

Constitution remains client of pro bono lawyers

Former Constitutional Judge, Justice Yacoob, said that law should be used as a weapon in order to achieve greater good in society.



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Speaking at Bowman Gilfillan Africa Group's Pro Bono event this week, he explained that pro bono lawyering began in South Africa during the days of the struggle and the fight for a just society.

"In those days, our client was the struggle for democracy. After democracy was achieved, we promised ourselves that the law would always remain a weapon for good. We need a strong civil society and this is the reason why we have a Constitution. Therefore, the client of all pro bono lawyers in South Africa in a real sense is the Constitution of our country.

"The Constitution promises, among many other things, equality, a better way of life for all and that government can be expected to act in terms of the Constitution. In this regard, the government should not be left to its own devices and pro bono lawyers need to ensure that government meets its obligations in terms of the Constitution.

"The notion that lawyers should not act against the government is a bad one. If the people's Constitutional rights are being

invaded, it is our duty as pro bono lawyers to do something about it.

“The other side to that coin is that, as lawyers, we must not become opportunists. We need to make sure that the highest level of legal ethics is preserved and that we are always acting in the interests of the Constitution as well as our clients.

“Pro bono lawyers should also remember that the process of ensuring people becomes empowered and the process of facilitating government work is important. Before we take on government, we should first try very hard to bring the government to its senses and ensure that cases that can be settled are resolved in this way.

Nkandla case in point

“Working against government doesn’t only mean doing cases that improve the quality of life of people. The Nkandla case is an example of the circumstances in which government must be taken on. Corruption becomes a bigger problem when our government becomes corrupt. It takes courage to take on these cases. The Nkandla case is important because the money was meant for the people and the people would have been better off with it. The Bill of Rights provides that all of us should be better off in our society and the more money the government can spend to ensure this, the better. Therefore, making sure that government complies with the Constitution is a fundamentally important thing, otherwise government will do exactly what it wants to do.

Justice Yacoob ended his speech by saying that the Bowman Gilfillan Africa Group had made a phenomenal contribution to democracy through its pro bono work.

Fatima Laher, pro bono manager at Bowman Gilfillan Africa Group added, “Justice Yacoob’s comments are taken to heart by our firm and we were honoured to have him speak at our pro bono event. We invest time and resources to ensure that the most vulnerable people in our society are protected by the legal system, because no one can prosper in a lawless society. We use our expertise to help non-profit organisations establish themselves so they can help others and we assist emerging businesses to get started on the correct legal footing. In the past year, we have helped individuals, mostly women and children, to access the justice system. We do not view our pro bono activities and corporate social responsibility initiatives as nice add-ons. They are fundamental to who and what we are as a firm.”

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