

Personal injury specialist attorney wins industry award

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Pretoria-based attorney Gert Nel of independent law firm, [Gert Nel Inc.](#), recently scooped the 2018 LexisNexis Prize for Legal Practitioners for the best article by a practising attorney published in De Rebus, the official journey of the attorneys profession.



His winning article, [Decoding s 2\(1\)\(a\) and \(b\) of the Contingency Fees Act](#), was published in the June 2018 edition of De Rebus. It focused on several issues, including the origin of contingency fees, foreign law, incentives for legal practitioners, the reasonability of fees and how the fees should be calculated.

Nel said he wrote the article to serve as a reference and a practical guideline to be used by any practitioner engaging clients on a contingency fees basis.

“The correct interpretation of Section 2(1)(a) and (b) of the Contingency Fees Act 66 of 1997 (CFA) has always been a contentious issue. With limited meaningful guidelines on the topic, any attorney engaging a client on a Contingency Fees basis, exposes themselves to tremendous risk from a professional and financial point of view, should his/her own interpretation not find favour with their professional controlling body or the Courts,” says Nel.

He hopes that the article will contribute to a uniform application of the Contingency Fees Act 66 of 1997, which will ensure fewer disputes of fees charged on a contingency fees basis and in so doing, restore public trust in the law profession.

As this was his first ever article submitted to De Rebus, Nel expressed his excitement at winning this coveted award. His prize from LexisNexis includes a Lenovo Tablet and one year’s free access to one practice area of LexisNexis Practical Guidance, an online tool that provides real-world legal content, structured around key topics within various practice areas.

“This is the first prize I have ever won and I am so proud and thankful that the value of the article was recognised by such a prestigious institution,” he said, adding: “I am very thankful for the prize and it will be a useful tool to allow easy access to the latest case law on matters that we deal with daily.”

He said having the resources at hand would allow for a more informed consultation process as he travels frequently, visiting the public in remote places and taking the law to the people.

“This prestigious prize will assist me greatly as I will be part of the campaign against the proposed new Road Accident Benefit Scheme Bill (RABS Bill). The subscription will assist me in engaging the decision makers in seeking solutions to the Road Accident Fund’s dire situation. Further, Gert Nel Incorporated will keep on changing the lives of people who were adversely affected by personal injury, always evolving, growing our company and finding new and innovative ways to ensure that the rights of victims are protected.”

Nel, a 47-year-old father of two, was admitted as an attorney of the High Court of South Africa in May 2000. After graduating at the University of Pretoria with a BProc in 1996 and an LLB in 1998, he worked at the Multilateral Motor Vehicle Accident Fund (MMF) where he discovered his passion for helping victims of personal injuries. He has been practicing independently since 1 May 2001.

Nel’s law firm has two directors, ten Professional Assistants and a staff complement of over 100 people with registered offices in Pretoria and Umhlanga. The firm specialises in personal injury matters. Nel is currently a member of the Personal

Injury Committee of the Law Society of South Africa (LSSA) and the Contingency Fees Tribunal and a former council member of the Law Society of the Northern Provinces (LSNP). He also serves as the representative of the LSNP in making oral submissions to Parliament on the proposed Road Accident Benefit Scheme (RABS) Bill.

Another of Nel's articles, *Road Accident Fund 'direct claims' versus public interest* was published in the August 2018 edition of De Rebus.

Articles by interested attorneys, not exceeding 2000 words in length, can be submitted to De Rebus for the 2019 competition. These need to comply with the publication's guidelines and must be published within the period 1 January and 31 December 2019. The winner will be announced by De Rebus in early to mid-2020.

Nel's winning submission can be read at <https://www.derebus.org.za/decoding-s-21a-and-b-of-the-contingency-fees-act/>.

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