

COMMITTED TO BUILDING A BETTER LEGAL PROFESSION FOR ALL

#### IN THIS EDITION

1. LSSA congratulates new LPC Council
2. Attorneys' National Wills Week gratitude
3. North West directive on right of appearance in virtual proceedings
4. Durban High Court renovations
5. Reminder: Free wellness programme for attorneys
6. LSSA pamphlets on opening an attorneys practice and on closing one.
7. Update on Justice Department ransomware attack
8. *Risk Alert Bulletin*
9. LPC code of conduct amendment
10. LPC calls for comment
11. CIPC notices
12. SARS notice
13. SADC Lawyers Association launch of policy discussion paper
14. Free webinar on anti money laundering
15. Keep updated with educational training
16. *De Rebus*

#### LSSA CONGRATULATES NEW LPC COUNCIL

The LSSA congratulates the newly elected LPC Council. The voting period opened on 12 August 2021 and closed on 13 September 2021. The results were released on 20 September. The 2021 LPC National elected members are listed below.

##### Attorneys

Name	Province
Mr Miles Carter	Gauteng
Mr Lucian Companie	Gauteng
Mr Llewelyn Curlewis	Gauteng
Mr Priyeshkumar Daya	Gauteng
Ms Paula De Azevedo	Eastern Cape
Ms Nolitha Jali	Western Cape
Ms Noxolo Maduba-Silevu	Free State
Mr Seopi Makhafole	Limpopo
Ms Hlaleleni Matolo-Dlepu	Gauteng
Ms Janine Myburgh	Western Cape

Ms Matolo-Dlepu is a former Co-Chairperson of the LSSA and Ms Jali, Ms Maduba-Silevu and Ms Myburgh are former council members of the LSSA.

##### Advocates

Name	Province
Ms Elizabeth Baloyi-Mere SC	Gauteng
Ms Margaretha Engelbrecht SC	Gauteng
Mr Brenton Joseph SC	Western Cape
Ms Kameshni Pillay SC	Gauteng
Mr Ntshahanyeni Tsatsawane SC	Gauteng
Mr Craig Watt-Pringle SC	Gauteng

[Click here to read the LPC notice.](#)  
[Click here for the Scullineer's Report.](#)  
[Click here for the Referee's Declaration.](#)

#### NATIONAL WILLS WEEK GRATITUDE

The LSSA thanks the hundreds of attorney firms and attorneys who participated in drafting free basic wills for the public during the Attorneys' annual National Wills Week campaign from 13 to 17 September. We would not be able to do it without you!

We have received a few comments from attorneys letting us know what a success it was and how busy they were this year. We would love to hear how it was for you. Please email us at [LSSA@LSSA.org.za](mailto:LSSA@LSSA.org.za)

#### NORTH WEST DIRECTIVE ON RIGHT OF APPEARANCE IN VIRTUAL PROCEEDINGS

North West legal practitioners should take note of this practice directive from the Chief Registrar of the High Court, North West Division, Mr Itumeleng Selebogo. The directive pertains to the right of appearance in virtual proceedings.

According to the directive, please note the following:

- All legal practitioners are forthwith required to file a clear and certified copy of their admission certificate and mandatory enrolment certificate with the Legal Practice Council simultaneously with the practice note before any hearing. The certificate of enrolment can be obtained from the North West Provincial Council on request.
- Legal practitioners must always keep the certificates at hand during the court proceedings.

No Microsoft Teams Meeting Invite link will be forwarded in the event of non-compliance with the above and failure to produce the certificates when directed to do so by the presiding judge during a hearing will lead to the matter being adjourned.

[Click here to read the directive.](#)

#### DURBAN HIGH COURT RENOVATIONS

Due to renovations, the services offered at the High Court, Durban will be accommodated at the Durban Magistrate Court during the December 2021/January 2022 recess period.

[Click here to read the notice.](#)

#### REMINDER: FREE WELLNESS PROGRAMME FOR ATTORNEYS

We would like to remind practitioners that the LSSA has collaborated with PPS and the Reality Wellness Group to offer free telephonic counselling and support. The professional telephonic counselling service is available 24/7/365.

[Click here for more information on this initiative.](#)

#### LSSA PAMPHLETS

Please take note of the LSSA's pamphlets on opening an attorneys practice in South Africa and on closing one. Please be advised that the detail memorandum on which the pamphlet is based is on the LSSA website.

[Click here to view LSSA pamphlet on opening and operating an attorney law practice.](#)  
[Click here to view LSSA pamphlet on closing an attorney law practice.](#)  
[Click here to view the detailed memorandum.](#)

#### UPDATE ON JUSTICE DEPARTMENT RANSOMWARE ATTACK

As you might be aware, the Department of Justice's systems were compromised on 5 September 2021, causing loss of access to all electronic systems and networks, including e-mails. Although IT specialists are working on this, it has not been resolved yet.

All Departmental offices (Masters, Magistrate's courts etc) are currently not able to access any of their systems and are also unable to receive, read and respond to e-mails as there is no network available in the offices.

[Click here to read the notice from the DoJ.](#)

#### RISK ALERT BULLETIN

The October issue of the Bulletin features a risk management column titled: 'Liability arising from a mandate you (mistakenly believed you) did not have'. The column states that in assessing a professional indemnity claim brought against a legal practitioner, one of the initial assessments is whether the practitioner concerned had a mandate to act in the underlying matter. The author also states whether the claim against the practitioner is framed in contract or delict, the existence of the mandate and the terms thereof are central to the assessment of liability.

The general practice column is titled: 'A shocking case of police brutality, egregious conduct of two attorneys and a file gone with the wind'. It speaks on the Tarquin Julies case where Eastern Cape High Court ordered a Gqeberha law firm to pay damages to a former client for injuries he sustained after being shot in the face by a police officer in 2008.

[Download the October 2021 issue of the Risk Alert Bulletin here.](#)

#### LPC CODE OF CONDUCT AMENDMENT

Practitioners are alerted to the amendment of the Code of Conduct. Two clauses were inserted (Clauses 3.17 and 3.18) to provide for notifying the Council of their contact details and responding timeously to requests / directions from the Council. The amendment is in Government Gazette 45131 dated 10 September 2021.

#### LPC CALLS FOR COMMENT

Rules 2,3,4, and 5

The LPC intends amending [Rule 2](#) (application fees), [Rule 3](#) (annual fees for Fidelity Fund Certificates), [Rule 4](#) (annual fees payable by all legal practitioners), and [Rule 5](#) (examination fees). A call for comment is also published in Government Gazette 45131. The closing date for comment is **10 October 2021**.

Rule 54.34

The LPC intends [amending Rule 54.34](#) insofar as it relates to the opening of bank accounts and keeping of accounting records, including branch offices. Refer to Government Gazette 45131 of 10 September 2021. **The deadline for comment is 10 October 2021.**

Rule 30.4.4.2

The LPC intends amending [Rule 30.4.4.2](#) (conversion of enrolment from advocate to attorney), [Rule 32.2.2](#) (conversion of enrolment from referral advocate to advocate with a trust account), and [Rule 47.7.1](#) (application of Fidelity Fund certificates by advocates with a trust account). A call for comment is also published in Government Gazette 45131. The closing date for **comment is 10 October 2021**.

[Click here to read the GG 45131](#)

#### Sharing of offices

The LPC intends amending the Code of Conduct as it relates to the sharing of offices by attorneys, counsel and trust account advocates. **Comment is due by 17 October 2021.**

[Click here to read the GG 4517](#)

The LPC has issued an advisory reminding practitioners to provide the Council with details of new trust accounts opened and the reasons for changing trust accounts.

[Click here to read the advisory.](#)

#### CIPC NOTICES

CIPC issued a number of notices. [Notice 42 of 2021](#) deals with the submission requirements for changes to a company's memorandum of incorporation; [Notice 43 of 2021](#) sets out the process and documents required for external company registration applications; [Notice 44](#) gives a status update on the transition of files to the new bulk storage facilities.

The CIPC also issued a notice in respect of the Protection of Personal Information Act, confirming that it must provide access to its registers and the data contained thereon.

[Click here to view the notice.](#)  
[Click here to view all CIPC notices.](#)

#### SARS NOTICE

Employers are reminded that they must submit their Interim Reconciliation Declarations (EMP501) to SARS between 13 September and 31 October 2021.

[Click here to read notice from SARS.](#)

#### SADC LAWYERS ASSOCIATION LAUNCH OF POLICY DISCUSSION PAPER

The SADC Lawyers Association will be hosting a webinar to launch the policy discussion paper on HIV, sexual and reproductive health and rights for adolescent girls and young women in the SADC region. The webinar will take place on 6 October from 10:00 to 12:00.

[Click here to view the concept note.](#)  
[Click here to view the programme.](#)  
[Click here to join the webinar.](#)

#### FREE WEBINAR ON ANTI MONEY LAUNDERING

The Global South Dialogue on Economic Crime will be hosting a webinar themed 'AML: Lawyers as Gatekeepers?' on 28 October 2021. This is an important webinar, given the controversies about the applicability of anti money laundering regulations and the potential impact of such rules on attorney-and-client privilege and the independence of the profession. Practitioners are urged to attend. The webinar will take place at 15:30 BST (16:30 in SA).

[Click here to read more and to register for the webinar.](#)

#### DONT FORGET TO FOLLOW US ON SOCIAL MEDIA

Please note that most of the information shared in this newsletter has already been shared, and it happened, on our social media platforms. Follow us on [Facebook](#), [Instagram](#), [LinkedIn](#) and [Twitter](#) to get the latest information. We endeavour to keep you abreast at all times via our social media platforms.

#### KEEP UPDATED WITH EDUCATIONAL TRAINING

*LEAD is an LPC accredited legal education training provider.*

#### EDISCOVERY WEBINAR | 13 & 14 OCTOBER 2021

Statistics tell us that more than 97% of all business documents are created electronically and that more than 35% never see paper. Therefore, this course will tell us how to deal with electronic documents in litigation, arbitrations, competition matters and investigations. Data protection and privacy and social media have assumed great importance globally and the course examines the role that eDiscovery plays in these areas.

[Click here to register.](#)

#### LITIGATION STRATEGY (WEBINAR) | 19 & 20 OCTOBER 2021

An intensive two sessions that will assist you to develop strategies to obtain better outcomes in litigation and other dispute resolution. The objective of dispute resolution is to obtain the best possible outcome for your client. We show you how!

[Click here to register.](#)

#### BAIL: APPLICATION AND APPEALS (WEBINAR) | 21 OCTOBER 2021

Bail and bail appeals are of the most important and common court proceedings in South Africa. This webinar will address the crucial aspects surrounding the laws and procedures of bail applications and bail appeals in court.

[Click here to register.](#)

#### LEGAL COSTS | 03 & 04 NOVEMBER 2021

This workshop will provide you with the necessary skills in drawing and opposing Bills of Costs together with the relevant ethical background and rules. It will provide a better understanding of the difference between civil litigious and non-litigious matters and the consequences of this difference.

[Click here to register.](#)

#### RULES OF EVIDENCE | 09 NOVEMBER 2021

This course is not merely about the rules of evidence. It is about how you can effectively apply the rules in a trial, and even in motion proceedings. This course will assist you with practical, tested techniques on how to present evidence in a manner that will persuade a judge to find in your favour. The course will also assist you with relevant skills, from taking instructions to presenting evidence in court. A practical manual will be distributed to all attendees which is intended to serve as a reference point when completing their work.

[Click here to register.](#)

#### DE REBUS

[www.derebus.org.za](http://www.derebus.org.za)

The October issue of *De Rebus* is out! You can read it at [www.derebus.org.za](http://www.derebus.org.za)

Can you afford not to have this valuable information at your fingertips? If you would like to receive a free digital copy, [click here to opt in.](#)

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POPIA, the new data protection law that protects and ensures your personal information is safe, came into full effect on 1 July 2021 and the LSSA would like to thank you for your consent to keep in touch. If you are happy to remain on our membership subscribers list and/or mailing list, no action is required. If you are receiving this e-mail from the Law Society of South Africa as you have been receiving communications from us or have subscribed to our newsletter, it is your wish to receive your details from the LSSA mailing list please unsubscribe below.