



THE ROLE OF THE PROFESSION IN LEGAL EDUCATION





Three main areas

- ▶ First: Academic Law
- ▶ Second: Applied law (Vocational Training)
- ▶ Third: Continued Legal Education



The Crises

- The Lowering of Standards at University for admission into the Faculty of Law;
- The further lowering of standards within the course curriculum;
- Loss of confidence in legal education within the profession and the corporate world.

- The RESULT: Impossible for law graduates to find PVT and Pupillage as well as employment in the corporate sector. (2500 graduates per year)



What can the Profession DO

- ▶ Engage and continue to engage with universities. (Easier said than done)
- ▶ Universities have to be more selective with admission to the faculty.
- ▶ Universities must introduce, even at a basic level, some vocational training. Happy to note; many of them are. The profession can be of assistance to them.



Awareness

- At high school, learners must be aware that obtaining an LLB does not in itself guarantee entry to the profession.
- Universities must publish the requirements stated in the LPA and its Regulations.
- Many law students are unaware of the qualifying requirements in the Act.
- THE PROBLEM: armed with an LLB a person cannot call themselves "Attorney" or "Advocate" even if they do not intend to enter into practise. So they remain "unqualified" and are not regarded as "lawyers".



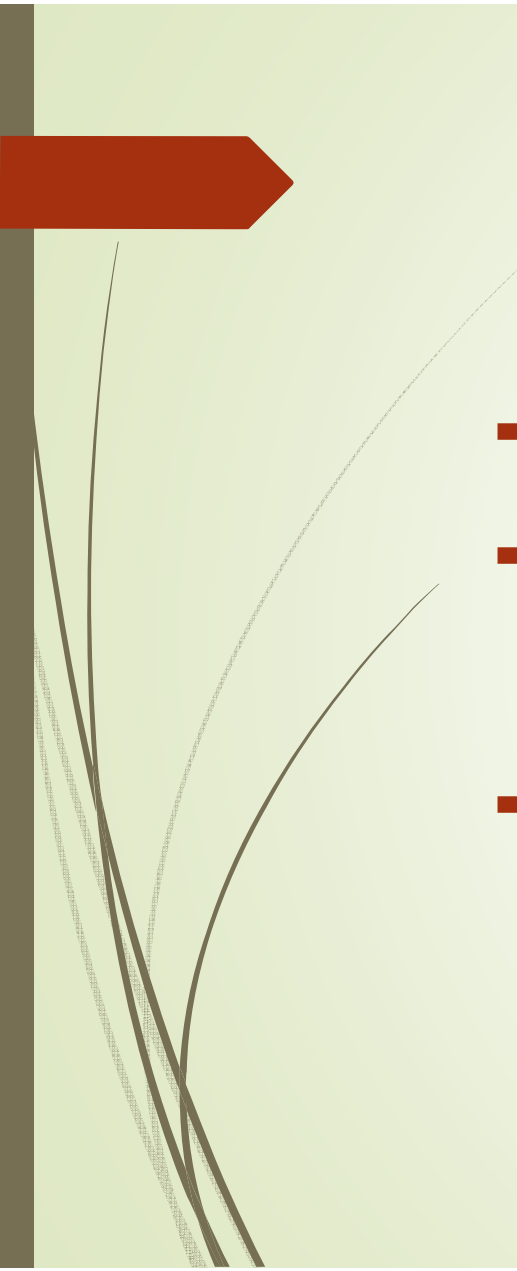
Barriers to Entry

After obtaining an LLB degree:

First: Section 24 of the LPA states that one can only be admitted to practise once qualified in terms of the Act.

Second: Section 26 sets out the minimum qualifications:

- LLB degree
- Undergo Practical Vocational Training
- Pass a competency-based examination.

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- ▶ Section 27 provides that the LPC determines the minimum requirements for PVT. This is done by the LPC through the Regulations.
 - ▶ Section 28 requires that a person must complete, or be in the process of completing, PVT. This means that one cannot write the competency-based assessment and qualify without PVT.
 - ▶ **The Bottom Line: No PVT contract? You cannot be a lawyer. Period.**




The Problem?

- ▶ Regulation 6 provides that a PVT contract may only be completed with a practising Attorney or Advocate.
- ▶ If one cannot find a PVT contract then one cannot qualify. This is an absolute barrier to entry.
- ▶ We now have thousands of LLB graduates with nowhere to go. This is an untenable, and potentially dangerous, situation.
- ▶ Only the "*connected*" graduates find PVT contracts.
- ▶ This is also a barrier to transformation.



The Other Barrier to Entry

- ▶ Having obtained a PVT contract, there is an examination to pass.
- ▶ For candidate attorneys this is not easy, it has never been easy. The failure rate is unacceptably high. We can all recall the nightmare of trying to pass the bookkeeping exam!!!!



The Profession – through the LPC

- Many constructive steps have been taken to address these problems by the LPC.
- The Advocates now have a structured program of study, coupled with a comprehensive reading list. This gives all pupils an even chance of succeeding in the assessment exams.
- Similarly the LPC has undertaken to revise the PVT and the assessment exams for candidate attorneys. There will be a structured learning program, supported by a reading list and the emphasis will be on **vocational training** not learning by rote.
- **The new syllabus will come into effect JANUARY 2024.**



More Section 6 woes

- ▶ Section 6 (5) of the Regulations provide that a PVT contract may only be completed under a practicing attorney.
- ▶ Similarly pupillage may only be undertaken with a practicing advocate.

There are no other options.

This, coupled with the other qualifying requirements of the Act, further narrows down the opportunity to qualify.



What can the Profession Do

- ▶ The profession cannot solve the unemployment crises in the country.
- ▶ But it can do a lot to ease the burden of finding PVT opportunities.
- ▶ Due to the qualifying requirements many LLB graduates are left out in the wilderness. Even those who find employment cannot ever call themselves lawyers.



Amend the Regulations


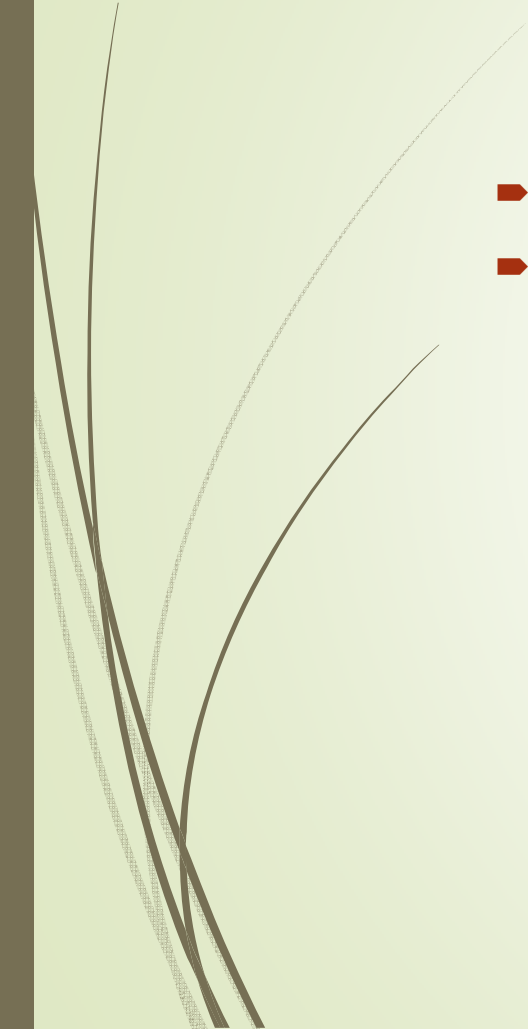
► The question we have to consider:

*Why is it absolutely necessary for an LLB graduate to serve a PVT contract **only** with a practicing attorney?*

Why not – a commercial company

- government departments (all three levels of government)
 - the NPA
 - Chapter 9 institutions (Human Rights Commission is already an exception)
- ETC

In September 2021 , we made a presentation of this proposal to the portfolio committee. They approved and were excited about it; and indicated their support for it.

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- ▶ All it requires is an amendment to the regulations.
 - ▶ The LPC is considering the proposal.
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Embracing Change

- ▶ The legal profession is being transformed by technology and how people and corporates consume legal services.
- ▶ The profession is having to compete with the internet.
- ▶ Embracing change also means embracing changes that make legal education relevant and we must not lose focus on the next generation of lawyers.



 THANK YOU