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Secretary's Newsletter



Issue No.10

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Dear Colleagues,

Debt Collectors and Legal Aid Societies

I am happy to advise that the Society has in the past two weeks escalated the fight against institutions that are seeking to take away reserved work from the legal profession. We successfully interdicted Citizens Legal Aid Society from holding a legal aid fair, a clear imitation of the Law Society Open Day Initiative. Interestingly, the Legal Aid Society sought to misleadingly describe their illegal fair as the first ever legal aid fair. We did not stop at the interdict as a criminal complaint was also lodged against this and other Legal Aid Societies.

In addition, the case against Wellcash Debt Collectors was argued last week and judgment was reserved. We have already requested information relating to operations of legal aid societies in various parts of the country. I do hereby reiterate that call for information as we will not relent until the menace is eradicated.

I would like to thank members who have volunteered to appear *pro amico* for the Law Society in these legal contests. On the same note, I am saddened that there are law firms that are actively consorting with the illegal entities that seek to undermine the statutorily reserved work of legal practitioners. I advise those involved that the days of reckoning are nigh.

IILACE Conference

The Society always seeks to benchmark itself against similar organisations world-wide. In this regard the Executive Secretary is an active member of the International Institute



of Law Associations Chief Executives (IILACE). IILACE holds annual conferences and this year the conference took place in Canada. The key focus areas of the conference were *Inward Looking CEO* which dealt with membership services and governance matters, *Forward Looking CEO* whose emphasis was on embracing change and planning beyond the horizons whilst the *Outward Looking CEO* module focussed on managing the external stakeholders. Chief Executives were urged to strategically manage the internal stakeholders in order to achieve the desired future and to effectively meet the expectations of the external stakeholders. Understanding elected officials backgrounds and their expectations was key in managing them for effective delivery of the organisational mandate and strategic goals.

CEOs were advised to not only embrace technology but to also make sure that membership became technologically compliant. The emphasis was on making technology work to assist lawyers deliver a better service but being also wary of the security threats that come with the use of ICT. Statistics shared at the meeting showed that non profit organisations were increasingly being targeted by hackers because of the valuable information that they hold in respect of members and other third parties. In addition, as seen with the Panama papers, lawyers are equally vulnerable because they have weak security systems to protect data. Law firms become victims of ransomware risk reputational loss and financial loss. Investing in security and data insurance are therefore recommended as a matter of prudent business management.

The conference deliberated on other matters which included high value service and member retention. Issues on elected official's vice versa appointed were discussed.

ANTI-MONEY LAUNDERING, FRAUD AND ASSET TRACING

The estimated annual cost of bribery to the global economy currently stands at \$2.6 trillion and \$148 million in Africa alone. The Global Corruption Barometer (date) reported that 22% of surveyed Zimbabweans had paid a bribe to access public services in the previous year. Lawyers are financial intermediaries and they are designated for reporting obligations as designated non-financial businesses aka DNFB. Lawyers in their various responsibilities interact with the key players in the above subject area. This observation was the key factor that led to the Law Society hosting the 2nd edition of the Anti-Money Laundering, Fraud and Asset Tracing Training in Harare. Different stakeholders from the Legal Fraternity, Police, Anti-Corruption Commission and Financial Intelligence Unit (RBZ) all met for this training. It was unique in that the approach was to share experi-



ences and assist in ways of combating corruption, fraud and money laundering. Participants were capacitated on strategies to trace and recover the proceeds of these ills. The Law Society of Zimbabwe once again collaborated with the International Senior Lawyers Project (ISLP) and Transparency International Zimbabwe (TIZ) to make this training a success.

Participants agreed that corruption has increased the cost of doing business. Corruption creates an uncertain business environment and an uneven playing field. In Zimbabwe specifically, it was noted that it has also discouraged both domestic and foreign investment. The training informed participants on the red flags within the legal industry and how to address these issues when they do emerge.

Whilst direct cash payments are valued as a common way to pay bribes, the profession must be alert of other forms of bribery and corruption. Lawyers are vulnerable to money laundering and corruption and in their most subtle forms can easily be treated by lawyers as normal acceptable business practice.

Political donations and corporate hospitality gifts are valuable but dangerous and can easily be a form of bribery and corruption. They can be offered to a government official to benefit a company. The legal profession is therefore urged not to engage in fraudulent and corrupt activities, which can include the omission of receipts received or information in order to deceive financial statement users. Such non disclosures can relate to asset misappropriation, theft or unauthorized use of assets or resources of the company by employees, tax fraud, computer and internet fraud and contract and procurement fraud. I urge the profession to be vigilant in delivering work as one can easily become complicit in the commission of these offences.

DATA COLLECTION

The process of collecting member's information in order to update files is currently on going. Kindly be reminded to send in your information. Click on the link below to download the form and send back the completed form if you have not already done so. Thank you for your usual cooperation.

<http://lawsociety.org.zw/Downloadables/PersonalDetailsForm.pdf>

SUMMER SCHOOL

The Summer School is around the corner. As has become the tradition the School promises an



excellent intellectual discourse punctuated by loads of fun and entertainment. Join us by registering and booking your place on time. For more information, click the links below to access the circular and registration form. **Remember it is first come first served and places are definitely limited.**

<http://lawsociety.org.zw/Downloadables/SummerSchoolNotice2018.pdf>
<http://lawsociety.org.zw/Downloadables/SummerSchoolRegistrationForm2018.pdf>

UPCOMING TRAININGS

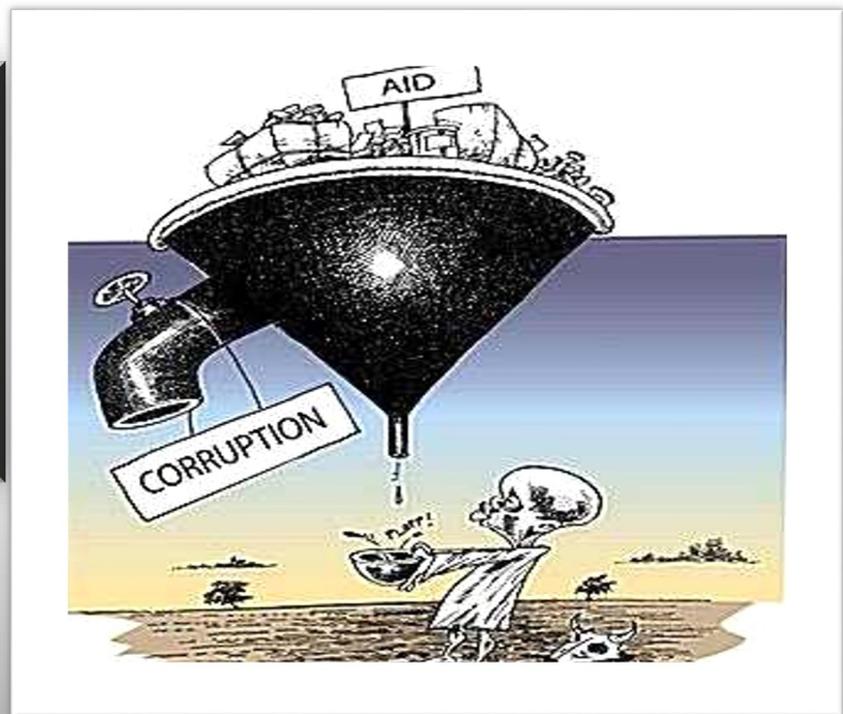
Construction Law Training

Date: 21-22 OCTOBER

Venue: Law Society House - Bulawayo

Email fungai@lsz.co.zw for registration and more details.

2018 Year of Africa Union Anti-Corruption



LET'S CONTINUE TO FIGHT CORRUPTION