

ELSPETH NOMAHLUBI KHWINANA – CURRICULUM VITAE – 2023

ADMITTED ATTORNEY

PERSONAL DETAILS

Surname: Khwinana

Names: Elspeth Nomahlubi Berlinda

Residential Address:

Postal Address:

Cell:

Email Address:

Marital Status: Married

Computer Literacy: Ms Office, (Word, Excel and Powerpoint)

Driving License:

Membership Affiliation: Legal Practice Council 49472,
Nadel – National Attorney Democratic Laws
Sawla–South African Women Lawyer’s Association

Religion: Christian

Hobbies: Reading, Watching Television, Touring and Preaching

Board Representation: Chairperson of Appeal Board Committee PSIRA, 2013 to date
Tshwaranang Support Group Secretary 2008-2016, Vice Chairperson of
Attorneys development Fund 2015-2017, Chairperson of Attorneys
Development Fund 2017-to date ; Chairperson of Tshwaranang Support
Group 2018- to date and Sawla National Treasurer 2017 to-2020; Sawla
North West Chairperson 2016 to-2019 and Commissioner of the Small
Claims Court (Odi) since 2006 to-date, Chairperson of SAWLA
Fundraising National 2020 to-date, Chairperson SAWLADF 2021 to-date,
Additional Member of SAWLA NW 2021 to-date, FIDA SA Media Officer,
NADEL Odi Moretele Brits Chairperson 2021 to-date and National
SAWLA Student Co-ordinator 2022- to date.

TERTIARY QUALIFICATION

Admitted Attorney: 16 March 2000

Institution: University of South Africa

Courses finished: Conveyancing (1998)

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Transfer and registration of immovable property and mortgage bonds
Servitudes and Conditions on title deeds

Notarial (1998)

Registration of Ante nuptial Contracts and Trusts

Practical Legal Training (1997)

Training to be an attorney doing all laws and preparing for board exam

Institution: University of North West

Postgraduate Degree: **LLB Bachelor of Laws (1997)**

Junior Degree: **B.Juris Bachelor of Law (1995)**

SCHOOL QUALIFICATION

Highest Standard Passed: Grade Twelve

Period: 1989

School: Central Secondary School

ADDRESS: Private bag x 7

Soshanguve

0152

Subjects Passed: Afrikaans, English, Zulu, History, Biology, Biblical Studies

Matriculated with exemption

WORK EXPERIENCE

Employer: Mtimkulu Khwinana Attorneys

Position: CEO of Mtimkulu Khwinana Attorney's

Address: 15 Block A, Mabopane, 0190

Tel: 012 701-3663

Period: **02 February 2001 to date**

Duties: Managing own office and duties involved the following:

1. Handle all types of legal work for clients

- Criminal
- Civil
- Divorce
- Motor vehicle accidents claims
- Estate late matters

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- Liquidation, Liquor licenses and conveyance matters
- Preside over Appeals
- Drafting and review of legal contracts (leases, wills and trusts)
- 2. Train candidate attorneys**
 - Offering articles to trainees and giving them exposure to all legal matters
 - Providing guidance and counselling
- 3. Working with and interfacing with clients and staff**
 - Interfacing on all human resources matters
 - Hiring and firing of staff
 - Disciplinary matters
 - Training matters
 - Working with staff under pressure and ensure deadlines are met
 - Ensure teamwork at office amongst staff
 - Final Decision maker
 - Maintaining Trust account for all clients

During performance of all legal cases at office one was exposed and had to apply some of these Acts including and not limited to

Acts Exposed to

(i) Road Accident fund 56 of 1996,

- Instituting RAF claims
- Investigating and assessing claims
- Researching legal opinion and drawing same
- Negotiating Quantum
- Working with Doctors in preparing medical/legal report

(ii) Constitutional and Administrative law,

- Drafting constitutions
- Drawing a legal opinion in relation to the Constitution
- Amending constitutions
- Advising on procedures in relating to Administrative law

(iii) Labour Relation act 66 of 1995,

- Instituting Labour disputes in CCMA, Labour Court,
- Opposing Labour disputes instituted
- Researching a legal opinion
- Preparing and drawing all pleadings and Court attendance to argue the matter

(iv) SHORT-TERM INSURANCE ACT 53 OF 1998 and LONG-TERM INSURANCE ACT 52 OF 1998

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- Expose to working with doctors on medical legal reports for clients
- Preparing legal opinions in relation to their civil claims
- Assessing claims and quantifying them
- Instituting Legal Proceeding against Insurance Companies

(v) Matrimonial Law,

*Issuing of Divorce Summons in accordance with the Divorce Act 70/1979 as amended

- Opposing Divorce summons issued against clients and preparing counterclaims
- Preparing Pleadings , indexing and paginating court files
- Writing legal opinion on the issues in dispute
- Court Appearance in Magistrate’s Court and High Court
- Arguing legal issues raised in court
- Preparing clients for court
- Research on legal issues relating thereto

(vi) Commercial law,

- Drawing contracts for clients in relation to mergers and acquisitions
- Drawing contracts of sale between parties such as companies or individuals
- Drawing opinions on commercial issues on behalf of clients

(vii) Company Law 61 of 1973 as amended

- Advising clients on compliance law in relation to the company
- Assisting in registration of companies
- Keeping Minutes on behalf of the company
- Chairing meetings on behalf of companies

(viii) Intellectual Property Law,

- Registration of trademarks
- Research the extent of registration of a trademark
- Negotiating about the extent of their involvement in the creation of a trademark

(viii) Promotion of Administrative Justice Act 3 of 2000,

- Research and draft legal opinion
- Advise clients
- Restorative justice

(x) the Promotion of Access to Information Act 2 of 2000

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- Research and draft legal opinion
- Advise clients
- **(xi) COIDA (Act 130 of 1993)**
 - Completion of relevant forms
 - Assist in securing medical legal reports
 - Assessing the claim
 - Advising of further civil procedure to be followed
- **(xi) Criminal Procedure Act 51 of 1977**
 - Advise clients
 - Court appearance
 - Legal opinions
 - Representations
- **(xii) Magistrate Court Practice Act 32 of 1944**
 - Issuing summons
 - Pleadings
 - Court Appearance
 - Legal opinions
- **(xiii) High Court Practice**
 - Issuing summons
 - Pleadings
 - Court Appearance
 - Legal opinions
- **(XIV) Labour Relations Act/CCMA**
 - Presiding over Disciplinary hearings
 - Conducting Trials
- **(XV) Police Act**
 - Conducting Trials

Employer:	Office of Chief Justice
Address:	North and South Gauteng High Court
Position:	Acting Judge
Period:	02 November 2020 – 27 November 2020
	* 17 May 2021 - 18 June 2021,
	• 24 May – 28 May 2021 (South Gauteng High Court)
	• 08 November 2021- 03 December 2021
	• 15 July 2022- 12 August 2022
	• 13 February 2023 – 17 March 2023
Duties:	* Was invited to Act as a Judge

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- Conducting Civil Trials, Criminal and Civil Appeals, Bail Appeals, default judgements, Road Accident Fund Trials, Divorce Trials and Special Motions/Motion Court Matters.

Nadel Training

* Ethics

Employer:

Department of Justice

Address:

Odi Magistrate's Court

Position:

Magistrate- (Acting)

Period:

13 March 2006 – 28 February 2007

Duties:

Was invited to Act as a Magistrate

Presiding as a Magistrate in a Criminal Court,

Conducting Trials, Bail Applications, judgements, sentences and postponements of cases Domestic Violence Court

Taking evidence from both parties and making a ruling

Maintenance –Court

Conducting Section 10 enquiry failure to pay maintenance, holding an enquiry into proper amount for maintenance, conducting trial in the event parties do not agree, judgements and sentences

Employer:

Odi Community Centre

Address:

Zone 16 Uncle Nats Building Ga-Rankuwa

Position:

Senior Legal Officer

Period:

2003 January - December 2004

Duties:

Teaching student who were doing internship, consulting with clients, court work, Taking and keeping minutes for the organization

Reason for leaving:

One year Contract

Employer:

Jake Maseka Attorneys

Address:

5046 Zone 4 Ga-Rankuwa

Position:

Professional Assistant – Articled clerk

Period:

2 January 1998 -31 December 2000

Duties:

Court Appearance,

Litigation High and Magistrate's Court)

Drafting of legal documents

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Reason for leaving: Completed Articles and Wanted to practice for my own account
Employer: **University of North West**
Position: Graduate Assistant
Duties: Tutoring students/ invigilating during tests and exams
Period: 1994 February to December 1996
Reason for leaving: This was part time during studies

OTHER SHORT COURSE DONE TO KEEP UP TO DATE AND CURRENT

1. Institute: Lead
Course Mediation 18 April to 22 April 2016
2. Institute Rene P Lion-Cachet
Courses completed: **Legal Costs and Taxation (2012)**
Drafting bill of costs, Tariffs, and taxing before a taxing master
3. Institute: Lexis Butterworth's and Black lawyers Association
Courses completed: **Consumer protection Act (2012)**
Rights and privileges of consumers
Insolvency Law (2007)
Determining insolvency, procedure to be followed order to bring an application for voluntary sequestration
Labour Law (2001 to 2002)
Strikes, Lockouts, Retrenchments, Fair Procedures in DC hearings including recent developments of in how to retrench employees
4. Institute: Law Society of South Africa
Courses completed: **Criminal law (2001)**
Plea bargaining, Court Appearance, Different Offences magistrate, regional and High Court,
5. Institute: University of North West
Courses completed: **Street Law (1994)**
Criminal, Civil, Magistrates practice, High Court Practice, Estate, Divorce and Road Accident Fund Matters

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SKILLS STRONG IN

- Good presentation skills and ability to interact with all levels of people (junior and senior)
- Working under pressured environment
- Loads of experience in drafting and reading legal documents
- Experience in trust accounting

References contact details

1. Mr Tebogo Thupayatlase
Soweto Magistrate Court
2. Judge Peter Mabuse
Retired North Gauteng High Court Judge
3. Relebogile Rikhotso