



LAW SOCIETY OF SOUTH AFRICA

What does the LSSA do for you?

By representing 25 800 attorneys and 6 700 candidate attorneys, the Law Society of South Africa (LSSA) has the leverage to represent the profession and speak on its behalf at national level and in various local, regional and international fora.

Provides free updates

- *De Rebus* on a monthly basis to all attorneys and candidate attorneys.
- Legalbrief LSSA weekly every Friday morning.
- Advisories, newsletters and guidelines regularly.
- Online resources and information brochures.

Empowerment

- Significant Leadership training for women lawyers.
- Mentorship initiatives.
- Participates in the Attorneys Development Fund.
- Free seeking/ceding articles adverts in *De Rebus* for prospective candidate attorneys.

Leadership

- Provides leadership for policy development:
 - LLB summit, ethics summit, summit on briefing patterns.
- Speaks nationally on behalf of the attorneys' profession.
- Brings six key stakeholders together as its six constituent members:
 - Four provincial law societies, Black Lawyers Association and National Association of Democratic Lawyers.
- Nominates attorneys to some 70 committees, boards and forums, such as: The Judicial Service Commission, Magistrates' Commission Rules Board, Deeds Registries and Sectional Titles Regulation Boards, Securities Regulation Panel, National Cybersecurity Advisory Council, National Forum on the Legal Profession, Information Regulator, etcetera.
- Cooperates with local and international stakeholders.
- Brings lawyers to South Africa by co-hosting regional and international conferences with stakeholders.
- Represents the profession on the Southern African Development Community Lawyers Association (SADC LA), Pan African Lawyers Union, BRICS Legal Forum, International Bar Association and Commonwealth Lawyers Association.

Protects and promotes democracy

- Protects and promotes the independence of the judiciary and of the legal profession.
- Undertakes advocacy initiatives and comments on legislation in the interests of the profession and public.
- Supports the efficient administration of the justice system.
- Monitors national and local elections.
- Undertakes democratisation initiatives with the: SADC LA, International Criminal Court and African Court.

Advocacy

- Undertakes litigation in the interest of the profession and the public:
 - Proxi Smart matter.
 - SADC Tribunal matter.
 - Muslim marriages matter.
- Cooperates with stakeholders on advocacy issues.

Specialist committees

- Interact with Parliament, government departments and other stakeholders.
- Comment on policy documents and draft legislation.
- Protect the interests of legal practitioners in many forums and with stakeholders.

Training for practitioners

- Through Legal Education and Development (LEAD):
- Provides affordable education for over 11 000 legal practitioners a year.
 - Continuing legal education seminars, workshops and courses.
 - Webinars and e-learning via e-LEADer.
 - Practice management training.
 - Conveyancing and notarial courses.

Provides practical vocational training

- for more than 1 500 candidate attorneys a year at nine attendance centres of the School for Legal Practice providing day and night training classes.
- Distance training School in cooperation with the University of South Africa.
 - E-learning.
 - Full-time, part-time and evening classes for compulsory courses for 2 500 candidate attorneys.
 - Training for law firm support staff and corporate lawyers.

Legal Practice Act Quick Facts

Objects of the Legal Practice Council



- (a) facilitate the realisation of the goal of a transformed and restructured legal profession that is accountable, efficient and independent;
- (b) ensure that fees charged by legal practitioners for legal services rendered are reasonable and promote access to legal services, thereby enhancing access to justice;
- (c) promote and protect the public interest;
- (d) regulate all legal practitioners and all candidate legal practitioners;
- (e) preserve and uphold the independence of the legal profession;
- (f) enhance and maintain the integrity and status of the legal profession;
- (g) determine, enhance and maintain appropriate standards of professional practice and ethical conduct of all legal practitioners and all candidate legal practitioners;
- (h) promote high standards of legal education and training, and compulsory post-qualification professional development;
- (i) promote access to the legal profession, in pursuit of a legal profession that broadly reflects the demographics of the Republic;
- (j) ensure accessible and sustainable training of law graduates aspiring to be admitted and enrolled as legal practitioners;
- (k) uphold and advance the rule of law, the administration of justice, and the Constitution of the Republic.

National Legal Practice Council

delegated powers



- Provincial Council (Western Cape)
- Provincial Council (Northern Cape)
- Provincial Council (Eastern Cape)
- Provincial Council (Free State)
- Provincial Council (KwaZulu-Natal)
- Provincial Council (Gauteng)
- Provincial Council (North-West)
- Provincial Council (Mpumalanga)
- Provincial Council (Limpopo)

Authority to render legal services

(s 30 as amended by the Legal Practice Amendment Act)

(1) Subject to any other law no person other than a **practising** legal practitioner who has been admitted and enrolled as such in terms of this Act may, in expectation of any fee, commission, gain or reward—

- (a) appear in any court of law or before any board, tribunal or similar institution in which only legal practitioners are entitled to appear; or
- (b) draw up or execute any instruments or documents relating to or required or intended for use in any action, suit or other proceedings in a court of civil or criminal jurisdiction within the Republic.

Legal practitioners

Attorneys	Advocates with trust accounts	Advocates
Admitted by High Court (s 24) Enrolled by LPC (s 30)	Admitted by High Court (s 24) Enrolled by LPC (s 30)	Admitted by High Court (s 24) Enrolled by LPC (s 30)
'Conveyancer' and 'notary' means any practising attorney who is admitted and enrolled to practise as a conveyancer/notary in terms of the LPA.		
LP Amendment Act: amended s 114: '(5) Every attorney who, on the date referred to in s 120(4), has the right of appearance in the High Court of South Africa, the Supreme Court of Appeal or the Constitutional Court in terms of any law, retains that right after the commencement of this Act.'		
Appearance (s 25)		
Any court, but certificate required for higher courts	Any court	Any court
Briefed by public Must have trust account and FFC and comply with Ch 7 (s 34(1))	Briefed by public and Justice Centres Must have trust account and FFC and comply with Ch 7 (s 34(2)(b))	Briefed by attorneys and Justice Centres (s 34(2)(a))
Practice		
Own account In juristic entity with other attorneys Law clinic Legal Aid South Africa State Attorney SA Human Rights Commission (s 34(5) and (7))	Own account May not share fees Law clinic Legal Aid South Africa State Advocate SA Human Rights Commission (s 34(6))	Own account May not share fees Law clinic Legal Aid South Africa State Advocate SA Human Rights Commission (s 34(6))
Conversion in terms of Rules (s 32)		

2018

Anticipated timeline



What will change?

A unified legal profession with uniform admission requirements and uniform registration with the LPC; as well as some uniformity in practical vocational training (PVT)

Advocates can elect to accept briefs direct from the public and have trust accounts

Non-practising legal practitioners will be regulated by the LPC, but will not vote

Office of the Legal Services Ombud is created to -

- ♦ Protect and promote the public interest in the rendering of legal services
- ♦ Ensure the fair, efficient and effective investigation of complaints of alleged misconduct against legal practitioners;
- ♦ Promote high standards of integrity in the legal profession.
- ♦ Promote the independence of the legal profession.

The Ombud is independent and subject only to the Constitution and the law.

There will be -

Compulsory post-qualification professional development (CPD)

Mandatory community service

Minimum remuneration for candidate legal practitioners

Easy conversion between attorneys' and advocates' professions.

Non legal practitioners on LPC

Disciplinary committees: Lay persons; open hearings; compensation; publication of outcome

Recognition of foreign qualifications and admission of foreign practitioners

A Code of Conduct - Code was approved by NF Plenary and was Gazetted on 10 February 2017. This will be gazetted again for public comment by the LPC. The Code is largely based on Law Societies' Rules for the Attorneys' Profession, GCB Rules and CLASA Code of Conduct.

What else will change?

Fees: Tariff to be prescribed in Regulations.

When receiving instructions from client, the Attorney or trust account Advocate must provide a written cost estimate notice of:

- fees, disbursements and other costs
- hourly rate
- client's right to negotiate fees
- work to be done iro each step of the litigation process
- the likelihood of engaging an Advocate, the fees payable and the costs recovery regime
- legal and financial consequences of withdrawal from litigation.

Verbally explain every aspect of the cost estimate notice

Client must sign the cost estimate notice
Failure to comply, constitutes misconduct and client is not obliged to pay until LPC has reviewed the matter.

Elections

of Legal Practice Council members

Only practising legal practitioners will vote
Separate voters rolls for attorneys and advocates

Attorneys will vote for 10 councillors
Advocates will vote for 6 councillors

To be decided

once LPC comes into operation (Minister will determine either in or after consultation with the LPC)

Admission, enrolment and right of foreign legal practitioners to appear in courts and to practise as legal practitioners in SA

Community service

Limited liability practices

Multidisciplinary practices

Paralegals

