

How to lawyer-up against your lawyer

Lawyers are entrusted to deal with legal matters honestly, fairly and in your best interests. But sometimes this isn't always the case and instead, he or she has taken the money that was supposed to be yours.



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This can leave you feeling helpless. You don't know the first thing about law, so how can you fight your lawyer, who knows everything about South African law?

The Attorney's Fidelity Fund

This is precisely why the Attorney's Fidelity Fund (AFF) was established. The AFF fights for your rights when you have been cheated by your lawyer. Your lawyer also has to stick to the rules of the legal profession, and the AFF was created to ensure this happens. Your lawyer is not above the law.

The AFF has a proud history of upholding the rights of the man on the street and protecting them against the few corrupt lawyers who can give the whole legal profession a bad name. Since 1941, the AFF has been the champion of justice for people who have lost money because of their lawyer.

When can the AFF help you?

Here are some of the situations where you might need someone from the AFF to assist you. If your lawyer has taken money:

- From your deceased relative's estate that was meant for you.
- From an insolvent estate that was meant for you.
- From your personal injury settlement that was meant for you.

- While you were waiting for the registration of the transfer of your property (e.g. land, house, flat).

How to submit a claim against your lawyer

1. You must give notice of the claim to the Law Society of the province where your lawyer practices and the Fund, within a period of three months after you became aware of the theft.
2. Your claim must be submitted in the form of an affidavit, which you can get at the police station. This affidavit helps you prove your claim to the Fund and also helps you to start a criminal investigation against your lawyer.
3. Your lawyer's office file on your case must be submitted with your affidavit.
4. You must give the AFF all of your proof within six months of telling them about your claim. This will include documents like your bank statements and receipts from your lawyer.

It's important to know, however, that the AFF can't get you your money back if:

- Your lawyer has been negligent
- You have done business transactions with a lawyer
- You have given money to a lawyer for investment purposes
- You have given a loan to a lawyer

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