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COMMITTED TO BUILDING A BETTER LEGAL PROFESSION FOR ALL

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LATEST ON THE LEGAL PRACTICE ACT

The [Legal Practice Amendment Bill](#) has been approved by the National Assembly and is now before the National Council of Provinces. Besides technical and other changes to the Legal Practice Act, 2014 to enable a smooth transition to the new dispensation next year, the following are worth noting:

- Clause 4 amends s 33(1) and (3) to provide that only practising legal practitioners may perform certain acts or render certain services by inserting the word 'practising'.
- Clause 11 provides that attorneys who had the right of appearance in the High Court or the Constitutional Court in terms of any law before the commencement of the Legal Practice Act, will retain that right after the commencement of the Act.

Legal Practice Amendment Bill: [Download here](#).

New provisional timelines for the implementation of the Legal Practice Act in 2018:

[View here](#).

For the latest developments, including the recommendations made by the National Forum to the Minister, [click here](#).

COMMENT ON THE RABS BILL BEFORE MONTH END

The Portfolio Committee on Transport has called for written comments on the Road Accident Fund Benefit Scheme (RABS) Bill B17-2017.

The LSSA has in the past [expressed serious reservations](#) with fundamental flaws underlying this Bill. The closing date for written submissions to the LSSA (for potential annexation as part of the LSSA's comments) is 27 November 2017 at kris@LSSA.org.za.

Practitioners and stakeholders can also submit comments direct to the Portfolio Committee on Transport for the attention of Valerie Carelse at vcarelse@parliament.gov.za by 30 November 2017. She can also be reached on (021) 403 3272 or 083 709 8445.

[Read more and download the RABS Bill here.](#)

GIVE YOUR VIEWS ON COMMUNITY SERVICE AND *PRO BONO*

The LSSA, together with its constituent members, have, with the support of the Foundation for Human Rights, undertaken a dialogue project aimed at investigating relevant models for the implementation of a national model for the delivery of *pro bono*/community services by the South African legal profession.

Legal practitioners are asked to submit their views on s 29 of the [Legal Practice Act, 2014](#) dealing with community service to the LSSA by 30 November 2017 by e-mail to kris@LSSA.org.za for inclusion in the final report on community service, which will be submitted to the Legal Practice Council, once established.

[Read more here](#), including s 29 of the Legal Practice Act.

APPLY FOR YOUR 2018 FIDELITY FUND CERTIFICATE NOW

Practitioners are expected to apply for their FFCs between October and December 2018 in order to comply with the requirement to hold an FFC in order to practise.

Application procedure and guidelines for online applications - [Read more here](#)

Fidelity Fund certificate application form - [Read more here](#)

Frequently asked questions - [View here](#)

Additional resource: The clock is ticking ... time to start applying for Fidelity Fund certificates [Read here](#)

If you have not received communication in this regard, please contact your provincial law society:

Law Society of the Northern Provinces:

database@lsnp.org.za or records@lsnp.org.za or anette.vaneck@lsnp.org.za or brenda.sonto@lsnp.org.za or call 012 338 5861 / 012 338 5915 / 012 338 5916.

Cape Law Society: clsffc@capelawsoc.law.za or call (021) 443 6700.

KwaZulu-Natal Law Society: records@lawsoc.co.za or call (033) 345 1304.

Law Society of the Free State: ilze@fs-law.co.za or jacoline@fs-law.co.za or call (051) 447 3237.

DEADLINE FOR FIRST 2018 PMT SESSION: 8 DECEMBER 2017

If you were issued with your first Fidelity Fund certificate in 2016 or earlier this year, you are reminded that you need to comply with the mandatory practice management training (PMT) requirements in terms of the Judicial Matters Second Amendment Act, 2003, in order to

receive your subsequent certificates.

The deadline for the first intake for the LEAD PMT course in 2018 is 8 December 2017. The course starts in February 2018.

Information brochure and registration form: [Download here.](#)

Training schedule: [View here.](#)

Exemption and extensions: The exemption and extension process is dealt with by a formal application to the Records Division of the practitioner's provincial law society.

[Read more here.](#)

2018 PROFESSIONAL EXAM DATES

The professional examination dates for 2018 are:

Admission examination: 6 - 7 February or 14 - 15 August.

Conveyancing examination: 9 May or 5 September.

Notarial examination: 20 June or 10 October.

Candidates should register with the relevant provincial law society.

[Read more here.](#)

PROXI SMART MATTER: APPLICANT FILES HEADS OF ARGUMENT

Proxi Smart filed its [Heads of Argument](#) on 14 November 2017. The matter is set down for hearing in the High Court: Gauteng as a special motion on 6 to 8 February 2018. The parties have requested that the matter should be heard by a Full Bench.

Read more on the matter and view all the court papers [here.](#)

NEW IN THE PRACTICE MANAGEMENT TOOLKIT

A [compendium of practice management articles](#) written by experts for *De Rebus* to support you in your practice. Recent additions to the toolkit include the following:

Are you ready to start your own law firm?

To be a successful law firm entrepreneur, it is essential to have confidence. It is true what they say: 'If you do not think the world of yourself, who will?' **For a person starting and standing alone, you must have confidence that you will be able to make it by yourself.**

You must know yourself. You must trust your abilities and your judgment. You must be your own best friend. You must be able to forgive yourself for failures. You must be able to award yourself for achievements. You must be able to trust others and earn the trust of others. You must be a consistent hard worker. Emmie de Kock raises aspects to think about when considering starting your own law firm. [Read more here.](#)

Managing reputational risk

Practitioners should be alive to the fact that people need information in order to form opinions, and in turn, use those opinions to decide on how to relate and/or interact with the business, if at all. **Reputation is a starting point for people to interact or to abstain from interacting with the practitioner and/or his or her business.** The importance of reputation stems from the fact that it is not just one aspect of you or your business, but permeates and influences you and or your business as a whole. The perception that others have of you and/or your business is an interconnected system that fuels itself and a good one is necessary for a practitioner and/or his or her business in order to grow and flourish.

[Read more here.](#)

RISK ALERT BULLETIN

Have you missed the November 2017 *Risk Alert Bulletin*? It includes the following:

- AIIF calls for input from practitioners on the Prescription Alert system to ensure it continues to meet the expectations of the profession as the users of the service. Practitioners are invited to address any experiences and suggestions in respect of the system to the AIIF.
- Notes on prescribed RAF claims: Hit and run claims.
- Prescription: Issuing summons out of the incorrect court and the late investigation of quantum.
- To whom does the AIIF grant bonds of security?
- Criminal cases against defaulting attorneys.
- Cybercrime: The AIIF points out that, despite the various publications of warnings to practitioners regarding cybercrime, many are still falling victim to cyberscams. Claims arising out of cybercrime are excluded from the AIIF policy.

[Click here](#) to view the November *Risk Alert Bulletin*.

RECENT PRESS RELEASES

17 November 2017: Cape Law Society press release: Violence must end.

[Read press release.](#)

30 October 2017: KwaZulu-Natal Law Society press release: The attack by the ANC Eastern Cape Provincial Chairperson against attorney Mvuzo Notyesi. [Read press release.](#)

24 October 2017: LSSA adds its voice to condemn wrongful arrests in Tanzania.

[Read press release.](#)

23 October 2017: Black Lawyers Association postpones elections of the National Executive Council. [Read press release.](#)

21 October 2017: LSSA condemns attorney's unacceptable behaviour towards journalist.

[Read press release.](#)

21 October 2017: NADEL Media release: Arrest of lawyers - An attack on the independence of the legal profession and access to justice. [Read press release.](#)

FIND A NEW FIELD OR SHARPEN YOUR SKILLS: LEAD TRAINING

Allen West's Conveyancing Update Seminar

Don't miss the conveyancing update seminar in January 2018 - Pretoria, Johannesburg, Durban, Cape Town, Bloemfontein

Join well-known conveyancing specialist presenter, Allen West, for this indispensable

overview of the latest developments in the conveyancing field. Amendments to legislation, recent case law and the resolutions taken at the 2017 Registrar's Conference and their application to Conveyancing and Notarial practice and procedure, will be covered.

No conveyancer can afford to practise in 2018 without attending this seminar. Practitioners who do not familiarise themselves fully with the changes risk the possible rejection of deeds and documents, resulting in dire consequences for them and for their clients.

[Read more here.](#)

Civil mediation five-day course: December 2017 - Pretoria and Polokwane

This course is primarily designed to prepare attorneys to be mediators. Attorneys will also be equipped to advise clients on the mediation process. When designing the course content, the draft standards for Civil Mediation were taken into account.

[Read more here.](#)

INTERNATIONAL CONFERENCE TO DIARISE

IBA Africa - Opportunities and Challenges in M&A Transactions Conference: Cape Town 19 - 20 March 2018

The conference is presented by the International Bar Association (IBA) Corporate and M&A Law Committee and supported by the IBA African Regional Forum.

The event will bring together practitioners from across the globe to explore current trends and the latest developments in the African M&A market as well as providing commentary from some of the world's leading experts. This event is a must attend for all legal professionals doing business in and with the African market.

Topics to be discussed include:

- Common trends driven by country and sector specific opportunities
- Shift from energy and mining M&A towards TMT, myth or reality?
- Impact of cultural differences on negotiation and deal structuring
- Practical tools for risk mitigation - Case studies
- How to exit a deal
- The opportunities and limits of alternate dispute resolution in Africa.

Read more about the Africa: Opportunities and Challenges in M&A Transactions Conference [here.](#)



Look out for the December 2017 issue of *De Rebus* available online on 1 December 2017 at www.derebus.org.za.

Highlights in the December issue include:

- The rise of bitcoin and other cryptocurrencies.
- Diplomatic law: Service of process on foreign defendants.

- What do you call practising attorneys trading as estate agents?
- Personal stressors and legal practice: Your firm needs a plan.
- What constitutes adequate accommodation (housing) in eviction matters?
- Why the need for confidentiality on the content of Suspicious Transaction Reports?

And all the usual columns, including news, practice management, opinions, AGM news etc.



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