

**In the Supreme Court of Appeal of South Africa**

**MEDIA SUMMARY –**

***KEVIN JOHN ROLLO SUMMERLEY*** ***APPELLANT***  
**and**  
***THE LAW SOCIETY OF THE NORTHERN PROVINCES*** ***RESPONDENT***

From: The Registrar, Supreme Court of Appeal

Date: 2006-05-19

Status: Immediate

(1) The SCA today upheld the appeal of Mr K J R Summerley against an order by the Pretoria High Court that his name should be removed from the roll of attorneys.

(2) Mr Summerley practises as an attorney in Gauteng. The order that he should be struck off was given by the High Court on application by the Law Society of the Northern Provinces. His conduct complained of by the Law Society was mainly that he mismanaged his trust account to the extent that he contravened the most basic rules of the society in that regard.

(3) The SCA agreed with the High Court that the misconduct relied upon by the Law Society rendered Mr Summerley unfit to continue practising as an attorney. Unlike the High Court, however, the SCA held that in all the circumstances he did not deserve the ultimate penalty of striking-off, particularly since the mismanagement of his trust account involved no dishonest misappropriation of trust money.

(4) In consequence, the SCA ordered that Mr Summerley be suspended from practice for a period of one year. Moreover, it was ordered that upon the expiry of his suspension, he would be restricted from practising for his own account for a further period of two years and that thereafter the restriction would only be removed if he could satisfy the High Court within the jurisdiction of which he then practises that it is appropriate to do so.