

26 November 2021

**NOTICE TO LEGAL PRACTITIONERS:
LPC TO BE ADVISED ON CHANGES OF CONTACT DETAILS AND PRACTICE STATUS**

It has come to the attention of the Council that many legal practitioners have changed some or all of their contact details (physical address, email address and telephone number of the practice and cellphone number where applicable) without notifying the relevant provincial office of the Council to update the contact details accordingly. In terms of Paragraph 3.17 of the Code of Conduct published in terms of section 36 of the LPA (“the Code of Conduct”), it is mandatory to notify Council, in writing, within 30 days of any change to any of their contact details.

In addition, a number of legal practitioners have ceased practising without notifying the relevant provincial office of the Council of the changed status, and without complying with the requirements for the closure of their practice as set out in subrules 54.31 to 52.32 of the Rules made under the authority of sections 95(1), 95(3) and 109(2) of the Legal Practice Act (“the LPA”).

Clauses 18.4 to 18.5 and clause 53 of the Code of Conduct deal with the abandonment and closure of a practice by an attorney and a trust account advocate respectively, and they provide that these forms of legal practitioners may not –

1. abandon their practice; or
2. close their practice without prior notice to the Council and to their clients and, in the case of trust account advocates, to attorneys by whom they have been briefed, without arranging with those persons for the dispatch of their business or the care of the property in their possession or under their control.”

Subrule 54.33 of the Council’s Rules empowers the Council to take necessary steps for the protection of a legal practitioner’s clients’ affairs and states that *“In the event of non-compliance with accounting rule 54.31 or 54.32, or if at any time the Council has reason to believe that adequate provision has not been made for the winding up of the practice or for the protection of the interests of clients’ affairs, the Council may take such steps as it deems necessary to wind up the practice subject to the Council being entitled to recover the reasonable expenses incurred and reasonable compensation for work done in connection therewith from the trust account practitioner concerned.”*

To enable the Council to provide efficient and effective services to both legal practitioners and members of the public, legal practitioners are therefore required to notify the relevant provincial office as and when there is change of their contact details (physical address, email address and telephone numbers) and their status from practising to non-practising and non-practising to practising.

In addition, legal practitioners are required to comply with the provisions of the Code of Conduct and not abandon their practice, or close the practice without prior written notification to the relevant provincial office of the Council and to the clients as required by the provisions in the Code of Conduct referred to above and, where the practice is to be closed, to comply with the closure requirements as set out in subrules 54.31 to 54.32.

Should legal practitioners fail to comply with these provisions the Council shall, as a last resort, take the necessary steps envisaged in subrule 54.33 to protect the interests of the clients and for the winding up of the practice.

Issued by the Legal Practice Council

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