

Voting for the Legal Practice Council:  
Voting period extended to 3 October 2018;  
voting at polling stations or by mail, Docex or courier



**LAW SOCIETY**  
OF SOUTH AFRICA

## ADVISORY FROM THE LAW SOCIETY OF SOUTH AFRICA

Dear Colleague

The Law Society of South Africa (LSSA) urges you to vote for Council members for the new Legal Practice Council in the first election being held under the Legal Practice Act 28 of 2014. The voting period runs from 19 September **until 12 noon on 3 October 2018**. Please note that, on 20 September 2018, the National Forum on the Legal Profession (NF) extended the voting deadline to 3 October to make allowance **for ballot papers to be sent via Fastmail, courier and docex, or hand delivered**, in addition to voting being available at 74 polling stations.

On 18 September, the NF and its election agency, the Electoral Institute for Sustainable Democracy in Africa (EISA), published the list of attorney and advocate nominees standing for election. as well as their profiles.

[View the profiles of attorney nominees here.](#)

[Download the ballot paper for attorneys here.](#)

[Download the list of polling stations here.](#)

[Download declaration form here.](#)

- Download the NF's 'How to vote' document of 19 September [here](#).
- Download the NF's update communique of 20 September extending the deadline and allowing for postal, courier and docex votes [here](#).
- Download the NF's updated 'Confirmation of voting process' document of 21 September [here](#)

A practising attorney may vote only for the election of attorneys. Every attorney who is on the roll of practising attorneys **may vote for a maximum of ten (or fewer) candidates** from the candidates listed.

Please note that, in order to comply with s 7(2)(a) of the [Legal Practice Act](#) and subject to the availability of the candidates, four black women, three black men, one white woman and two white men with the highest number of votes in their respective categories will constitute the ten attorneys who will serve as members of the Council.

### Please note:

- Only attorneys and advocates who are admitted to practise and who are enrolled on the roll and, in respect of the first election under these regulations, only attorneys and advocates who are in practice may participate in the election of members of the Council.
- An attorney may vote only for the election of attorneys and an advocate may vote only for the election of advocates, as members of the Council.

## How to vote

### Voting by post/courier/docex

Ballot papers can be sent via Fastmail, courier and docex, or hand delivered.

The ballot paper must be accompanied by a fully completed declaration form ([download declaration form](#)).

Both documents must be placed in an envelope (C5 size envelope); sealed and sent to the following addresses:

Fastmail (takes 4 to 7 days) - EISA, PO Box 740, Auckland Park 2006  
Docex - LSSA, Docex 82, Pretoria  
Courier/hand delivery - EISA, 14 Park Road, Richmond, Johannesburg 2092

A batch of sealed ballot envelopes, with signed declaration forms inside, can be sent in one courier/docex/hand delivery - voters are to ensure that each individual vote is accompanied by a signed declaration, and both documents are in a sealed envelope.

C5 envelopes are also available at the various [polling stations](#) communicated on 19 September 2018.

All posted ballot papers must reach EISA offices, postal box and docex **on or before 3 October 2018, at 16:00**.

A [declaration form](#) **MUST be completed in full and signed**. [Download declaration form here](#).

### **Voting at a polling station**

Print the applicable ballot paper and select your preferred candidates by making a cross (x) in the block next to the name of the candidates of your choice.

Proceed to the nearest polling station. Voting is limited to Legal Aid offices, Bar Council offices and Law Society offices, whose addresses were communicated on 19 September 2018. There are 74 polling stations. [View the list of polling stations here](#).

- Legal Aid offices ([see list of polling stations](#)) have also been designated as polling stations for both attorneys and advocates.
- Legal Aid offices, whose employees are nominees of the LPC, will not be a polling station. The nearest provincial office will be used instead.
- Voting at Legal Aid offices will be open from 08h00 until 16h00, from 24 to 3 October 2018, excluding public holidays.
- Ballot boxes are still available at Bar Councils and Law Society offices (see [list of polling stations](#)). In those stations voting commenced on 19 September at 08h00.

All Legal Aid offices where any of the LPC nominees work, have been excluded from the list of polling stations.

The election official at the polling station will hand you a uniquely marked envelope.

Sign, on the outside of the envelope, the declaration confirming that you have not already voted in this election.

Place your completed ballot paper in the envelope and seal the envelope.

Place the sealed envelope in the ballot box provided at the polling station.

### **Important notes**

You are required to print your own ballot paper as there will be no ballot papers available at the polling stations.

Only ballots in a sealed envelope, deposited into the ballot box will be accepted for counting purposes.

The profiles of all the candidates (attorneys and advocates) can be viewed on the EISA website. [View the profiles here](#).

The surnames of the candidates are listed on the ballot forms in strict alphabetical order.

Place a cross (x) only, in the block next to the name of the candidate of your choice. No other mark will be accepted on the ballot paper.

Advocates may vote for six (6) or fewer advocate candidates.

Attorneys may vote for ten (10) or fewer attorney candidates.

A ballot paper is deemed spoilt if

- the ballot paper has more than the permitted number of crosses (x) referred to in Regulation 2, sub-regulation 11e(i);
- any mark is made on the ballot paper other than a cross in favour of the candidates for whom the legal practitioner votes; or
- the declaration referred to in sub-regulation (11) is not duly completed and signed by the voting legal practitioner.

The EISA election official will collect the sealed ballot box from the polling station after voting closes on 3 October 2018.

Counting of votes will take place at a central venue in the presence of the referee.

Refer to the [Legal Practice Act, 2014](#) and [Regulations](#) for any additional information on the voting and counting process of this election [see below].

## What to take into account when voting

The Legal Practice Act stipulates that, when constituting the Council, the following factors must, as far as is practicable, be taken into account:

- (a) the racial and gender composition of South Africa;
- (b) the objects of the Council [see below];
- (c) representation of persons with disabilities;
- (d) provincial representation; and
- (e) experience and knowledge of -
  - (i) the provision of legal services;
  - (ii) the principles of promoting access to justice;
  - (iii) legal education and training;
  - (iv) consumer affairs;
  - (v) civil and criminal proceedings and the functioning of the courts and tribunals in general;
  - (vi) the maintenance of professional standards of persons who provide legal services;
  - (vii) the handling of complaints; and
  - (viii) competition law.

### 5. Objects of Council - The objects of the Council are to -

- (a) facilitate the realisation of the goal of a transformed and restructured legal profession that is accountable, efficient and independent;
- (b) ensure that fees charged by legal practitioners for legal services rendered are reasonable and promote access to legal services, thereby enhancing access to justice;
- (c) promote and protect the public interest;
- (d) regulate all legal practitioners and all candidate legal practitioners;
- (e) preserve and uphold the independence of the legal profession;
- (f) enhance and maintain the integrity and status of the legal profession;
- (g) determine, enhance and maintain appropriate standards of professional practice and ethical conduct of all legal practitioners and all candidate legal practitioners;
- (h) promote high standards of legal education and training, and compulsory post-qualification professional development;
- (i) promote access to the legal profession, in pursuit of a legal profession that broadly reflects the demographics of the Republic;
- (j) ensure accessible and sustainable training of law graduates aspiring to be admitted and enrolled as legal practitioners;
- (k) uphold and advance the rule of law, the administration of justice, and the Constitution of the Republic; and
- (l) give effect to the provisions of this Act in order to achieve the purpose of this Act, as set out in section 3.

Should anything be unclear or should you require assistance with the voting process, **please contact the EISA Chief Electoral Officer**, Ms Crystal Africa, on the toll free number (from landline numbers only) 0800 11 43 73 or WhatsApp 063 392 7978 between 08h30 and 16h30 weekdays only, or e-mail: [lpcelections@eisa.org.za](mailto:lpcelections@eisa.org.za).

Regards

**ANTHONY PILLAY**  
Acting Chief Executive Officer  
Law Society of South Africa

LSSA Advisory 25 September 2018

Visit our website - [www.LSSA.org.za](http://www.LSSA.org.za)  
Telephone: (012) 366 8800 Email: [LSSA@LSSA.org.za](mailto:LSSA@LSSA.org.za)