



## **PRESS RELEASE**

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### **LAW SOCIETY NOTES JUDGMENT ON THE UNCONSTITUTIONALITY OF CONFERRAL OF SENIOR COUNSEL STATUS BY THE PRESIDENT**

The Law Society of South Africa (LSSA) notes the judgment handed down by Judge Legodi Phatudi in the North Gauteng High Court, Pretoria yesterday in the matter of *Urmilla Roshnee Mansingh v the President of the Republic of South Africa and Others*. The court found that the President does not have the power to confer the status of senior counsel on practising advocates as an honour in terms of section 84(2)(k) of the Constitution.

The LSSA was one of the parties cited by Ms Mansingh in the matter. The LSSA indicated that it would abide by the decision of the court. The LSSA does so, and is committed to dealing with this issue together with the Minister of Justice and Constitutional Development and the advocates' profession as part of the discussions on the Legal Practice Bill.

'The LSSA submitted that it could not have been the intention of the drafters of the Constitution to constitutionalise the conferring of "silk" or senior counsel status under s 84(2) of the Constitution, as the preamble to the Constitution cuts the relations with the past,' say LSSA Co-Chairpersons Nano Matlala and Praveen Sham. This is a contention with which the court agreed, stating it was not an oversight on the part of the drafters of the interim and final Constitution not to include the prerogative to bestow the SC title on advocates to the President in our current Constitution.

The LSSA is of the view that, if there is to be recognition for contribution by legal practitioners to society, the legal profession should determine the manner of application, procedure and criteria, as well as the most appropriate form this recognition should take.

***ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE LAW SOCIETY OF SOUTH  
AFRICA, NANO MATLALA AND PRAVEEN SHAM***

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**Editor's note:**

The Law Society of South Africa is a member of the SADC Lawyers Association.

The Law Society of South Africa brings together its six constituent members – the Cape Law Society, the KwaZulu-Natal Law Society, the Law Society of the Free State, the Law Society of the Northern Provinces, the Black Lawyers Association and the National Association of Democratic Lawyers – in representing South Africa's 20 200 attorneys and 5 300 candidate attorneys.