



CONSTITUTIONAL COURT OF SOUTH AFRICA

Ralph Patrick Ndleve v Pretoria Society of Advocates

CCT 74/16

Date of judgment: 1 September 2016

MEDIA SUMMARY

The following explanatory note is provided to assist the media in reporting this case and is not binding on the Constitutional Court or any member of the Court.

On 1 September 2016 the Constitutional Court handed down judgment in an application asking the Court to set aside an order striking the applicant from the roll of advocates issued by the High Court of South Africa, Gauteng Division, Pretoria.

The applicant, Mr Ralph Patrick Ndleve, was admitted as an advocate of the High Court in 2002. Between 2006 and 2013, the Pretoria Society of Advocates (Society) received six complaints against Mr Ndleve alleging malpractice. The Society then applied to the High Court for an order striking Mr Ndleve from the roll of advocates. The High Court granted this order on 12 June 2013. The High Court and the Supreme Court of Appeal refused Mr Ndleve leave to appeal against this decision.

Mr Ndleve has since filed five applications with this Court concerning the striking-off. He alleges that his fair trial rights were violated during the hearing before the High Court. This Court rejected Mr Ndleve's first four applications for lack of prospects of success. In two of those cases, the Society wrote to the Court asking for directions on how to respond to duplicative applications.

In a unanimous judgment, the Court held that Mr Ndleve's present application is no different from the previous four and that it should likewise be dismissed. The Court, however, noted with concern that Mr Ndleve continued to practise after being struck off the roll and that he is indeed still listed as an advocate of the Pretoria Bar. The Court thus emphasised the gravity of Mr Ndleve's conduct. It also pointed to the duty of the Society to both the public and the courts to take appropriate steps to stop Mr Ndleve from practising.