

# RESEARCH FINDINGS ON BRIEFING PATTERNS

by

MR Phooko



Learn without limits.

UNISA



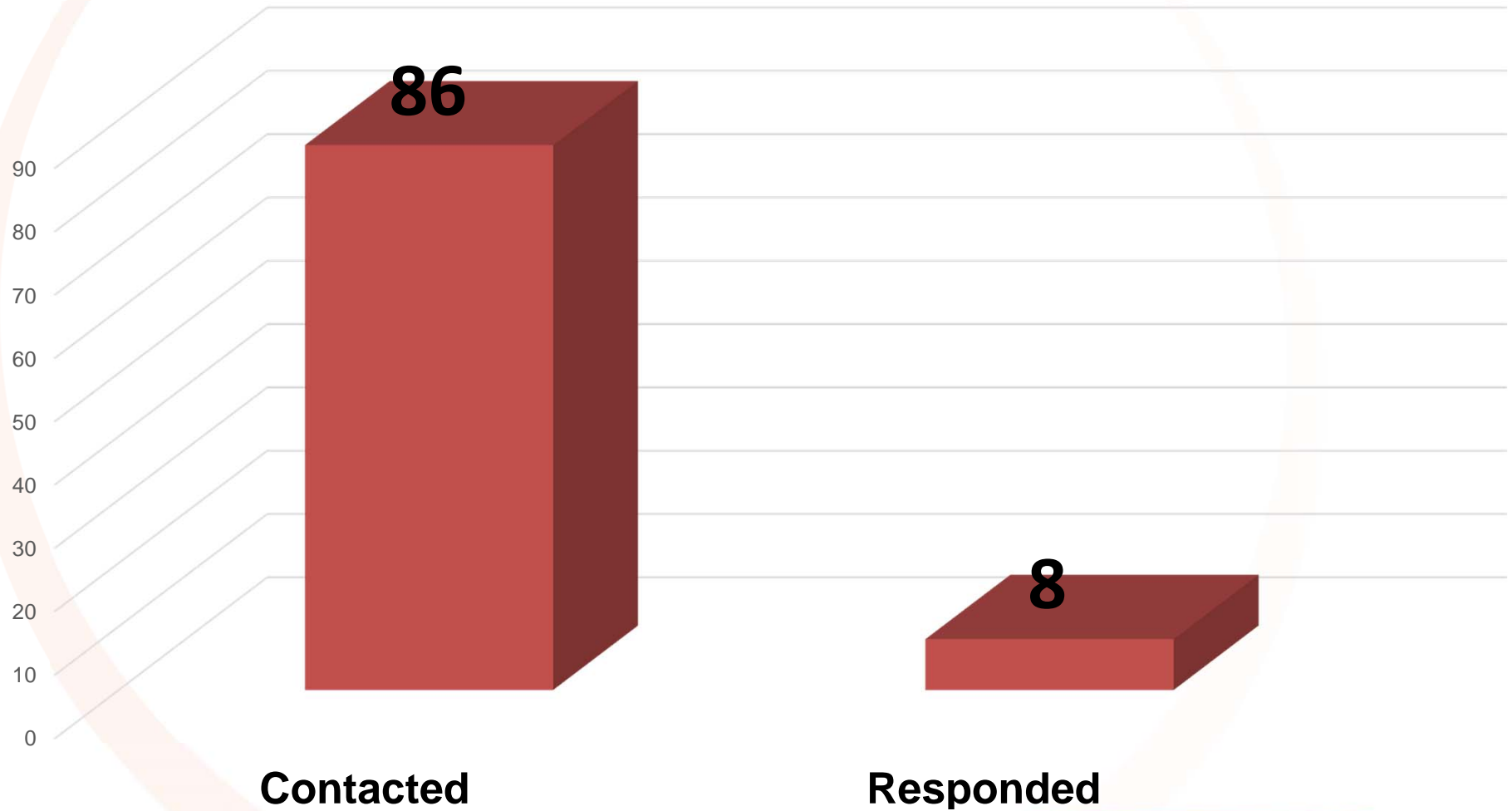
# OUTLINE

- Methodology
- Information requested from gvt dept and state owned entities
  - Responses on briefings 5 Jan 2015 – 12 Feb 2016
  - Non-disclosure clauses 3 but compliance with BEE and PPP
- Constitution and DOJ
- Submissions
- Recommendations
- Observations
- Acknowledgements
- Questions

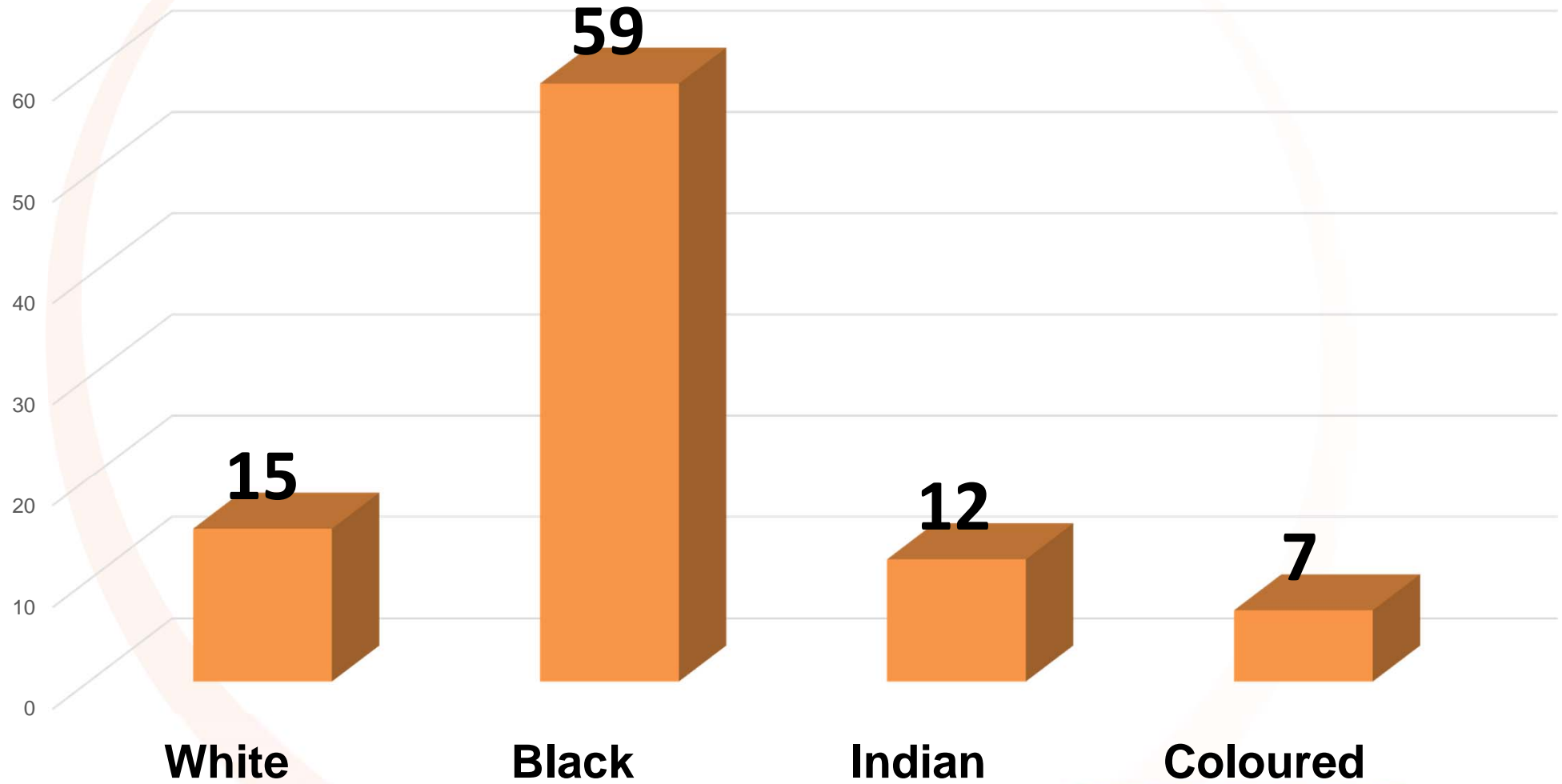
# METHODOLOGY

- Qualitative and Quantitative research
- Dearth written research - CALS Report
- Requested information on distribution of work
- Sample mode of response included name, race, gender, juniors involved in the case where race, gender ect also considered
- Submission made as per the invite

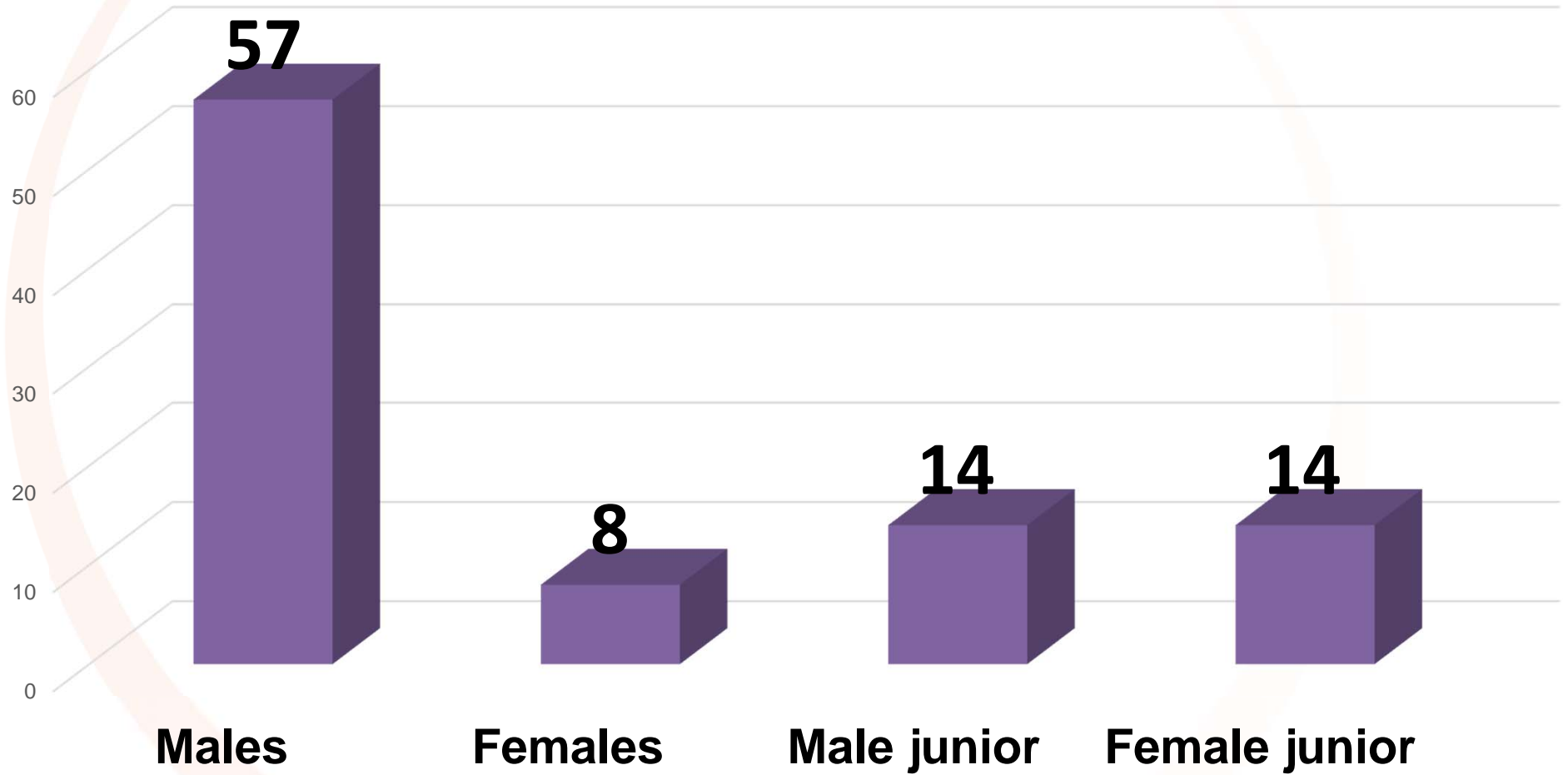
# INFO REQUESTED GOV AND STATE OWNED ENTITIES



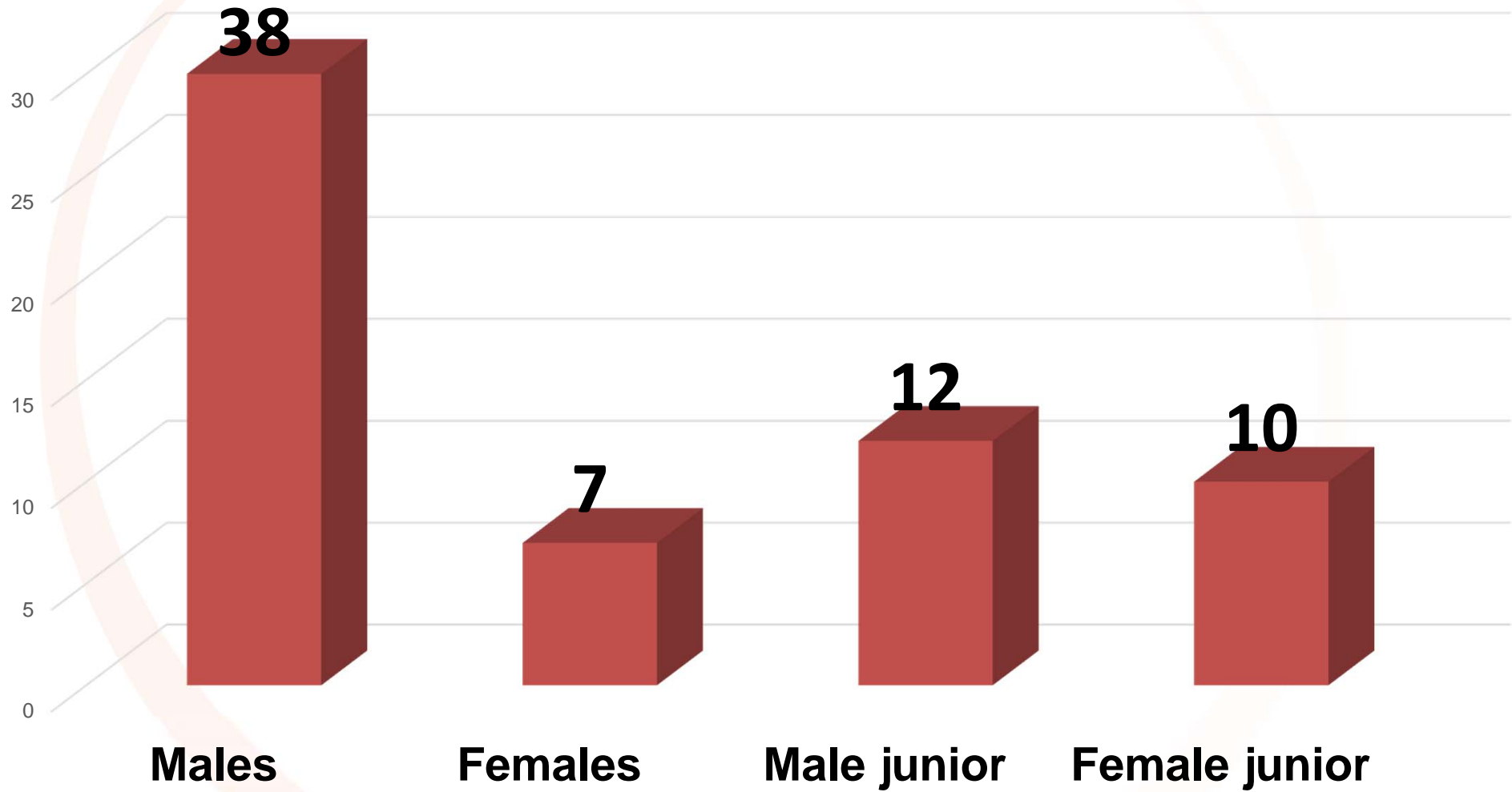
# NUMBER OF ADVOCATES BRIEFED ITO RACE



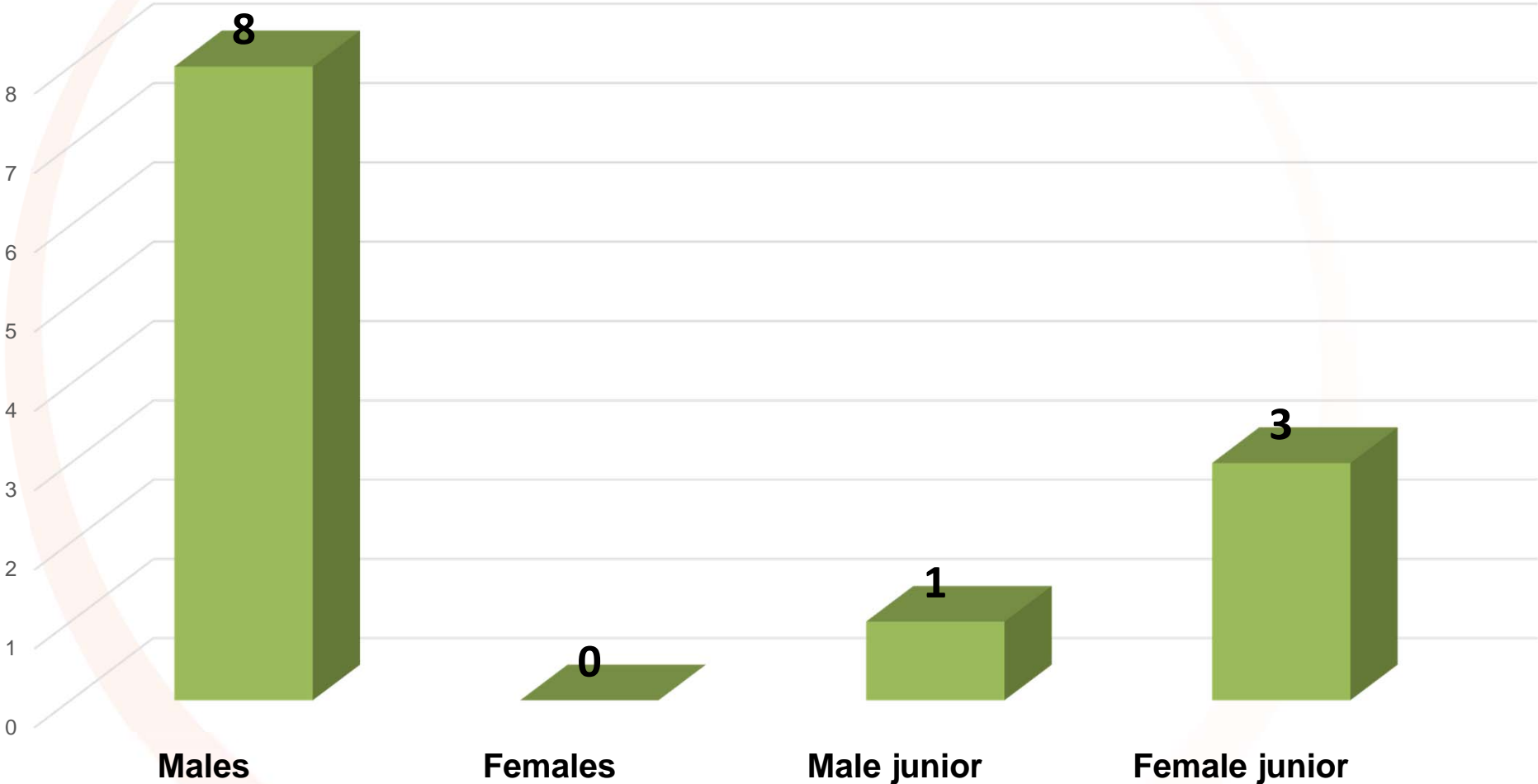
# NUMBER OF ADVOCATES BRIEFED ITO GENDER



# BLACK ADVOCATES BRIEFED

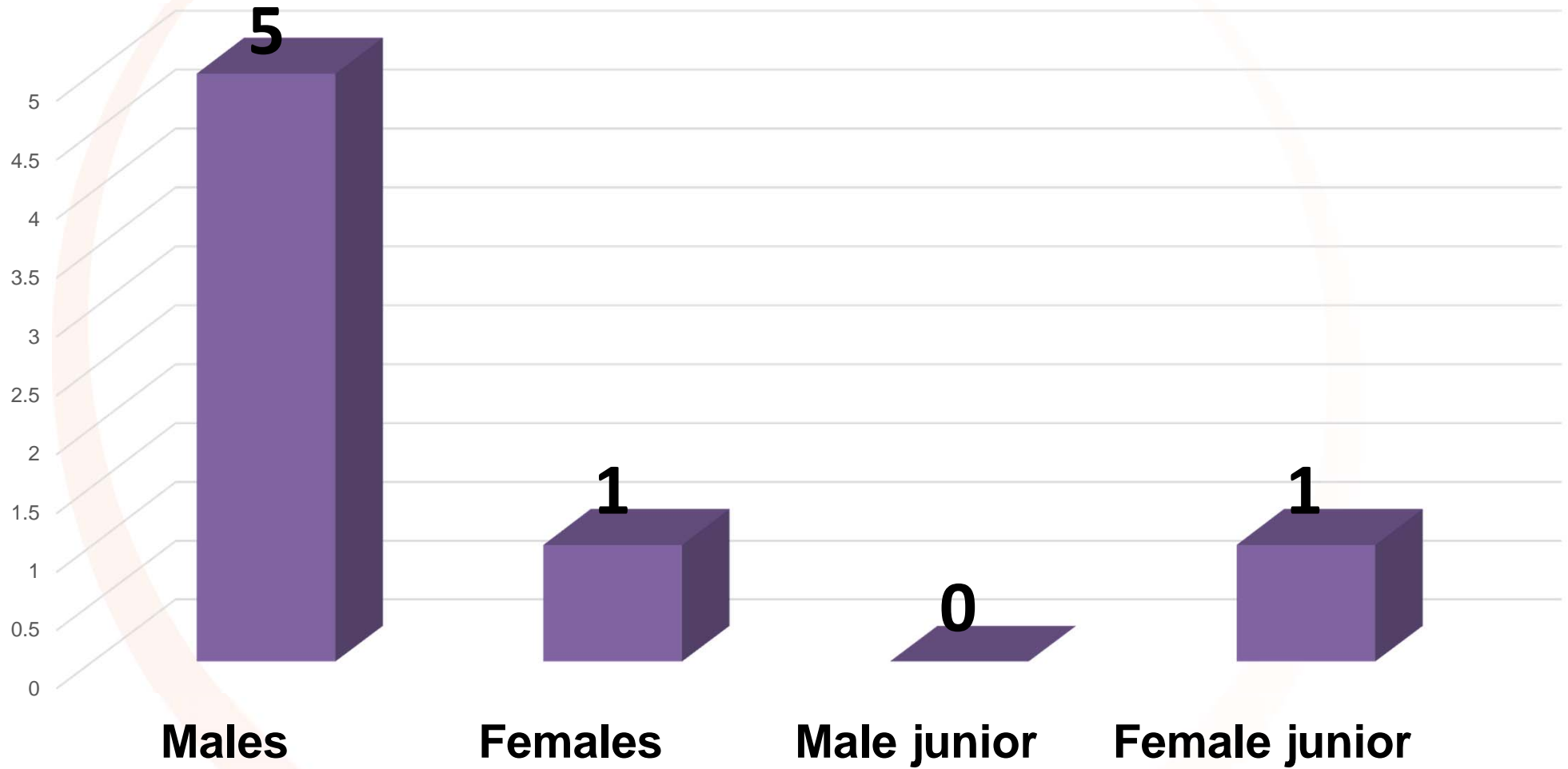


# INDIAN ADVOCATES BRIEFED

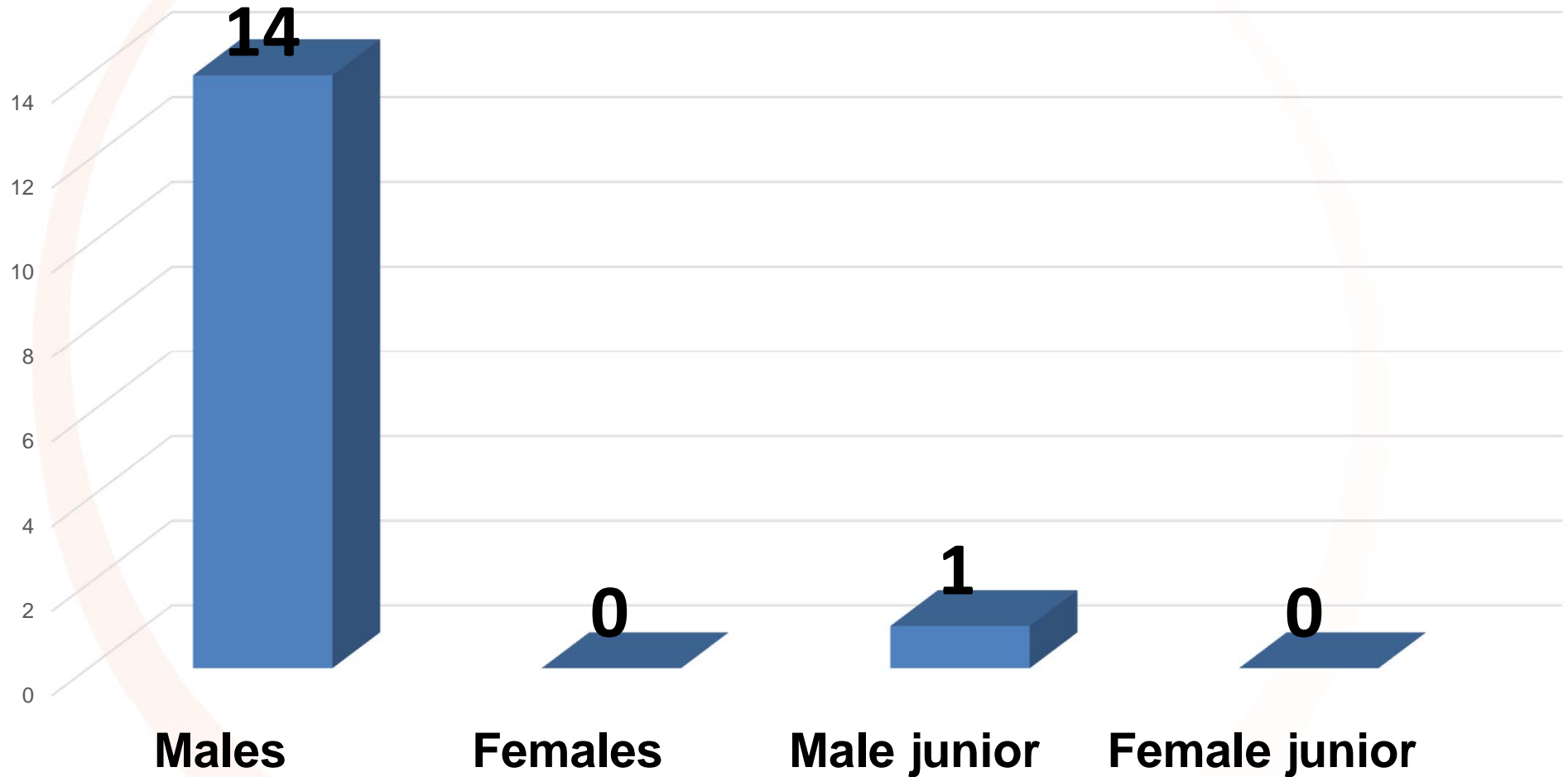




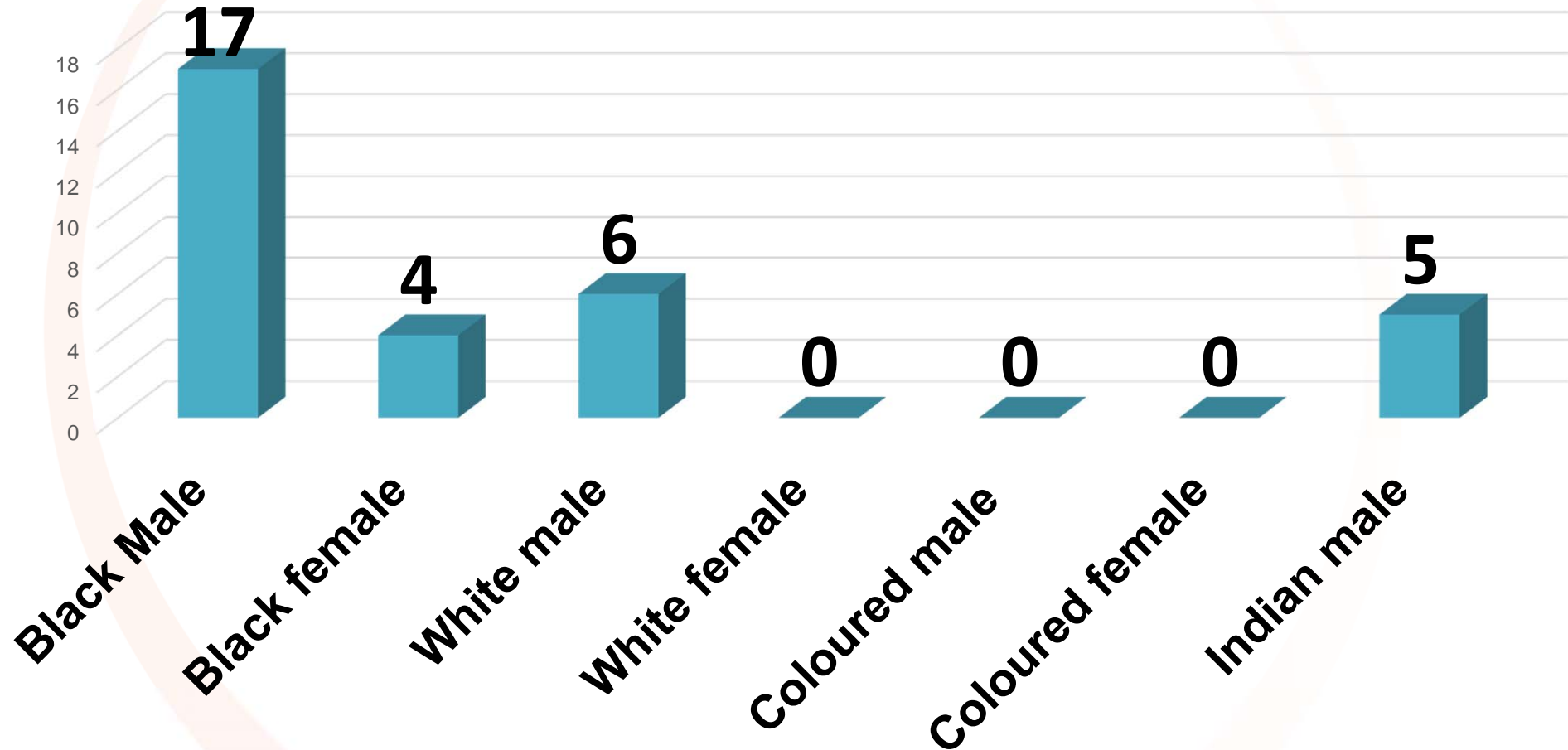
# COLOURED ADVOCATES BRIEFED



# WHITE ADVOCATES BRIEFED



# ATTORNEYS RECEIVING WORK (PRIVATE/STATE ATTORNEY)



## CONSTITUTION AND DOJ

- ❑ Constitution s 9 (2) and Justice Vision 2000
- ❑ legal profession has to be transformed
- ❑ DOJ to drive the transformation of the legal profession.
- ❑ No response but major consumer of legal services and policy maker INT of driving transformation in the legal profession.

# SUBMISSIONS

- OSA collude with advocates
- Fact that one is female = overlooked exception = good looking
- Black = stereotypes, location, commercial work exp, incompetence etc
- Relationships counts
- “Baby juniors” hard to make it depending about whom you know
- Rotational system at Bar
- Private firms = exclude disadvantaged groups and seniors instructs Adv to be briefed
- Referral profession = network
- Snr Counsels roles to Jnr?
- Effective management of SOEs
- Attorney’s exposure to specialized areas eg Investment banking
- “Forward thinking in-house counsel

# RECOMMENDATIONS

- ❑ Regulatory bodies to be more involved
- ❑ Audit state attorney
- ❑ Policy to regulate SOE to brief previously disadvantaged group
- ❑ Cape Bar Policy 2006 – fair work black and females – JHB BAR?

- ❑ Untransformed corporates pressured to brief black owned firms
- ❑ Clerk employed by group to distribute work
- ❑ Circulation of jnr Adv's and areas of expertise

# OBSERVATIONS AND CONCLUSION

- Although preliminary info indicates otherwise, submissions and research revealed that this is an obvious topic = unequal distribution of work
- Lack of response a concern = What info do they have?
- One response does not keep race and gender?
- Monitoring and policy to address issue at hand

# ACKNOWLEDGEMENTS

- Hermanius Combrick (UNISA – Dep of Financial Governance)
- Departments and SOE that supplied info requested
- Submissions made to LSSA by stakeholders
- CALS report 2014 on TLP
- J Klaaren, Sonke Gender Justice, etc





Thank you

Learn without limits.

UNISA

