



VERENIGING VAN ADVOKATE

SOCIETY OF ADVOCATES

MOKHGATLO WA BAEMEDI

SPECIAL NEWS LETTER JUNE 2017

On 14 June 2017, a meeting was held with Law Society of SA and various Bars and societies regarding the Legal Practitioners Act and the effect thereof on the legal profession. It was a 'first of a kind' and some more to follow.

It seems as if the legal professionals are standing together on some of the issues which stand to be regulated by the organs of state so to speak.

In short, the following are concerns –

1. **Training** - It seems as if the practical training of new legal professionals would include training post graduate and one year of civil service. There are 2 schools of thought in terms of training, but no decision has been made yet:
 - Attorneys and Advocates will get the same legal and practical post graduate training, where after a career choice should be made.
 - Attorneys and Advocates will receive separate training with some overlapping modules.
2. **Types of advocates** - That there will be advocates with and without a fidelity certificate.
3. **Direct access to public** - Some advocates with a fidelity certificate will be able to deal with the public directly – no lawyer involved.

4. **Section 35** - will regulate the fees and quotes – difficult. GO AND READ IT!!!! It seems as if we will be restricted to ‘fees to be charged’ similar to the Legal Aid board scale of fees. We will also need to supply quotations to Attorneys before a brief is accepted, in order to allow the Attorney to provide his/her client with a quotation.
5. **Older persons** - There is no provision for ‘older persons’ to enter the profession as training will be one of the requirements. The question was raised as one who retires from the private industry, being 55 years old, to undergo the training and community service – what then? On the other hand, if graduated, to be admitted as advocate, to train and to do community service and then only to move on to the private sector – how then?
6. **Postponement** - The implementation of the Act has been postponed to August 2018.
7. **The Law societies** - have a bigger problem as their existence seems to end when the Act has been fully implemented – some headaches for them.
8. **GSA** - We are going on as normal as a voluntarily organisation representing and acting on behalf and in favour of our members – this mean that our society does not have to be dissolved and come to an end. In this way, we are still a force to be reckoned with.
9. **Voting** - We have discussed the issue of ‘voting for the board’ but there was no final decision. It should form part of the AGM in November 2017 to get a mandate as to how and for whom to vote.
10. **LASA** - Problems with Legal Aid have been addressed *inter alia* the fees structure paid to Judicare instructions. There is a meeting with other stakeholders sometime in July 2017 where our concerns will be raised. However, the view was that LASA would like to get ‘rid of us’ –

those who does Judicare work – don't know the reason. It was raised that the standard procedure is to apply for a postponement – those who does this work understand if the matter has been set down for 5 days the effect hereof – 6 months later and the same happens.

11. **Backlogs in courts** - have been discussed and it will be addressed with the appropriate divisions. We have only received one complaint in 2016 which was addressed with the DJP and resolved. This is a sensitive subject as judges don't like to be confronted with outstanding work. It was mentioned that the JP and the 2 DJPZ's in our divisions are doing their utmost best to get the judgments and the backlogs sorted out. Emphasis was also placed on the fact that attorneys 'build a case' by adding papers and documents to 'show force' but which does not suit the case. Remember 'paperwork to get fees' does not mean that one 'would get fees'.

12. **GENERAL BAR COUNCIL OF SA** – The impression we got from the meeting feedback is that the GBC of SA are aiming to be the dominant role player for representation of Advocates.

Our motto is still to build on the past and to serve the public.

Our web site is nearly finished – it will add to our position, professional service and our society as a whole. Thank you to all members who send their photographs and information.

A Special Thank you to Pierre Louw and Sean Kelly for ensuring the progress on the website.

We will follow up and report back later this year on the developments to follow and steps to be taken.

J BRENKMAN