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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 Council (LPC) took over the regulation of legal practitioners (attorneys and advocates) on 1 November 2018. The four former statutory provincial law societies are now regional offices of the LPC. Practitioners and members of the public may approach any of the LPC's offices nearest to them irrespective of the provinces they are located.

The LPC contact details are as follows:

Gauteng, Limpopo, Mpumalanga, North West: ProcForum Building, 123 Paul Kruger Street, Pretoria. Tel: (012) 338 5800; e-mail: directorgp@lpc.org.za

Eastern Cape, Northern Cape, Western Cape: 29th Floor, ABSA Centre, 2 Riebeek Street, Cape Town. Tel: (021) 443 6700; e-mail: cls@capelawsoc.law.za

KwaZulu-Natal: 200 Hoosen Haffejee Street, Pietermaritzburg. Tel: (033) 345 1304; e-mail: pearl@lawsoc.co.za

Free State : 139 Zastron Street, Bloemfontein. Tel: (051) 447 3237, e-mail: director@fs-law.co.za

Read the LPC advisory [here](#).

ELECTIONS FOR THE PROVINCIAL COUNCILS OF THE LPC

At a recent meeting, the LPC resolved that, having regard to the procedures to be followed, and to make necessary provisions for electronic voting, the elections for provincial councils will be held in early 2019, with January 2019 being the preferred month.

[Read the LPC advisory here.](#)

[Read more on recent developments here.](#)

QUESTIONS AND ANSWERS ON THE LPA AND LPC

Over the past two weeks, the LSSA has received numerous calls and e-mails from attorneys with questions on the Legal Practice Act, 2014 and the Legal Practice Council.

[View answers to these frequently asked questions here.](#)

The National Forum has provided a guidance memorandum to candidate attorneys currently serving under articles of clerkship and who seek guidance on what their position will be once s 120(4) of the Legal Practice Act has come into force.

[Download the memorandum here](#)

Should you have questions requiring responses, these can be submitted to one of the regional offices of the LPC at the above contact details. Alternatively, send your questions to the LSSA at LSSA@LSSA.org.za and we will endeavour to answer them or refer you to the LPC.

LSSA ADOPTS AMENDED CONSTITUTION; REMAINS TO SERVE ATTORNEYS

On 29 October 2018, the Council of the LSSA adopted the first amendment to its constitution, replacing the four provincial law societies with nine provincial attorneys' associations as its constituent members. The Black Lawyers Association and National Association of Democratic Lawyers remain constituent members of the LSSA.

In terms of its [amended constitution](#), the Law Society will continue in its current form to convert its functions to a membership organisation with full implementation over the next three years. Its objectives can be found in its constitution, but generally, the LSSA will speak for its members (attorneys) nationally; propose amendments to legislation; liaise with the State in all matters relating to the profession; propose, contribute and influence the development and implementation of policy relating to the profession; co-ordinate and organise practical vocational training for candidate legal practitioners and post-professional development training and other training for legal and other practitioners; represent and assist members (attorneys) in disciplinary matters before the LPC and with alternative dispute resolution; and to cooperate with and support the LPC in the public interest.

[View the amended LSSA constitution here.](#)

See also LSSA press release: [LSSA clarifies confusion relating to its continuation under the Legal Practice Act.](#)

LSSA SETS UP WHISTLE-BLOWER CHANNELS FOR EXAMINATION LEAKS

Following the leakage of the August 2018 Attorneys Admission Examination papers, the LSSA appointed an independent law firm to investigate the leaks. Also, an independent

whistle-blowing line, e-mail and sms facility has been created for reporting any information relating to the leakage of the August exam papers.

All disclosures made will be treated with strict anonymity. The names and contact details of individuals making disclosures will not be provided to the LSSA or the firm investigating the leakage unless permission has been granted by the caller.

Anybody having any information relating to the leakage, should report this information using the following contact channels:

Unique free call 0800 number - 0800 61 12 09

SMS short code - 33490

Toll free facsimile - 0800 212 689

Online reporting - www.whistleblowing.co.za

E-mail - information@whistleblowing.co.za

NHBRC TENDER FOR PANEL OF ATTORNEYS

The National Home Builders Registration Council (NHBRC) has published a public tender for the establishment of a Panel of Attorneys for a period of five years, advertised in the Tender Bulletin of 2 November 2018.

The NHBRC has stressed that, in pursuing the above initiative, it is important for practitioners to remember that both the Bid Evaluation and Bid Adjudication Committees will be evaluating the bids and deciding on these based strictly on merits. It is, therefore, advisable to pay attention to the requirements as per the Terms of Reference.

The deadline is 30 November 2018.

Download the documents **TENDER SBD-FORMS 11 2018 SBD FORMS 8 and 9 TOR NHBRC 11 2018 Panel of Attorneys** [here](#).

DEADLINE FOR FIRST 2019 PMT SESSION: 7 DECEMBER 2018

If you were issued with your first Fidelity Fund recently, 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 2019 is 7 December 2018. The course starts in February 2019.

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 regional office of the Legal Practice Council.

[Read more here](#).

RISK ALERT BULLETIN

In the November issue of the *Risk Alert Bulletin*, published by the Attorneys Insurance Indemnity Fund, you will find the following articles:

- Is your practice ready for the Legal Practice Act?
- The correct designation of investment accounts
- Practice pitfalls and avoiding professional indemnity claims

Download/View the November *Risk Alert Bulletin* [here](#).

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 2019 - 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 2018 Registrar's Conference and their application to Conveyancing and Notarial practice and procedure, will be covered.

No conveyancer can afford to practise in 2019 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.

The seminar will also be held in East London in February.

[Read more here.](#)

Risk management course: 23 November 2018 - Midrand

This one-day seminar will provide a comprehensive view of risk management for law firms. Presenters from the Legal Practitioner's Fidelity Fund and the Attorneys' Insurance Indemnity Fund NPC will share insight on risk management for law firms based on their experience in dealing with trust money theft claims and professional indemnity claims brought against attorneys.

[Read more here.](#)

CONFERENCES NOT TO BE MISSED

IBA African Regional Conference on the Environment

28 to 30 November 2018, Radisson Blu, Cape Town

Join your international colleagues to discuss:

- The future of water supplies in Africa: addressing the water scarcity, ground water pollution, and sanitation challenges
- Extractive industries: maintaining the balance between economic development and a sustainable environment
- Wildlife conservation and biodiversity protection
- Maritime issues in African coastal states: maritime security and ocean pollution

- Climate change impacts on Africa: challenges and opportunities
- Urban waste management in Africa's cities
- African regional and sub-regional judicial institutions: practical environment protection enforcement mechanisms

View the conference programme [here](#).

Register online [here](#)

**CLC 2019: The Rule of Law in Retreat? Challenges for the Modern Commonwealth
8 - 12 April 2019, Avani Hotel, Livingstone, Zambia**

Back on African soil, the Commonwealth Law Conference 2019 will offer discussions on the following topics, among others,

- Constitutionalism and the Rule of Law - Obstacles to African Development
- Ruggie - the UN Guiding Principles and the Modern Law of Employment
- Latimer House Principles - Two Decades On
- Sexual Harassment and the #Metoo Revolution
- R (Miller and Santos) v Secretary of State - Lessons in Constitutionalism
- Child Brides, Arranged Marriages and 'Legal' Exploitation of Women
- Democracy Politics and the Law - the Judiciary as the Last Line of Defence
- Criminalisation of Homosexuality v the Legalisation of Gay Marriage
- Religious Freedom v Minority Rights
- Emergency Powers in Emerging Democracies
- The Global Environment in Jeopardy
- Defending the Human Rights Defenders - Resilience Building

View the conference website [here](#).

View the conference programme [here](#).

Register online [here](#).



Did you miss the November 2018 issue of *De Rebus*? You can read it at www.derebus.org.za. Highlights in the November issue include:

- People upliftment programme providing skills development for the disadvantaged.
- Variation of consent papers in divorce orders - is this permissible in law?
- Surrogate motherhood and scaremongering: is South Africa entering an age of post-truth jurisprudence?
- Do protection orders for domestic violence and harassment work?
- Ethics: Time to reassess legal ethics in the changing environment.
- Five basic universal principles applicable in the conduct of a candidate attorney.

And all the usual columns, including news, practice management, case notes etc.

RECENT PRESS RELEASES AND ADVISORIES

12 November 2018: Legal Practice Council Notice: Election of Provincial Councils: Section 23(4) of the Legal Practice Act, 2014 and (Rule 16).

[Read notice.](#)

9 November 2018: NADEL calls upon Parliament to adopt higher moral standards.

[Read press release.](#)

8 November 2018: Law Society clarifies confusion relating to its continuation under the Legal Practice Act.

[Read press release.](#)

1 November 2018: Legal Practice Council Notice: Operations of the Legal Practice Council.

[Read notice.](#)

1 November 2018: Legal Practice Council: Code of Conduct not in operation.

[Read press release.](#)

31 October 2018: BLA applauds the Legal Practice Council for electing black women as its leaders.

[Read press release.](#)

31 October 2018: Implementation of the Legal Practice Act 28 of 2014.

[Read press release.](#)

28 October 2018: Statement of apology issued by the non-BLA, non-Nadel council members of the Council of the Law Society of South Africa.

[Read statement.](#)

14 October 2018: Law Society welcomes panel on NDPP.

[Read press release.](#)

12 October 2018: NADEL welcomes the appointment of the Finance Minister Tito Mboweni.

[Read press release.](#)

10 October 2018: BLA: Consolidating power and advancing a revolution.

[Read press release.](#)

8 October 2018: NADEL shocked by Judge Frank Kroon's admission of gross negligence in dealing with the SARS 'Rogue Unit'.

[Read press release.](#)

8 October 2018: NADEL celebrates the results of the Legal Practice Council (LPA) elections 2018.

[Read press release.](#)

5 October 2018: BLA deeply embarrassed by unfounded criticism levelled against the elections of the Legal Practice Council.

[Read press release.](#)

5 October 2018: Law Society warns public about scam text/SMS from V.N.X Attorneys.

[Read notice.](#)

4 October 2018: Cape Law Society: Public protests in our country.

[Read press release.](#)

3 October 2018: LSSA urges all to support efforts to transform the legal profession through the soon-to-be-announced Legal Practice Council.

[Read press release.](#)

1 October 2018: KwaZulu-Natal Law Society: Media allegations in respect of Regional Court President, Eric Nzimande, as well as attorneys against whom allegations of improper conduct have been made.

[Read press release.](#)



LAW SOCIETY
OF SOUTH AFRICA

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