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**LAW SOCIETY ELECTS SALDANHA AND FOURIE
AS CO-CHAIRPERSONS TO LEAD ATTORNEYS' PROFESSION**

Cape Town attorney Vincent Saldanha and Pretoria attorney CP Fourie were elected Co-Chairpersons of the Law Society of South Africa (LSSA) at its annual general meeting on 1 April 2008.

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 (BLA) and the National Association of Democratic Lawyers (Nadel) – in representing South Africa's 17 800 attorneys and 4 300 candidate attorneys.

Mr Saldanha has identified as challenges in the year ahead the discussions with stakeholders in the legal profession and the Justice Department around the drafting of the Legal Practice Bill which will transform the governance and regulation of the profession. This goes hand-in-hand with consolidating the transformation of the profession as regards attorneys and advocates, as well as defining and recognising a clearer role for paralegals in the provision of access to justice.

Besides aligning himself with the above, Mr Fourie also intends for the LSSA to refocus on the commitments contained in its constitution, namely to build an organised legal profession which is non-racial, non-sexist, democratic, representative, transparent and accountable to its members and the public, whom the profession serves.

As an attorney at the Legal Resources Centre, Mr Saldanha has focused primarily on civil and criminal litigation around public and socio-economic rights. He is currently the President of Nadel; he is a councillor and member of the LSSA's Management Committee and is chairperson of its Committee on Human Rights and Constitutional Affairs. Mr Saldanha is a past president of the SADC Lawyers Association (SADCLA), and still represents the LSSA on the SADCLA council. He has been a member of the Legal Aid Board since 1998 and is currently the chairperson of its legal services committee.

Mr Fourie is a director of Pretoria attorneys' firm FourieFismer Incorporated. He is a councillor of the LSSA and a member of its Management and Finance Committees. He

is also a councillor of the Law Society of the Northern Provinces and was its president in 2003-2004. Mr Fourie is a director of the Attorneys Insurance Indemnity Fund¹ and is also a member of the Board of Control of the Attorneys Fidelity Fund². In practice, Mr Fourie focuses on High Court litigation.

Mr Saldanha has been an acting judge on the Cape Town High Court bench and Mr Fourie has been an acting judge in the Transvaal Provincial Division of the High Court in Pretoria.

At its annual general meeting, the LSSA made a number of resolutions:

Legal Practice Bill

According to the LSSA, the time had come for active engagement with all the relevant stakeholders in the legal profession and the Justice Department to move forward on the draft Legal Practice Bill to transform the governance and regulation of the legal profession. There was a need to acknowledge the principles that had been put in place by the LSSA in crafting its previous draft of the Bill which had been handed to former Justice Minister Dr Penuell Maduna in 2002. There was also a need to take into account developments since 2002 such as the fused profession that has existed for some time in a number of SADC countries, the Legal Services Sector Charter and the liberalisation of legal services required by the World Trade Organisation's General Agreement on Trade in Services (GATS).

Through a number of parallel processes, some of the less controversial aspects of the existing draft Bill could be considered for interim implementation such as

- the creation of a legal ombud; and
- the unification of the professional and accounting rules of the four statutory law societies, as well as engaging the advocates' profession with regard to its rules.

During these parallel processes the LSSA will consult with other stakeholders, such as the paralegals, advocates, the Ministry of Justice and Constitutional Development and the Attorneys Fidelity Fund. It will also review developments in the SADC region, the United Kingdom – which recently negotiated its Legal Services Act – and other relevant jurisdiction on the governance of the legal profession.

Pro bono

The LSSA's six constituent members have all embraced the principle that attorneys should provide *pro bono* services to the public. The provincial law societies have appointed *pro bono* coordinators and the LSSA is in the process of appointing a national projects coordinator who will also be responsible for coordinating *pro bono* on a national basis to ensure uniformity.

Zimbabwean lawyers

As an active member of the SADC Lawyers Association (SADCLA), the LSSA resolved to give its unreserved support to the SADCLA and to lawyers in the SADC region. It resolved to assist Zimbabwean lawyers in particular, especially following the outcome of the elections in Zimbabwe.

The President of the SADCLA, Sternford Moyo, who was a guest speaker at the LSSA's AGM, called on attorneys to protect the 'fragile' democratic institutions in the SADC region. He urged lawyers to undertake advocacy work around the transparency of electoral processes in the region: 'We as lawyers and as custodians of law must be

heard to speak out on these issues.’ He urged the LSSA to participate in missions of solidarity which the SADCLA would undertake to trouble spots in the region. Last year it had conducted solidarity and fact-finding missions to Zimbabwe and Lesotho.

**ISSUED ON BEHALF OF THE CO-CHAIRPERSONS OF THE
LAW SOCIETY OF SOUTH AFRICA**

by Barbara Whittle

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Editor’s note:

The Law Society of South Africa – in Afrikaans items, please refer to the ‘Prokureursorde van Suid-Afrika’.

¹ The Attorneys Insurance Indemnity Fund is incorporated as an association not for gain in terms of Section 21 of the Companies Act, with the main objective of providing professional indemnity insurance cover to all legal practitioners (i.e. attorneys practising for their own account or in partnership) in South Africa.

² The Attorneys Fidelity Fund is a statutory body established and regulated by the provisions of the Attorneys Act, 1979 with the objective of protecting the public against loss as a result of the theft of trust funds by practitioners.