Report by Chairperson on activities of GAA
(September 2019 – October 2020)

GENERAL

It has been the most challenging in this short history of the GAA, but is also reported as being the most challenging in the very long combined (over 200 years of) history of the GAA's constituent members (the JAA, PAA, WAA and SLF).

This past year has been a year of great loss. Hundreds of attorneys have closed their practices and hundreds more have lost their jobs. Those who are still lucky enough to have jobs and be practicing, have felt the pinch in other ways. Some have themselves succumbed to COVID, whilst almost all of us have felt the sting of the loss of a loved one or colleague. We are all poorer as a result of COVID, in different ways.

The difficulties experienced by attorneys in practice in Gauteng has increased in both number, and complexity, over the past year. It is literally unprecedented. Most of us suffered with our practices when the various government offices closed due to COVID (or the unions). Some of us are suffering this still. Most of us suffered when the regulations decreed that we couldn't work from our business premises (that we have to pay for), or when it was decreed that we couldn't have all of our staff at the office at any given time as a result of COVID measures. Most of us suffered when our clients stopped briefing us, due to financial difficulties. And hundreds of panel attorneys lost their bread and butter when the RAF decided not to brief them anymore. We are all suffering the after effects of lockdown on the economy, with inflation on the rise and our economy contracting. We are now also facing the threat of our fees being limited to tariff rates.

This year has also seen unprecedented innovation. The High Courts in Johannesburg and Pretoria piloted, and then went fully live with, the Case Lines electronic case management system in the early months of the year, just as COVID hit us. The Johannesburg and Pretoria Municipalities switched to online rates clearance systems. Many attorneys are now learning, and subscribing to, electronic signature platforms. We are conducting meetings, mediations, arbitrations, and even court hearings over Teams/Zoom. We have become reliant on the exchange of information over email, Dropbox, Onedrive, and other file sharing platforms, in a few short months, so much so that many of us don't use physical files anymore. Data

protection and storage protocols have now become the norm. The GAA is, for the first time, conducting an electronic annual general meeting and our EXCO have switched to electronic meetings instead of physical ones.

We need to find strength in unity, now more than ever, to face, and fight, the various obstacles that are putting attorneys out of business. We have strength in numbers and we must exercise that strength, almost as a trade union would, to press back against the government that is attempting to regulate us so severely. Now is the time for collaboration, information sharing and liaison – because with our pooled expertise and resources we can present a formidable front. United we stand and divided we fall. We must now put aside our differences and face our common foes (or rather challenges) to ensure that justice is not denied, or diminished, in our failing economy.

WORD OF THANKS

I need to personally thank the EXCO members for their dedication, expertise, and above all, the time commitment that they make to the GAA. It is hugely disruptive of our personal and professional lives yet whenever assistance is needed, particularly urgently, there are always volunteers to take on even the most onerous and sometimes unpleasant tasks.

The above being said, we are very appreciative of any further assistance that other practitioners could provide and welcome engagement with members in this regard.

SPECIAL PROJECTS

Much of the work of the GAA is done by its constituent members (the PAA, JAA, WAA and SLF) and their various committees. As soon as the reports from the chairpersons of these organizations become available we will distribute them to the GAA members. The JAA report is already out and a copy will be mail dropped after this AGM.

The below are some of the highlights from the past year.

1. CASE LINES

The pilot project was rolled out to the Jhb and Pta High Courts late last year and went live in relation to certain court sections from January 2020. When we went into lock down the roll out was accelerated to make all sections live from March 2020.

Practitioners have experienced endless problems with the system, caused by technological hiccups, not knowing how to operate the system, and difficulties with knowing how the integration between the online system and practice works.

The teething problems experienced were exacerbated by COVID, with court staff members either not being at work due to illness/quarantine or being required to work from home without the resources to do so. The Dept of Justice/Public Works have been slow to respond to the requests of the court staff for resources/infrastructure but this seems to have resolved itself in around July 2020. The JAA enquired as to whether it could source and supply the Jhb High Court with computers, data, assistance from candidate attorneys/students to deal with the backlogs building up as a result of the above, but this offer was declined on the basis that any such 'donation' would constitute 'graft' and would be unlawful. The PAA were able to provide some assistance to the registrars of the Pretoria High Court for a short time, and operations in Pretoria were mostly smoother than in Johannesburg.

The GAA, together with its constituent members, spent hundreds of hours working with the stakeholders at the Jhb and Pta High Courts (including the judiciary and court staff) to investigate and resolve these issues. Hundreds of complaints were received and channeled to the appropriate persons at the courts, and accordingly resolved. New practice directives and a guidelines were released in late September 2020 and for the most part we understand that this has alleviated the majority of the problems experienced. The number of complaints and requests for assistance received have dropped off hugely since the new PD was released. To the extent that issues remain or new ones arrive, we will continue with our regular liaisons with the court staff and judiciary, who have been incredibly helpful throughout.

The GAA would like to encourage practitioners to keep up to date with the changing practice directives, as we often find that practitioners complaining of the system not working, are not following the instructions given on how to use the system. We would also encourage practitioners to make use of the training facilities so that they are upskilled on how to navigate the system, and are aware of its 'bugs' and how to 'troubleshoot' them.

2. ELECTRONIC COURT ORDERS SYSTEM

This project was collapsed into the Caselines system, and as such, the JAA is not running it anymore. The JAA thanks the court and especially Judge President Mlambo for having pioneered this system even before Caselines, to alleviate the difficulties experienced by practitioners.

3. MASTER'S OFFICES

The GAA initiated a probe by the Dept. of Justice into the failings of the Master's Offices across RSA, but particularly in relation to Gauteng and the Western Cape. The GAA is working with several regional and local associations, some voluntary associations of attorneys and some private businesses, to address the problem through the Dept of Justice. The GAA is collating information on complaints and funneling them through appropriate channels for action. Members can watch our newsletters for further updates. Katherine Gascoigne of the GAA is heading up this project, and a meeting has been arranged with the department of Justice for next week to discuss the problems that practitioners are experiencing.

4. RAF AND RABS

The RABS bill was 'defeated' in Parliament late in 2019, but it put back onto the agenda for re-consideration on more than one occasion. On each occasion APRAV and its alliance of partners fought to have it voted against. They succeeded and it has been reported that in August 2020 the RABS was defeated for a final time (it cannot be reconsidered as we understand it). The focus has now shifted to altering the current failing RAF system. APRAV is busy with workshops with all stakeholders to find ways to fix the current system. The GAA will offer its support and collaboration in any way it can in this endeavor and we are in regular contact with APRAV about this.

This year also saw a plethora of court applications launched by defendant RAF panel attorneys, who had been told that the RAF was not going to renew their contracts. This litigation remains ongoing. The new RAF CEO, however, has taken the view that it is better that the RAF do its own legal work "in house" and has arranged for claims handlers to represent the RAF in court directly. This has caused huge difficulty for plaintiff attorneys and judges, who are faced, on the day of trial, with an unrepresented or even absent defendant. The RAF is, however, making more of an effort to settle more matters, and this is a positive effort. Several law firms who represent clients owed several million have attached and removed all of the assets of the RAF (again) with

the result that all payments to all claimants have ceased, and there is litigation ongoing in relation to this as we speak.

The LSSA has asked the GAA for assistance with the latest round of litigation relating to the RAF, in which an order has been sought permitting the RAF a moratorium on the execution of orders obtained against it. Michael de Broglio has started a new organization that will assist personal injury lawyers, and we look forward to working with it in the coming years, to support the fight against the broken system.

5. E-SERVICE BY SHERIFFS

In conjunction with other stakeholders we are part of an initiative to compel a change in the law that will facilitate electronic service by sheriffs, as this is presently not permitted. This will facilitate access to justice, and decrease the costs of service to clients, as well as hopefully speed up the process of service. This will serve the public as well as practitioners. It will also prevent those crossing borders to avoid prosecution from being able to do this, as our global village shrinks.

6. E-PLATFORM FOR SHERIFFS

We are also part of an effort to build an electronic auction platform for the sheriffs, which will enable auctions to take place free from the syndicates of “bidders” who intimidate and sometimes even threaten the sheriffs, other bidders and practitioners at auctions. This will also (hopefully) decrease the costs of the sale and make the process quicker and easier, with the result that members of the public, the sheriffs and the banks will benefit from fewer delays and lower costs.

7. BUILDING NEW RELATIONSHIPS

The GAA has engaged with many organisations with a view to collaborating nation wide on various matters of mutual interest, including the opening/closure of Deeds Offices and other government offices, the difficulties with the Master’s office, the COVID regulations and how they affected the courts, and various other issues. We will continue to share information, ideas, and act together on matters of mutual interest with the aim of broadening our reach/footprint nationally.

The EXCO has started liaisons with the Cape Town Attorneys' Associations and the Cape Town Legal Practitioner's Associations, as well as several other associations including Goldfields, the Cape and Winelands Attorneys, and two other associations to be established in Pietermaritzburg and Limpopo. At these liaisons we discuss issues of mutual interest (such as the failures of the Master's offices country wide) and we collaborate to resolve them.

8. GAA CONVEYANCING MENTORSHIP PROGRAM

The GAA is assisting the LSSA with its conveyancing mentorship program, with a view to promoting transformation in the profession.

9. LIASONS WITH STAKEHOLDERS

The GAA continues its regular liaison meetings with the following persons/departments/ entities/forums.

a. LSSA

The GAA have met with the LSSA to discuss collaboration between the various organisations for the mutual benefit of our members. A further meeting has been called for to further our joint efforts. The GAA thanks the LSSA for its willingness to engage and its continued dedication to the interests of the members of our profession.

b. NADEL AND BLA

NADEL (national and regional), NADEL Jhb and the GAA continue to collaborate wherever possible to promote the mutual interests of our members. In our view, the more collaboration we have with all interested stakeholders in our profession, the better.

Our EXCO will endeavor to meet again with the BLA leadership in an effort to formalize (or if not formalize, at the very least strengthen) the relationship and collaborate efforts between our two organizations.

c. PAA, WAA, SLF, JAA AND EAA

The GAA continues to work in close proximity with these organizations at the GAA for the interests of all attorneys. The GAA is an incredible vehicle that the local attorneys' associations can and do utilize to collaborate and realise the benefits of 'strength in numbers'.

d. Court Liaison Meetings

The GAA attends regular liaison meetings with the Johannesburg and Randburg Magistrate's Courts. There are also regional court gatherings, such as the PEEC GLC meetings, which we attend.

e. GISEC

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

f. Probono.Org

The GAA met with the new Probono.org leadership towards the end of 2019, and although COVID put a dampener on our plans for the year, we hope to be able to rekindle this relationship and offer our assistance. Wendel Bloem, one of our EXCO members, sits as a board member, and gives us regular updates.

g. LPFF AND LPIIF

We continue to foster relations between our respective organisations.

CLOSING REMARKS

As with any living organism we must adapt or die, lest we fall behind and become irrelevant. We have been forced to forge new relationships and make new alliances with other organisations and officials, in the battle to keep our practices operational. This new sense of community, collaboration and strength in numbers must continue into the future, if the GAA is to cement itself in the legal landscape in RSA.