENDANCE REPORT

SCHOOL FOR LEGAL PRACTICE (UP)

(for the purpose the Attorneys Act 53 of 1979 as amended)

It is hereby declared that candidate attorney

Name:	M van der Merwe
Identity number:	9212110090083

Satisfactorily attended and completed an uninterrupted training course of the
School for Legal Practice (UP)
from 15 January 2018 to 26 June 2018

This course was approved by each of the provincial Law Societies of South Africa
for the purpose of Section 7(5) of the Attorneys Act 53 of 1979, as amended
and Section 11 of the Attorneys Amendment Act, 87 of 1989

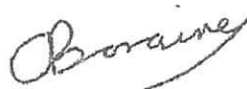
Details of attendance with regard to the subjects prescribed by the Law Societies:

Subjects	Amount of days attended		
Legal Accountancy	8	out of	8
Commercial Contracts	6	out of	6
Criminal Court Practice	10	out of	10
Forms of Business Enterprises	2	out of	2
Human Rights Practice	2	out of	2
Attorneys Ethics	2	out of	2
Labour Dispute Resolution	2	out of	2
Legal Costs	2	out of	2
Magistrates Court Practice	12	out of	12
Matrimonial and Divorce Matters	4	out of	4
Personal Injury Claims	8	out of	8
Practice Management	2	out of	2
High Court Practice	10	out of	10
Wills and Estates	8	out of	8
Insolvency Practice	2	out of	2
Taking of Instructions and Trial Advocacy	4	out of	4



Prof R Cloete
DIRECTOR

2019/11/27



Prof A Boraine
DEAN

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NUMBER: 2023-080761

In the matter between:

MICHELLE VAN DER MERWE

Applicant

and

ANTHONY KILROY BEAMISH

1st Interested Party

LEGAL PRACTICE COUNCIL

2nd Interested Party

CONFIRMATORY AFFIDAVIT

I, the undersigned,

ANDREW GOLDBERG

state under oath as follows:

1. I am a major male attorney, practising as such, employed at Goldberg Attorneys Inc, in Johannesburg.
2. I depose to this Affidavit to confirm the correctness of the submissions made by the Applicant in the as far as it relates to me and Goldberg Attorneys Inc.





DEPONENT

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at JOHANNESBURG on this the 13th day of NOVEMBER 2024, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.



COMMISSIONER OF OATHS

NAME: Rudolf Kuhn
ADDRESS: 920 Grunter Road
 Gerstfontein, Pretoria
CAPACITY: Cel: 082 926 7168
 Practising Attorney, RSA

