

From pilot project to more than just a legal education institution

The LSSA's School for Legal Practice celebrates a quarter century of training candidate practitioners

Compiled by Barbara Whittle

In 1988 the Council of the then Association of Law Societies (ALS) – the forerunner of the Law Society of South Africa (LSSA) – resolved to launch a pilot course for a six-month, full-time legal training school in Pretoria in 1990. The aim of the pilot was to investigate an alternative to articles of clerkship. At that stage, Keith Wilson was the President of the ALS, Prof JC van der Walt was the Director of Legal Education and Tony Hutchinson chaired the ALS's Standing Committee on Legal Education. The Attorneys Fidelity Fund (AFF) would provide the funding for the school and no tuition fees would be charged.

During 1989 the planning for the school was completed. Nic Swart, an attorney and senior law lecturer, was appointed to design and implement the pilot project together with various sub-committees and members of the profession. Objectives were formulated, syllabi and material compiled, instructors appointed and a marketing campaign launched. The venue for the first school was made available free of charge for the first year by the then Transvaal Law Society – now the Law Society of the Northern Provinces (LSNP) – on the seventh floor in the Medforum Building in Pretoria.

The pilot school opened its doors on 15 January 1990 with 51 candidates who had been recruited to participate in the project. All but one of the candidates had been accepted as candidate attorneys by law firms prior to commencement of the programme.

This year sees the 25th anniversary of the establishment of the School for Legal Practice, which now has ten centres across the country, including a distance-training centre in cooperation with the University of South Africa (Unisa), and which provides training to some 1 200 candidate attorneys a year.

'This has been a wonderful, life enriching experience. We must pay tribute to the profession, our students over the years and all others who have had faith in the undertaking. It has always been possible to overcome the challenges we have faced by knowing that we have the support of those who are infinitely passionate towards the profession, education and transformation,' says Mr Swart, Chief Executive Office of the LSSA and Director at Legal Education and Development (LEAD).

The aims of the school are to ensure that the candidate attorney will, after completion of the course –

- have a basic knowledge of the learning areas that have been identified;

- have the necessary expertise to solve a given legal problem with the minimum supervision;
- be able to integrate various skills and apply these particular skills in the execution of various tasks;
- be able to develop their basic skills further in practice;
- have a knowledge of the correct approach and the ethical norms that are required of an attorney, and understand and be able to apply these in practice. This aim includes the nurturing of constitutional imperative values that will promote the image of the profession.

The pilot succeeds and the school starts in earnest

The results of the first group of learners in the Attorneys Admission Examination in August 1990 exceeded all expectations when compared with the results of candidates who had not attended the school. In a survey conducted after the school was established, it was found that the majority of the principals of candidates who attended the school rated the performance of their candidates in practice considerably better than other candidates.

The ALS Council and the AFF decided to repeat the pilot course in 1991 and Mr Swart was appointed as the Director of the School for Legal Practice and Director of Practical Legal Training. Fifty-nine candidates attended the school that year.

At its AGM in March 1991, the ALS resolved that two school intakes should be implemented the next year to create more opportunities for candidates to attend the school. In July that year the AFF approached the universities to assist with the expansion of the school to other centres in the country.

Two school courses were presented in 1992 accommodating 96 candidates.

At its AGM in March that year, the ALS decided to establish a school in Cape Town in cooperation with the University of Cape Town (UCT) and granted permanent status to the Pretoria School.

A tuition fee of R 2 000 was introduced and the structure of the school course was changed to provide for three modules –

- introduction and criminal court practice;
- civil court practice; and
- commercial matters.

Candidates were expected to write an examination after each module.

The School for Legal Practice in Cape Town was opened in January 1993 on the UCT campus with Eric Liefeldt as its first director.

With 91 candidates attending the school in Pretoria in 1993, Unisa agreed to make the main building of its campus in Sunnyside available to the ALS to serve as accommodation for its legal education department and the Pretoria School. The Pretoria School moved from the Medforum Building to the Old Main Building at the Unisa Sunnyside campus – its ‘home’ since then – on 1 December 1993. The legal education department of the ALS (LSSA) also moved to the campus. The Attorneys Amendment Act 115 of 1993 was introduced in terms of which a candidate who satisfactorily attended the school would be entitled to a reduction in the period of articles of clerkship by one year. The candidate could also sit for the admission examination without having secured articles.

The AFF resolved to support the launch of a school in Durban in conjunction with the University of Natal (Durban) – as it was then – and the school in Durban opened in January 1994 on the campus of the university with ML Pillay as its first director.

That year the duration of the school course was extended to five months in order to provide more time for practical work, and greater emphasis was placed on human rights practice, as well as on practice management and administration.

Steps were taken to cooperate more closely with the law faculties of the local universities. Although the ALS awarded its own certificate of merit to those candidates who distinguished themselves at the school centres, it was hoped that the universities would recognise attendance for the purpose of a postgraduate university qualification.

‘From the early 1990s we started receiving an overwhelming number of applications. The profession needed to consider ways in which to extend access, inter alia, by creating more centres. It was decided to launch a night school course in Pretoria. This concept proved to be a great success and was partly responsible for ensuring that opportunities for all who applied, exist. The night school assists those who have to earn a living during the day and attend the school at the same time in the evenings,’ explains Mr Swart.

1994 saw the establishment of the first night school course at the Pretoria school attended by 64 candidates. The Pretoria School was now running courses during the day and in the evenings. The Pretoria Bar decided to encourage its pupils to attend parts of the night course while senior members of the Bar acted as instructors in supreme court practice.

That year, more than 600 candidates had the opportunity to attend the school countrywide; substantially more than the 51 four years earlier.

The management committee of Unisa approved, in principle, to cooperate with the ALS as far as the running of a distance training centre of the school was concerned. The ALS Council

approved the establishment of a school centre in Johannesburg and a trust fund for legal education was established with the aim of attracting donations for postgraduate legal education.

The night school concept expanded in 1995 with two night school courses presented at the Pretoria School and night schools started at the Durban and Cape Town Schools.

The Johannesburg School was opened on the 7th floor, Hunts Corner, Eloff Street, Johannesburg on 18 April 1995 with Ilze Lombaard as the first director. Michelle Beatson, an ex-student of the Pretoria School, took charge of the Johannesburg School in November that year.

1995 also saw the Board of Control of the Distance Training School, constituted in terms of a cooperation agreement with Unisa, meeting for the first time in July 1995 and Emil Boshoff was elected as the Chairperson.

On 30 November 1995 the ALS Council took a firm stand in favour of the permanent status of the school.

The School for Legal Practice caught the attention of various foreign entities and a number of foreign visitors started visiting including, Judge Anel Silungwe, of Namibia, as well as representatives of the College of Law, England; Mozambique Law Society; the French government and a Dutch University.

The school centre in the Free State opened its doors in Bloemfontein on 6 June 1996 with Willem Spangenberg as director and offering a night course only.

The AFF contributed an amount of R 1 million for financial assistance to disadvantaged learners at all the school centres.

The established school centres in Pretoria and Johannesburg were presenting two night courses in addition to two day courses by 1996 and the Cape Town School presented two day courses for the first semester that year.

In conjunction with other role-players, the ALS investigated the establishment of a school in the Eastern Cape and in October 1996 a decision was taken to establish the school in East London. That school centre opened on 15 January 1997 – exactly seven years after the first centre had opened in Pretoria – and Andiswa Ndoni, a past student of the Pretoria School, was appointed as the first director.

In 1997 the school centres provided the opportunity to more than 1 200 graduates to attend the School for Legal Practice. The number of applications far exceeded the number of places available.

A new structure for the school was designed providing for more intensive training in litigation skills and legal writing. A fourth module was added to provide for structured business management training and training in commercial litigation formed part of the third module.

The proposal for a four-year LLB degree was accepted by all stakeholders in 1998.

With the launch of the ALS's successor, the LSSA, in March 1998 which provided for representation of the Black Lawyers Association (BLA) and the National Association of Democratic Lawyers (NADEL) on the Council representing the attorneys' profession, the school's constitution was amended to make provision for BLA and NADEL on the Board of Control.

That year the school conducted the Qualified Lawyers Transfer Test on behalf of the College of Law in the United Kingdom.

A centre in Polokwane, Limpopo, was opened on 2 February 1998 with Adriaan Anderson, acting dean of the Law Faculty of the University of the North and an ex-student of the Pretoria School was appointed as the first director. He was succeeded by Anelia Dodd on 29 June 1998. The school participated for the first time in the International Counselling Competition and came second in the national round in 1998. That year, leading members of the Young Lawyers Division of the American Bar Association visited the school during September. They provided training in interviewing and drafting techniques and equal opportunity law.

On 1 October 1998 the Council of the LSSA approved the opening of a school centre in Port Elizabeth and this centre opened its doors in January 1999 offering only one night course per year. The first director was attorney Eugene van der Berg.

On 1 September 1999 at the school in East London Andiswa Ndoni was succeeded as director by Nosipo Matanzima.

The turn of the century saw the School for Legal Practice represented at the South African Qualification Authority (SAQA), the Sector Education and Training Authority (SETA) council and SETA Legal Services Chamber by Emil Boshoff, Mr Swart and Michelle Beatson.

Recognising the need for modernisation, updated assessment methods – which provided for interviews, pre-testing and assignments – were introduced in 2000 for practice management and drafting of contracts.

Military legal practitioners received training at the school and persons from other institutions followed their example.

Gail Kemp and Liesl Skelton were appointed as the new directors of the Cape Town and Port Elizabeth centres respectively.

The school expanded its horizons in 2001 by offering training to a greater section of lawyers than before, including those at Legal Aid South Africa, the Assets Forfeiture Unit and Financial Services Board.

As part of the School for Legal Practice's process to promote a strong sense of professional responsibility, the Standing Committee on Legal Education approved a Declaration of Professional Responsibility to be made by all candidates on completion of the school course. For the first time in 2001, candidates signed and confirmed the public declaration.

Assessment in computer literacy and training in English business writing were introduced in that year.

The LSSA was the first training provider to be accredited by the POSLEC SETA (now the SASSETA), and the 'candidate attorney' learnership was the first learnership to be introduced in 2002 in terms of the Skills Development Act 97 of 1998.

Aspects of gender law, was introduced as a new topic in the school curriculum and the joint commercial training course with the Law Society of Ireland was presented for the first time in Pretoria in March and in Durban in November that year.

Also, for the first time in 2002, the numeracy skills of candidates attending the school were tested and interventions planned where relevant.

Mr Swart explains: 'The school discovered that some graduates lacked numeracy and literacy skills. The LSSA commissioned research by units at UCT and Unisa, which confirmed our earlier finding. Unfortunately this forced us to allocate valuable training time to numeracy and English writing, competencies that should be acquired at an earlier stage.'

PLT and CLE merge to create LEAD

At the end of 2002, after the death of the director of Continuing Legal Education (CLE), Renate de Klerk, the LSSA's Practical Legal Training (PLT) and CLE divisions were merged and the LEAD division was launched on 19 May 2003. Mr Swart became the LEAD Director, a position which he continues to hold.

Raj Daya, a Port Elizabeth attorney and later LSSA Chief Executive Officer, was appointed as the Port Elizabeth centre director in 2003.

Also that year, learners of the school were the first to enter into learnerships in terms of the Skills Development Act with a grant of R 2 million made available by the then POSLEC SETA. In 2004 the LSSA Council and AFF finally approved the establishment of a distance-based school in cooperation with Unisa. 'The distance model serves various purposes. It enhances access for persons who are financially, geographically or otherwise unable to attend a

residential course. More numbers can be taken without a substantial increase in operational cost,' said Mr Swart.

Skills assessment was taken a step further with the publication of learner and instructors' assessment guides.

2005 saw a number of new school centre heads appointed including Mohini Murugasen (now a High Court judge) in Durban, Nohlanga Motaung in Johannesburg, Simla Budhu at the new distance training centre, Yvonne Sinclair in Pretoria, Mokgadi Mabilo in Polokwane and Andrew Morathi in Potchefstroom.

Other important initiatives that year, included –

- the approval of new assessment model for entry to the profession;
- the review of the LLB and legal education panels were appointed and commenced with their work; and
- a skills transfer programme was introduced.

Vaneetha Dhanjee was appointed as director of the Port Elizabeth School in the place of Mr Daya, who became CEO of the LSSA in 2006.

The Potchefstroom centre opened its doors in 2006 with Andrew Morathi, an ex-student of the Cape Town centre, as director.

Social responsibility (pro bono) training and initiatives took place in Mamelodi, Pretoria West, Cape Town and Polokwane and the school directors made social responsibility a mandatory part of the school's programme.

In 2008 Chandika Singh, Vaneetha Dhanjee and Lionel Lindoor were appointed as directors of the Johannesburg, Durban and Port Elizabeth School centres respectively and Ursula Hartzenberg was appointed in Pretoria.

The school continues to refine its training and a new assessment programme was approved in 2011 with a focus on skills testing.

The introduction of e-learning in recent years has been an exciting development for the school. Mr Swart explains: 'Training and assessment can be conducted on a national platform, which promotes standardisation, IT skill and cost savings. This year two subjects will be offered online while at least one element of assessment will be completed through the Internet. Instructors and students interact on the e-learning platform and assignments are provided and submitted on this basis. Due to its nature, the school can, however, never become a complete online intervention. Most practical skills can best be learned through close observation and interaction.'

E-Learning is now accepted as an integral part of learning initiatives. 'It also creates the opportunity for persons who are not at the school to receive part of the training,' says Mr Swart.

Marlene Steyn was appointed as director of the Potchefstroom centre and Dilshaad Gani was appointed at the -LSSA-Unisa Distance centre.

In 2014 Fahreen Kader was appointed as the director of the Durban centre and Durban attorney Raj Badal took the reins as chairperson of the SCLE from Sasolburg attorney Abe Mathebula.

In 2014 the various centres of the School for Legal Practice provided training to 1 461 candidates. Of these, 55% were female and 85% were black.

Through the years, the School for Legal Practice has hosted delegation and visitors from numerous countries and jurisdictions, but particularly those from the South African Development Community region with which it has shared its experiences and to whom it has offered its assistance. It has also provided training for numerous institutions outside the attorneys' profession including the Financial Services Board, Gauteng Education department, SASOL, the Public Service Administration, the Office of the Premier of Limpopo and Legal Aid South Africa 'The school is much more than a legal education institution. Law graduates from different backgrounds come together and develop organisational, interpersonal and leadership skills. Judging from the success that many of our graduates have achieved in their professions, this programme should be a non-negotiable for our future dispensation,' says Mr Swart.

Comments about the school

We spoke to a few people who either worked at the School for Legal Practice or were former students, this is what they had to say.

Judge President Ephraim Mokgoba founding chairperson of the Polokwane School board, instructor and first Judge President of the Limpopo Division of the High Court: 'The School for Legal Practice has brought a new dimension in legal practice. When I first got involved in 1998 when the Polokwane School for legal practice was established, we realised that the caliber of students who came there came without any practical knowledge. But the school was able to prepare them on the practical aspects of attorneys' work so that when they start practising as candidate attorneys, they do not struggle like people straight out of university and they quickly grasp how things work in the attorneys' profession. As instructors, and I am sure all those involved, we really feel proud of the products of the school.'

Judge Tati Makgoka former school student and current judge of the Gauteng High Court: 'First, I join others to extend my convivial congratulations to the LSSA on this milestone achievement. I attended the school course from January to June 1994. The course equipped all who went through it with the confidence to enter the environment of legal practice. Over the years, the programme has produced outstanding women and men, who have risen to serve our country with honour and integrity. This has been through the school's ability to attract specialists in

various fields as course facilitators. But LEAD's success narrative would be incomplete without mention being made of its founding and long-term Director, Mr Swart. Mr Swart imprinted on the course, the sensitivity of his character, his inspirational leadership and the depth of his intellect. My very best wishes in the years to come.'

Judge Legodi Phatudi former student and instructor and current judge of the North Gauteng High Court: 'I got to know of LEAD when I completed my education at university. The school is basically a bridge between the substantive law which one learnt at university and the practical application of the law. When I attended the school, it gave me the opportunity to get exposed to the practical work which one would have gained in ten years'. I learnt a lot, it expanded my knowledge and experience, and taught me to be patient, vigilant and hard working. Should this school cease to exist, that would be the saddest thing in the legal profession.'

Busani Mabunda former student and current LSSA Co-chairperson and President of the Black Lawyers Association: 'LEAD has produced a substantial number of graduates who have ultimately become practitioners and who are playing leadership roles. I also attended the school and I am proud to be celebrating 25 years of its existence. The fact that I am sitting as the Co-chairperson of the LSSA, is a clear testimony of what the school is capable of and the kind of caliber and leadership which it can produce and has produced. There are a substantial number of people who are in the judiciary who once attended this school. We are very proud of this school.'

Michelle Beatson, former school director of the Johannesburg centre and current LSNP Council member: 'LEAD has been an integral part of, not only my legal education, but my motivation to continue practising law in very trying times. The education received through LEAD and the support by specifically its CEO have been instrumental in forming my career and determining my life path. Congratulations LEAD and continue with the astounding work.'

Oregan Hoskins, former student at the first pilot course in 1990 and current president of the South African Rugby Union: 'I learnt an enormous amount from fellow attendees who came with varied and rich experience from different institutions in our country. The diversity of people, language and culture taught me more than the lecturers could ever teach. I just wish that we could exploit our diversity in a positive way to the benefit of our society.'

Aneesa Mahomed former student, attorney and school instructor: 'It has been an honour and a privilege to be involved with LEAD initiatives. I started off as a student and have walked quite a distance and may there be a further 25 years going forward.'

Nkhensani Manyike candidate attorney and former student: 'There is a gap between theory and what happens in practice. Having studied part time, I experienced that gap and luckily for

me, because I was working, I actually picked up that what I am studying is highly theoretical. When I looked at what lawyers do, it was far removed from what is happening in reality. I was always worried about how I was going to cope when I first stepped into a legal practice on the first day as a candidate attorney because what I had was pure theory and just principles. I was glad that we had a school which would bridge that gap for me. When you look at a medical degree, they do practicals during varsity, but you never have that in law. Going to the School for Legal Practice helped me bridge that gap.'

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The Pretoria School moved to the Old Main Building at the Unisa Sunnyside campus – its 'home' since then – on 1 December 1993.

Oregan Hoskins, former LEAD student and current president of the South African Rugby Union with Legal Education and Development Director, Nic Swart at a school function in 2007.