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Media Release

LEGAL PRACTICE COUNCIL DISPUTES NEWS24 CLAIM THAT STEVEN GQEBA WAS ACQUITTED BY COUNCIL – LAWYER REMAINS SUSPENDED AND MATTER IS SUBJECT TO LPC DISCIPLINARY PROCESSES

The Legal Practice Council (LPC) has noted the article published by News24, titled: “Lawyer paid disabled child’s trust R50 000 of R15m settlement, legal council acquits him” published on 20 November 2024 regarding suspended Eastern Cape legal practitioner, Mr Steven Kuselo Gqeba. The LPC confirms that Mr Gqeba has not been acquitted and that he remains suspended in terms of the Order of the High Court granted on 08 August 2023, subject to the finalisation of the LPC’s disciplinary processes.

Despite the headline stating that the LPC has acquitted Mr Gqeba, the LPC was not approached for comment prior to publication of the article. Had the LPC been given the opportunity to comment, it would have stated that whilst a disciplinary committee which was appointed to hear and decide the matter has reached certain conclusions, these do not constitute the verdict of the LPC, as the disciplinary committee outcome is but a step in the LPC’s rigorous processes in such matters, which may result in a different outcome.

The LPC ought to have been approached for comment. The misleading lack of context provided by the article, based solely on a report by a committee that formed part of the LPC’s disciplinary process but which does not make the final decisions on any disciplinary process, is unfortunate. Reporting which fails to include this important broader perspective tends to reduce public confidence in the LPC as regulator, and by extension, in the ethical standards of the legal profession. This in turn has negative consequences for the public’s confidence in the rule of law.

The Legal Practice Act (LPA) requires that the LPC make use of independent investigations committees, independent disciplinary committees and where necessary independent appeals committees. The recommendations by these committees only constitute advice which is to be considered by both the LPC Provincial

Council and National Council, with the latter making the final decision whether to dismiss or overrule the recommendations of the committee.

The article reports that the committee has acquitted Mr Gqeba, when the matter has not even been considered by the Provincial Council, let alone the National Council of the LPC. Furthermore, as stated above this practitioner is on suspension following the LPC's (Provincial Council's) successful court application for his suspension. Mr Gqeba is not able to practice as a legal practitioner subject to the completion of the LPC investigation and he has no access to the funds in the trust account following LPC's intervention. The application for Mr Gqeba's suspension demonstrates its commitment to acting in the public interest in such matters.

In addition to the charge of misappropriation, Mr Gqeba was charged with several other charges which emanate from other complaints in relation to how Mr Gqeba handled payments made by the Road Accident Fund for the benefit of Mr Gqeba's clients. It would have been noted in the findings of the disciplinary committee that Mr Gqeba was found guilty of those charges and the committee will determine a sanction deemed appropriate which, as stated above, constitutes and advice to the Council and therefore shall be tabled for consideration by Council which can decide to accept or reject the recommended sanction and/or come to a different conclusion.

The LPC receives an average of over 14 000 complaints that are lodged for investigation and already over 100 legal practitioners have been successfully struck off and over 150 practitioners are currently on suspension, this year alone. Since its establishment, the LPC has on average, successfully sought the removal of 80 to 100 practitioners off the roll for misconduct each year due to misconduct. These numbers demonstrate the LPC's relentless efforts to deal with misconduct, given the required legal processes of investigating and the often-lengthy process of taking matters to court.

The LPC remains committed to fulfilling its mandate and will continue its efforts to protect the public against any form of misconduct.

About the Legal Practice Council

The Legal Practice Council is a national, statutory body established in terms of section 4 of the Legal Practice Act, No 28 of 2014. The Legal Practice Council and its Provincial Councils regulate the affairs of and exercise jurisdiction over all legal practitioners (attorneys and advocates) and candidate legal practitioners in the Republic of South Africa.

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