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

GENERAL

This has been an extremely challenging year, with the demands on the time of the EXCO members pushing many of them to the limit. Lockdown and COVID both brought unique challenges to our doorstep, and although we have responded as best as we can in these extremely difficult circumstances, this has not come without sacrifice.

Apart from losing our dear Ivy just before lock down, we have (and continue to) face a severe loss of operating income from our court offices, due to the effects of lock down, and the uptake of practitioners using the electronic court management (Caselines) system. This has had a dramatic effect on our reserves, which are fast depleting. Our Treasurer, Katherine Gascoigne, will speak to this further. We have had to change the manner in which we operate in some of our offices and close others, as they were incurring losses. We have had to adopt new service offerings to cater for "online services" and we are still working on expanding our service offering in this regard. We have had to switch from physical, in-person meetings, to "Zoom" meetings, and for the first time we are holding an electronic AGM. We now have an office at the Deeds office, and Practitioners are starting to use electronic signatures to sign documents (including court documents), and contracts are being increasingly signed electronically. Each of these changes in behavior has had positive as well as negative implications for us, but we have endured as best as we could, to find a new rhythm and way of doing things that will hopefully serve us well into the future.

As with any living organism we must adapt or die. We are living proof that we can change our ways, for the better, if given enough reason to, and I can only hope that the very hard earned lessons that we have learned over the past 6 months will stay with us always as a reminder of how we always need to embrace change (and changes in technology) head on at the earliest opportunity, lest we fall behind and become irrelevant.

WORD OF THANKS

Before I explain what we have achieved as the JAA since the last AGM, I need to personally thank the EXCO members for their dedication, expertise, and above all, the time

commitment that they make to the JAA. 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. I would especially like to thank Cornelia van Graan (who resigned from our EXCO during the past year) for everything that she has contributed to the JAA over the years, and her dedication to the profession in this regard. I would also like to welcome Bruce Shipalana, who joined us after our 2019 AGM.

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.

I also need to personally thank the JAA's staff members, Hilda, Portia, Regret, Vivian and Angela. I would especially like to congratulate Vivian for surviving an extreme health crisis, and I would also like to extent our heartfelt condolences to the family and friends of our dear Ivy, who passed away earlier in the year days before lock down. We thank the profession and the staff at the Johannesburg High Court for their support of her family during that difficult time.

The below are some of the highlights from the 2020 year past.

SPECIAL PROJECTS

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 JAA, together with the GAA and 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 guideline are being developed and, as at 9 September 2020, are expected out sometime next week. We are hopeful that the revised practice directives will resolve the remaining issues faced by practitioners. 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 JAA 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. The JAA will continue its efforts in educating practitioners of the most common problems and how to overcome them, and we hope to be able to provide an 'advice centre' and training on this by early 2021.

The JAA's offices at the High court have scanning facilities that can be utilized by members to scan large bundles of documents quickly and easily, and we can also assist with a scanning service, upon request, in terms of which you drop off your documents and we scan them to you. This is one of our new electronic service offerings.

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 JAA 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 JAA 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 JAA is collating information on complaints and funneling them through appropriate channels for action. Members can watch our newsletters for further updates.

4. OPENING OF NEW OFFICES AT JHB DEEDS OFFICE

To facilitate the easier and more convenient registration/lodgment of deeds at the Jhb Deeds Office, we opened a small "prep office" in Marble Towers. We are recovering the costs of running this office from donations from affected conveyancers. We hope that this office can become a permanent fixture, in which case we expand our offerings here, but we will need to make this determination after life returns to "normal" after lock down lets up and after the festive season.

5. 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 JAA 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 JAA is presently arranging a stakeholder meeting to find a solution to this myriad of problems, because clients are suffering. Justice delayed is justice denied.

6. COJ ELECTRONIC CLEARANCE SYSTEMS AND ELECTRONIC RATES CLEARANCE CERTIFICATES

The COJ went live with its "E-filing" system for rates clearances in 2020 and several problems have surfaced as a result. The JAA has regular liaison meetings with the COJ's clearance department in this regard, and Mr Jacques Maart (Deputy Director of Clearances) is always very helpful in resolving our members' issues. The JAA held two webinars in conjunction with the COJ and the World Bank to educate members of the profession on how to use the system and the law generally relating to rates clearances, and a third is planned for the next few weeks to deal with the 'trouble shooting' of typical problems.

Although the COJ was not operating at all, or fully, during lock down, and there was a delay in the issuing of clearances and figures when they initially started up, this was managed and the backlog appears to have cleared now. This was also exacerbated by the COJ's system being "down" for year end, which "down time" was extended due to the COJ's failure to have taken a resolution to approve their tariffs before the commencement of the new financial year.

7. OPENING OF BOOYSENS MAGISTRATE'S COURT

Just after our new offices were set up we went into lock down. Our office at Booysens has remained closed, partly due to the costs it would incur to open it, with COVID having impacted significantly on the number of practitioners using that court, and partly due to our strained resources and not wanting to take on new staff to man that office during lock down, when we are not sure of the market recovery. The decision to open it can be made at any time without penalty, and we are evaluating the situation daily to ascertain when it would be best for us to officially open again.

8. CLOSURE OF RANDBURG MAGISTRATE'S COURT OFFICE

We have sadly taken the decision to close the Randburg Office as it is not profitable and putting too much of a strain on our resources. We hope that we will be able to expand our service office again in the future, perhaps once lock down lets up, or once the Caselines system is rolled out to this court.

9. REVIEW OF PHOTOCOPY PRICES

In the face of competition and a difficult market we decreased our printing/photocopying page to be more accommodating to practitioners. Unfortunately, however, this is having a negative impact on our income. We will review this again when lock down lets up.

We have also embarked on a process of reviewing all of our photocopier contracts, as these are expensive to rent and run, and with the drop in printing income we are looking for cheaper alternatives to reduce our monthly operating costs.

10. AMENDMENT TO CONSTITUTION TO INCLUDE LEGAL PRACTITIONERS

EXCO member Mr Shipalana proposed amendments to our Constitution to facilitate the change in terminology utilized in the LPA, and this is on the agenda for approval at our 2020 AGM.

11. JAA/GAA/LSSA CONVEYANCING MENTORSHIP PROGRAM

We are working with the LSSA to run a mentorship program for budding conveyancers ahead of the Nov 2020 and Feb 2021 exams. The project is in its infancy and resources are still being sourced. We have created the study guide that serves as the backbone to the program, and we are building a database of precedents for use in teaching drafting to candidates who plan to take the exam. We are hoping that this intervention will assist with transformation in the profession.

12. 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.

13. 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.

14. COURT ROLLS ON WEBSITE

After conducting an audit it was discovered that certain rolls were missing from our website and we are attempting to extract these from court staff members as early as is possible to increase the number of rolls avialable to members. This is proving difficult in some cases, however. We are also trying to get the rolls up earlier because the more warning practitioners have, the better for preparation. This has been a request in our ongoing liaison with all of the courts. The above, however, is expensive because of the labour involved in loading the rolls. We are engaging with IT experts to find a more cost effective solution to the uploading.

15. THREATS BY MUNICIPALITIES AGAINST CONVEYANCERS

This relates to the threats made by the COJ's debt collectors/lawyers to conveyancers that they are lawfully responsible to assist COJ in its debt collection responsibilities by ensuring that sellers who obtain 'abridged' clearances, make payment of all amounts owing (in terms of section 118(3)) before transfer. The JAA previously dealt with this matter, when the New Ventures judgment in the Constitutional Court was being heard, and engaged counsel and applied to be joined as amicus in relation only to the legal issue of whether conveyancers bore any such duty and if they did, to whom they bore it and what the extent to of that duty way.

The way in which the court decided the issue rendered the JAA's issue moot and the court did not decide on it.

Metropol Consulting, Moodie and Robertson and several other attorneys have recently started sending "s 118" letters again demanding that conveyancers ensure that the COJ's debts are collected. Our Property Committee is liaising with COJ and dealing with these issues and will be communicating with practitioners regarding the way to handle the situation in due course. If necessary, the JAA will litigate to protect the rights/interests of its members.

16. EXPROPRIATION WITHOUT COMPENSATION

We reported last year that the JAA submitted comments to Parliament in respect of the proposed amendment to s 25 and after being invited to make oral presentation to Parliament, further written submissions were made. As chairperson I attended a workshop on the law relating to expropriation without compensation held on the 25th of September 2019 in Stellenbosch at SUN after which another round of comments, compiled by top jurists all around the country, was submitted in February 2020. We now await Parliament's consideration of the submissions and its "next move". We remain committed to protecting fundamental property rights, and access to property, for all South Africans.

17. ANNUAL STRATEGY PLANNING MEETING

The JAA EXCO held its 2020 Bosberaad at Melrose Arch, Schindlers Attorneys, during November 2019. It was able to keep the costs to a minimum (catering only at cost) by using offices volunteered and it was a very productive 8 hour meeting.

18. CALENDER OF EVENTS

For the second year running we had our pre-planned calender of events, but COVID upset our plans and apart from the AGM many of our planned events did not take place. We look forward to the day when lock down ends and we can host gatherings of more than 50 people again!

19. FEMALE JUDGES MENTORSHIP PROGRAM AND CANDIDATE ATTORNEYS' FUNCTIONS/TOUR

The Female Judges Mentorship program unfortunately did not run this year due to COVID, but we look forward to next year. Unfortunately as we were not allowed to host gatherings for social events or more than 50 people, our bi-annual candidate attorney functions were also postponed. Discussions are under way to attempt to facilitate an event in October/November 2020.

Our annual Candidate Attorney Tour (in conjunction with the WAA) was also not held this year due to COVID, but efforts are underway to create a 'virtual tour'.

20. SCANNING/FILING SERVICE

This service went 'live' in March 2020 but there has been a slow take up. We plan to advertise this better.

21. INFORMATION SHARING AND SOCIAL MEDIA

The service providers utilized by the JAA to keep its social media and website current are working well to spread the relevant information over social media and through news letters. The JAA 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 JAA 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.

22. DRESS FOR SUCCESS PROJECT

We ran a project in terms of which we asked for donations of good quality and condition second hand professional clothing, and we arranged for this to be donated to candidate attorneys who were unable to afford same.

LIASONS WITH STAKEHOLDERS

The JAA continues its regular liaison meetings with the following persons/departments/ entities/forums. Reports on the critical issues in these meetings are often included in our email newsletters to our members, and so what is below is rather abbreviated. Anyone who requires a fuller report of the year's activities can contact us for more information.

a. LSSA

The JAA and 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 JAA 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), NADEL Jhb and the JAA 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, GAA AND EAA

The JAA 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 JAA and all other local attorneys' associations can and do utilize to collaborate and realise the benefits of 'strength in numbers'. The JAA would like to thank the GAA, and all of its constituent members, including the WAA, the PAA, the SLF and soon to be the EAA as well, for their continued collaboration in this regard.

d. Cape Town Legal Practitioners Association, and KZN Lawyers

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.

We had great success with the Deeds offices, which, through our collaborative efforts, released a "1 day COVID turn around decontamination protocol" which has, to date, proved effective in stopping the incessant and unnecessary closures of up to two weeks with each reported infection. The JAA thanks its colleagues in these organisations for their efforts in this regard.

e. SLF

The Soweto Legal Fraternity continues to grow from strength to strength. The JAA has invited it to sit as observers on the EXCO and two of our EXCO members are also SLF members. Yusuf Wadee of our EXCO is also a SLF member, and the collaboration between our two organisations continue. We will continue to offer the SLF any assistance it needs to grow and prosper for the benefit of all of its members.

f. SASSLAW

The JAA has reached out to SASSLAW continue to interact and share information with a view to keeping their members up to date in relation to the activities of the other organization.

g. High Court IT Committee

With the introduction of Caselines, the committee has morphed into a large body of persons at the High Court involved in the Caselines project. The original "IT committee" has not met this year as its operations have been subsumed by Caselines.

h. High Court Precinct

With COVID, the work of this committee was put on hold. It resumed again in August 2020 and a renewed effort is being made to keep the precinct clean and safe. There is a more visible police presence, and vehicles and pedestrians are being better policed. Hawkers are being chased from places they shouldn't be and a plan is underway to increase the security at night and the public ablutions. These might seem like small wins, but they are hard fought for and will make a massive impact.

i. High Court Library

We continue to attend meetings of the Library when they are called.

j. Magistrates Court Library

We continue to attend meetings of the Library when they are called.

k. Court Liaison Meetings

The JAA 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.

l. GISEC

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

m. Probono.Org

The JAA 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.

n. Master's offices

Katherine Gascoigne and her staff members continue to meet with the Master's offices on a regular basis, raising issues reported by members, and giving feedback to the EXCO. Our more specific report on the issues experienced and the efforts made to address them are included above.

o. LPFF AND LPIIF

We continue to foster relations between our respective organisations.

p. Sub-committees

Several following sub-committees continue to function independently of the EXCO, reporting back to it through the EXCO members. Their minutes should be available from each committee. Feedback is given at each EXCO meeting. A list of our sub-committees showing the members on each is attached as Annexure A.

CLOSING REMARKS

This has been a difficult year, with many practitioners closing their doors due to COVID and with many more passing away. We would like to extend our condolences to all those members, and their families, who are or who have suffered as a result of this pandemic, and to let others know that we are avialable to assist to the best of our ability. May God bless you and keep you.