

26 October 2021

## **Column: Legal Practice Council (“LPC)**

On 31 October 2021 our term as the current National Council of the LPC is coming to an end. The last three years serving in the Council was very fruitful although challenging at the same time. The LPC was new to all of us, and it brought a lot of optimism and anticipation. I would like to pass my gratitude to all the members of the Council who brought their energy and insights on how we can deliver on our mandate and implement the provisions of the Legal Practice Act to improve the profession.

Transitioning into a new phase is never easy in any profession especially if you have been used to doing things in a particular way based on different laws for over 40 years. The promulgation of the Legal Practice Act in 2014 and the establishment of the Legal Practice Council on 1 November 2018 changed the landscape of the legal profession, providing for a single regulatory body for the two branches of the legal profession being attorneys and advocates.

As the Council we were mandated by the Legal Practice Act to among others:

- regulate the legal profession including setting norms and standards, for practical vocational training
- Restructure and transform the legal profession;
- promote access to the legal profession especially of women and Black people; and
- promote the public interest

## **Transforming the legal profession**

Engagements around the transformation of the legal profession in South Africa have been done through various discussions since the dawn of our democracy and have culminated into the Legal Practice Act. Research and the lived experience of Black practitioners show that problems such as racism, skewed racially discriminatory procurement practices and sexism create obstacles to building sustainable legal practices for Black practitioners and women.

To comply with its statutory mandate regarding transformation the Council in May 2019 decided to initiate the facilitation and development of a B-BBEE Legal Sector Code. A process to develop the Sector Code was embarked upon. A Legal Sector Code Steering Committee, comprising of major stakeholders in the legal profession was established to drive the process and conducted countrywide consultations and drafted the Code. The Legal Sector Code will serve as the B-BBEE measurement framework for the procurement of legal work by the public sector (government departments and all its arms including public entities), as well as the private sector.

The Code was approved by Minister of Justice and Correctional Services, the Honorable Ronald Lamola and DTIC will publish the draft for public comment for a period of 60 days. After consideration of contributions from the public it will be gazetted in terms of the BBBEE Act.

Two key provisions in the Legal Sector Code worth highlighting are firstly the establishment of a Legal Sector Transformation Fund for the purpose of receiving and administering contributions made by law firms and advocates. This Fund will provide financial assistance and support to black legal practitioners especially Black women including financial grants to start up law firms and financial support for Black junior advocates. The second is setting significant targets for the procurement of legal services from Black legal practitioners by both the state and private sector. The current levels of procurement by both the state and the private sector are skewed and unfairly disadvantage Black practitioners. Once the Legal Sector Code is gazetted, these targets will assist in ensuring Black firms and advocates build sustainable practices.

### **Protecting the public**

The Council developed, gazetted and published the Code of Conduct for all Legal Practitioners in South Africa in terms of in terms of Section 36(1) of the Act and the Rules of the LPC under the authority of sections 95 (1), 95 (3) and 109 (2) of the Act. This is at the core of the work that we do as a Council - to protect the public from unscrupulous legal practitioners.

### **Access to the profession**

The Council has registered over 6000 new legal practitioners and over 8000 Practical Vocational Training contracts (formerly known as articles) in all our nine provincial offices since 1 November 2018. We coordinated 5 Attorney Admission, Conveyancing, and Notarial exams that covered over 29000 candidates and in 2021 we successfully administered the Advocates Admissions Exams for the first. time in the history of the profession.

Previously different Bars each administered their own exams. The LPC's administering of the advocates' examination provide for consistency and standardisation. Candidates now register online for their exams and this has helped in streamlining the application process.

The Council ensured that we continue to fund some accredited legal education institutions which assist in increasing access to the profession by providing legal education.

When the Council received complaints that some candidate attorneys are being required to have a car and drivers licence as a requirement for obtaining articles, the Council amended the Rules to prohibit this.

### **Access to Justice**

The LPC is passionate about ensuring access to justice for the broader public. In this regard it approved funding for 19 law clinics considering the important role they play, not only in assisting ordinary members of the public but also training law graduates and thereby affording them an opportunity to access work in the profession. The LPC also partnered with Community Advice Offices South Africa (CAOSA) to implement a pilot project in the lower and high courts in Gauteng and Mpumalanga for a period of six months and funded the pilot project. The project places LLB graduates and paralegals at the various courts to provide assistance to the general public entering the courts. This assistance would be in the form of basic legal advice, procedures to be followed, and referral to a pro bono legal practitioner where necessary.

We successfully engaged with the Safety and Security Sector Education and Training Authority (SASSETA) to fund pupils (candidate advocates) for the first time in the history of the profession. Ordinarily candidate attorneys get paid during their period of articles but pupils do not get paid for the year of pupillage. As a result of the engagement, SASSETA is now funding 76 pupils who qualify by way of a monthly stipend from the date of the award until the candidates are admitted as advocates.

I want to thank the profession for having continued to engage with us during our term about the mandate of the Council in transforming the profession and ensuring access to the profession and ultimately access to justice.

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Chairperson of the Legal Practice Council