

**Report by Chairpersons on activities of GAA for First, Second and Third Quarter of  
First Year Term (October 2018 – August 2019)**

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**GENERAL**

The GAA is a collaborative effort between several local attorneys' associations, namely the JAA, PAA, WAA, SLF and soon hopefully also the EAA. We are in talks with other local attorneys' associations in Gauteng (in Vereenging, Midvaal and other outer lying areas) to try and encourage as many as possible to join forces with us.

The GAA operates on a regional level, dealing with issues that affect all attorneys in the region in the same way. It does not deal with issues that affect attorneys locally only, or where there is a conflict of interests or difference of opinion between the respective organizations as to how something should be dealt with at the local level. For example, the PAA dealt with the issue of the relocation of certain work from the PTA Deeds Office to the JHB Deeds Office. The GAA was not involved, as it was conflicted (the JAA having different views to that of the PAA).

The GAA's EXCO meets bimonthly to discuss issues that affect the members of all of our respective organizations. The GAA does not have its own offices, as it utilizes the resources of its constituent members in order to avoid a duplication of costs. The GAA's funding is very limited as aforesaid, and as such every effort is taken to conserve the resources available to it. The GAA is very appreciative of the sponsorship that it has received thus far, particularly from the sponsors for this AGM (which will be mentioned separately) and Investec Bank. Thank you for your contribution to our cause, our profession, and the interests of justice in South Africa.

Much of the 'ground work' is done by the various local organizations. All of the EXCO members of the GAA constituents must be thanked for their dedication in this regard, as the formation and operation of the GAA has only created more work for them – because they now need to represent their members not only at the local but also at the regional level. Some of what appears below comes from the reports of the various local organizations, so there is overlap.

That being said, our collaborative efforts have borne much fruit during the GAA's first year of operation and we, as the chairpersons, look forward to seeing the results of the efforts of so

many dedicated practitioners realized in the promotion and protection of our members' interests.

## **1. RAF and RABS**

The JAA, PAA and GAA have been liaising with APRAV in relation to the goings on in Parliament relating to the passing of the RABS bill. RABS is likely to come up again in the next few months for debate. At this stage APRAV have advised that they are lobbying politically to stop it. If that fails, they will resort to legal challenges. The JAA and PAA (as part of GAA) have offered help (its best litigators free of charge) and funding should it be needed. APRAV has asked for funding for legal fees and the JAA EXCO has approved that request and is awaiting payment details from APRAV. APRAV continues to be the best "first line of defence" that the attorneys' profession has, in stopping the bill in Parliament.

The RAF committee of the JAA has briefed senior (Garth Hulley) and junior (Mark Oppenheimer) counsel to consider potential constitutional challenges to RABS, such that if it passes (or rather, when it passes) these can be raised in court. We hope to continue to work with APRAV on this score if (or rather when) the constitutional issues become pertinent. They can only truly be dealt with when the bill has been passed and its final form is apparent. We are preparing counsel, however, with as much information and evidence as we can in advance, in case the issue needs to be addressed urgently. The PAA continues to offer the JAA and GAA support for this cause.

In this regard the GAA liaises with the ANC working group on the RABS, the PAA, the JAA, APRAV and other bodies. They are in constant communication via a WhatsApp group in which information is spread very rapidly amongst the members for attention.

The practice directives put in place by the Johannesburg High Court have affected the way in which trial dates are allocated, and many practitioners are concerned about the effect that this is having on their client's ability to get an allocation. A few days ago a letter was issued to the judiciary by Gert Nel Attorneys threatening to bring a high court application to set them aside. After liaising with Gert Nel, it has been established that they are in talks with the judiciary and hopefully a court application will not be required. We have offered our assistance if needed. More is

said on the practice directives below. The GAA will continue to offer whatever assistance is can to practitioners as the issue develops.

## **2. “Advocates’ admission” matter and candidate attorneys**

EXCO members of all of the GAA’s constituent organizations were receiving several panicked calls a day from candidate attorneys who were unsure of how to draft their admission papers, as well as those who had not been allowed to set their applications down for admission or whose admission hearing dates had been postponed in light of the “advocates’ admission” case.

Seeing the prejudice that our candidates were suffering, the GAA, together with the PAA and JAA, filed papers as *amici* in the matter, explaining how attorneys and candidates were affected by the provisions of the LPA in question, as well as arguing that (notwithstanding that none of the applicants before the court were candidates, as they were all pupils) the court had the power to hand down a judgment that declared the law in relation to candidates as well as pupils. An application for admission as *amici*, and heads, were filed. Thereafter submissions in relation to the main merits, and heads, were filed. Adv Dorothy Mokale represented the parties *probono* at the hearing of the matter at the Joburg High Court on 13 February 2019.

Judge Sutherland handed down a judgment which has already been widely circulated. In essence, it cured almost all of the problems faced by candidates. As such, we are no longer receiving any calls from candidates. The GAA thanks Adv Dorothy Mokale for her invaluable contributions to our efforts in this regard.

## **3. ProxiSmart**

Anton Theron from our EXCO worked with the LSSA to defend the leave to appeal sought in the SCA and CC. Thankfully they were both dismissed. However, we suspect that another challenge is on the horizon based on the provisions of the LPA rather than the Attorneys’ Act, and if this happens we will continue to provide our full support and co-operation to the LSSA in order to continue to oppose this for the protection of our members’ interests. The GAA thanks the LSSA in this regard for its dedication to the cause and seeing it through all the way to the CC and to Anton Theron for his tireless efforts in this regard.

We are also very thankful to Adv. Alan Liversage SC, who has agreed to speak to us about Proxismart at our upcoming 2019 AGM. He worked with the LSSA team.

#### **4. Legal Education**

Many members have complained that there is little affordable legal education available. In response to this, the GAA has conducted several seminars and workshops over the past year, all very successfully. These were made possible in large due to the sponsorship received from several parties, most specifically Investec and the support of senior members of the profession who gave of their time at no cost to facilitate these events. The GAA is indeed indebted to you, in particular Michael Katz, Anton Theron and Allan West, for your contributions to the cause.

The GAA will be hosting the “Single Practitioner Bootcamp” at the Kyalami Country Club during September, aided by the assistance of Mrs Hester Bezuidenhout (formerly of the LSNP) who has come on board to assist us. We look forward to the growth of our training/education portfolio with the assistance of our sponsors and the expertise that Hester can bring to our table. Welcome Hester and thank you.

#### **5. Bank Account**

The GAA previously did not have a bank account as all of its operations were funded by the PAA and GAA. However, since starting training seminars, it has been necessary to open a bank account, which has now been done. The affairs of the GAA (as an income earning entity in its own right) will be audited and financial statements will be presented to the next AGM in 2020, as the bank account was not opened for a financial year before this AGM.

#### **6. Electronic court orders system at High Courts**

After many months of liaising with the judiciary in relation to an electronic court order system, it was piloted during early 2019 and is now fully in operation in the Joburg High Court. We are very pleased with the feedback that has been received from practitioners. There have been a few hiccups and where we have been made aware of same we have done what we could to assist. We remain available to assist practitioners who are unable to get what they need from this system.

## **7. Electronic document filing system**

The JAA is in talks with the High Court to pilot this system, through a practice directive which is currently being finalized. Our efforts in this regard are ongoing and the judiciary has indicated its intention to start the project as soon as it can although no date has been set for this as of yet. We have been made aware that the pilot is presently underway with a few practitioners and we will keep our members informed of any substantial progress in this regard.

## **8. Elections of Provincial Councils**

Several EXCO members of the GAA were nominated for the provincial council in Gauteng, but none were voted on. The decision was taken not to “canvass” for votes as it was seen by some as a conflict of interest, and it was seen by others as too risky to get involved in at this early stage before we know what we might be dealing with. None of our EXCO members were elected to the provincial council.

## **9. Membership of advocates**

Several advocates have enquired as to whether they can join up as members of the GAA. At present this is not permissible due to the provisions of our Constitution. An electronic survey done on social media indicated that many advocates wanted to sign up. Talks with the LSSA, BLA and NADEL have also indicated that it would be good for the GAA to welcome advocates (as all of these other organizations already do) as it would foster better collaboration between all of these organizations to the benefit of all of our respective members and the profession as a whole.

This needs to be canvassed with the GAA (and its constituent members) and a decision voted on at a special general meeting, because only if the members vote to allow advocates to join, can we amend our Constitution to do so. This has been earmarked as one of our special projects for the forthcoming financial year.

## **10. Information sharing and social media**

The service providers utilized by the GAA to keep its social media and website current are working well to spread the relevant information over social media and through news letters. The GAA has seen an incredible increase in the amount of engagement that we received from practitioners and members of the public (as well

as advocates) through social media. We have also seen an incredible increase in the manner in which the information posted is 'shared' throughout the profession at such rapid speed, owing to the frequency with which our posts are read by those following us. This is largely the work of our social media manager, Laura Gladwin, whom the GAA thanks for her tireless devotion to the cause. We hope to continue to be responsive to the needs of our members and to use the benefits of technology as much as we can to promote our members' interests and share relevant information.

#### **11. Debt Collector's Bill**

We are keeping an eye out for any new developments on this, as it is a threat to the income of attorneys. After the JAA submitted comments (in conjunction with the LSSA) and met with the Deputy Minister two years ago, we have heard nothing further. We will continue to watch this and will respond if necessary to protect our member's interests.

#### **12. Limitation of Fees by LPC/Minister in terms of LPA**

We continue to watch the development of this issue. A working paper was issued on this and the JAA has invited an LPC council member, Mr Jan Stemmet, to talk to us about this issue specifically at the AGM. His presentation will be shared with the GAA EXCO. If necessary, we will take the reins to protect our member's interest.

#### **13. Liaison Meetings**

The various consistent members of the GAA continue with their regular liaison meetings with the following persons/departments/ entities/forums. These are reported on at the local association level and not included here. Anyone who needs a copy of the Chairperson's reports of the JAA, PAA, SLF or WAA can contact us for more information. Not all of them were available at the time of this report and as such could not be attached hereto.

##### **13.1 LSSA**

The GAA have met three times with the LSSA to discuss collaboration between the various organisations for the mutual benefit of our members. It is proposed that the GAA will collaborate with the LSSA at the provincial level.

Our efforts continue in this regard and it is hoped that there will be a public announcement before the end of the year as to how this will be taken forward. The GAA thanks the LSSA for its willingness to engage and its continued dedication to the interests of the members of our profession.

### **13.2 NADEL AND BLA**

Some members of the GAA EXCO have met with and will endeavor to meet again with the NADEL and BLA leadership in an effort to formalize (or if not formalize, at the very least strengthen) the relationship and collaborate efforts between these respective organizations.

### **13.3 EAST RAND ATTORNEYS' ASSOCIATION**

Several of our EXCO members have been in talks with senior members on the East Rand to assist in setting up a formal association in that area. We are hopeful that the formalized association will join the GAA before the end of the year. We continue to liaise with other local associations in an effort to swell our numbers as much as possible.

### **13.4 GISEC**

Chantelle continues to attend and participate at the monthly GISEC meetings.

### **13.5 Probono.Org**

Three of our EXCO members met with the Probono.org leadership during the year and at this meeting it was agreed to collaborate where possible. During the year there was a change of leadership, and we are currently awaiting details of who has been appointed to meet further with us.

### **13.6 LPFF AND LPIIF**

The GAA has held two meetings with these bodies during October last year, at which three of our EXCO members attended. We continue to foster relations between our respective organizations.