

LAW SOCIETY OF SOUTH AFRICA: LEGAL PRACTICE ACT ADVISORY



Fourth meeting of the National Forum on the Legal Profession 23 January 2016

Parts 1 and 2 of Chapter 10 of the Legal Practice Act 28 of 2014 came into effect on 1 February 2015. This brought into being the National Forum on the Legal Profession.

Dear Colleagues

The [National Forum](#) on the Legal Profession (NF) held its fourth meeting on 23 January 2016 in Centurion, on the eve of the first anniversary of the implementation of the Legal Practice Act 28 of 2014 (LPA). Parts 1 and 2 of Chapter 10 of the LPA were implemented on 1 February 2015 bringing the NF into being.

Two of the NF members – Martha Mbhele and Willem van der Linde – were replaced by their nominating constituents as they have both been appointed to the Bench. The Law Society of South Africa has nominated its former co-chairperson, Kathleen Matolo-Dlepu from the Black Lawyers Association to replace Ms Mbhele, and the General Council of the Bar has replaced Mr Van der Linde with Geoff Budlender SC.

The NF is still in the process of finalising its staff complement, however, the practitioners in the [four working committees](#) continue to deal diligently with the [tasks](#) allocated to those committees. As matters are ripe for recommendation, such recommendations from the committees will serve before the plenary of the NF for debate and finalisation. In the meantime, the NF's Chairperson and Deputy Chairperson – Kgomotso Moroka SC and Max Boqwana – continue to brief the Minister and are in the process of drafting the second six-monthly report on the NF's progress which must be made to Justice Minister Michael Masutha in terms of s 98(4) of LPA.

The **Governance Committee** is preparing recommendations to the NF on whether there should be nine provincial councils (s 23) and committees (s 23(6)) at every seat of the High Court, or whether it would be more feasible to have six provincial councils or four based on the current provincial law societies' jurisdictions. The committee has worked on an allocation of functions at national, provincial and committee level.

The committee has also consulted with the State law advisers to review *lacunae* in the Act with a view to making amendments so that a proper hand-over period is provided for. This will allow the NF to oversee an implementation process from the current dispensation to the new dispensation.

The **Rules and Code of Conduct Committee** has been working on a code of conduct which is envisaged to contain broad principles in its preamble, referring to the Constitution, transformation imperatives and prohibition of unfair discrimination. The rules are being drafted taking into account the current uniform rules for the attorneys' profession, as well as rules relating to the advocates' profession.

The **Education, Standards and Accreditation Committee** is discussing the future of vocational training focussing on the extent to which it may be possible to coordinate the training of attorneys and advocates, and looking at specific training that may be required for candidate legal practitioners entering each branch of the profession.

Besides dealing with the recruitment and appointment of NF senior and administrative staff, the **Admin and Human Resources Committee** must also tackle the human resources organogram for the LPC and the consultation process of transferring staff from the current statutory law societies to the LPC.

Once firm position papers emerge from the working committees and the NF, these will be communicated to practitioners and input will be invited at the appropriate stages. Also, at the most appropriate time, the LSSA will undertake road shows across the country to inform practitioners of developments.

In the meantime, we invite you to communicate with us if you have questions or require information. You are welcome to e-mail us at contact@LSSA.org.za.

MAX BOQWANA and JAN STEMMETT

Read more on
▶ [the composition](#) of the
National Forum

▶ [the tasks](#) of
the National Forum

▶ [Download the
Legal Practice Act](#)

Contact the LSSA -
E-mail:
LSSA@LSSA.org.za
Tel: (012) 366 8800
Fax: (012) 362 0969

Chairperson and Deputy Chairperson of the LSSA National Forum Committee

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