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Hawks probe lawyer who claims millions on behalf of clients who got very little of the cash intended for



SABELO SKITI
SPECIAL INVESTIGATIONS

THE net is closing on personal injury litigation lawyer Zuko Nonxuba, who has allegedly pocketed millions in Road Accident Fund claims paid out to victims he represented.

A six-week Sunday Times investigation into Nonxuba's practices has uncovered how the Eastern Cape lawyer — who sells himself as a crusader for justice — allegedly entices himself on the pain of broken rural people, many of them illiterate.

Nonxuba first came to prominence in January, when the Sunday Times highlighted the plight of paraplegic Avela Mathimba, who was involved in a legal tussle with Nonxuba to get access to R8.6-million awarded to him more than two years ago in claims against the RAF and the Eastern Cape health department.

The Sunday Times has established that the Hawks in the Eastern Cape, in conjunction with the police's Commercial Crimes Unit, are investigating 31 complainants, worth a staggering R27-million, by former clients of Nonxuba.

The Eastern Cape department of health, which has paid out more than R37-million in awards for negligence claims to Nonxuba, is also probing the high-fiving attorney.

The millionaire is also the subject of several probes by the law societies of three provinces, as well as a forensic investigation by the RAF.

Hawks spokesman Brigadier Hangwani Mutlondri said: "Some of the victims only received a portion of the amounts due to them, while some of the victims received no amount which was due to them. ... The alleged prejudice to the victims is approx-

imately R27-million."

Eastern Cape health department head Thobile Mbenzise said his department would probe several issues uncovered by the Sunday Times, including allegations of:

- Touting — The illegal practice of asking nurses and community members to find potential clients for a fee.
- Overcharging and sometimes double charging clients; and
- Failing to set up trusts for victims as ordered by the court.

Nonxuba's company, Nonxuba Incorporated, was paid more than R37-million in claims by the health department between 2013 and 2015. In the last quarter of this financial year Nonxuba submitted claims for R160-million in the High Court in Mthatha.

Mbenzise said the department would investigate whether funds paid to Nonxuba's firm actually reached claimants, after the Sunday Times traced several cases where Nonxuba's clients waited for up to two years for their payouts, even though the funds had been paid over to him.

Although he has been probed for the past four years, Nonxuba continues to practise with apparent impunity.

Once the amounts have been paid to an attorney, the RAF — which has paid out an average of R18-billion per year for the past five years — appears to wash its hands of the matter. It makes little or no effort to ascertain whether the claimants have in fact received their payouts.

The Sunday Times has over the past month tracked at least half a dozen of Nonxuba's Eastern Cape clients. They include unemployed mother of five Nobathembu Katshele, 57-year-old semi-literate Tozama Quta of Mount Ayliff, and Nxeke Lutshete of Mdantsane in East London.

Lutshete, who was injured in an accident 10 years ago, was awarded R2-million by the RAF in 2012, but received only R308 000

from Nonxuba — and was told to expect a further R450 000. He has yet to receive this and has lodged a case of overcharging.

Paying in a staggered fashion without explanation in cases where the entire award was paid over was odd, said a Cape Town lawyer. Tzvi Brivik of Malcolm Lyons & Brivik Inc said agreements between attorneys and clients as well as proper accounting within a reasonable time after the payout were important.

"An account to the client must set out very clearly what amount has been received, what expenses were incurred by the law firm

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and what the fee is," he said.

Nonxuba himself was reluctant to talk about his work or the investigations, citing attorney-client privilege — and protesting that he had acted ethically.

Katshele, 48, is worried that the R12-million awarded to her disabled toddler Zubenathi will go missing, despite assurances from Nonxuba.

The mother of five from rural Luleweni village near Necofo in the Eastern Cape was promised

Quta in two matters against the RAF and the health department. He did not explain why Quta had received only R300 000, nor reveal any detail about the matter against the health department.

RAF spokeswoman Linda Ralushie said the fund had no "further control" over payments once they were with attorneys. "It does happen, in certain cases, that attorneys recover more

by Nonxuba that Zubenathi would receive quality care.

But Katshele was surprised to learn that the R3-million Nonxuba told her she had been awarded last February was R9-million short of the actual award of R12-million paid over to the lawyer in September 2014.

Quta received only R300 000 of her son's R1.6-million RAF award — and that only after the

from their client than what they are entitled to, or that they delay payment to their client," she said.

"In such instances claimants have recourse through the applicable law society, in respect of the attorney's misconduct, and SARS, where fraud or theft is alleged."

The Sunday Times has established that the law societies

had reported completing a simple investigation against Nonxuba: "It's simple, Nonxuba's victims are all black and live in villages or townships so these law societies don't care."

"Two years ago the Free State Law Society said they could not find Nonxuba because he had moved from his Bloemfontein office, so I hired a private investigator. I informed them he

of the Cape, Free State and Northern Provinces are all investigating complainants, some of which go back as far as 2011, against Nonxuba. But there seems to be little joy for complainants such as Lutshete, 54, who has been desperately chasing more than R500 000 from Nonxuba since 2012.

He said he was not surprised that none of the law societies

had an office in Johannesburg. Do you think they ever followed up on that information?"

Bissani Mabunda, the co-chairman of the Law Society of South Africa, said: "According to our information, no complaint brought to the relevant provincial law society relating to Mthatha, where Nonxuba has been ignored or left unattended to."

skits@sundaytimes.co.za

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Hawks probe lawyer after clients claim millions in RAF awards have not been paid