REPORT BY CHAIRPERSON ON ACTIVITIES OF GAA
(SEPTEMBER 2020 – NOVEMBER 2021)

GENERAL

A NEW NORMAL?

It is difficult to find the words to describe the experiences that we, as attorneys, have had over the past year. The pandemic that we all thought would 'blow over' is still raging, and just when we thought that it was over and we could return to "normal" (whatever that may mean), we are told to prepare for another wave that is expected to hit our shores in December/January. Our economy is battling like never before, with experts predicting post world-war like effects. Many attorneys have gone out of business as a result of financial constraints, or have simply left the profession to avoid the endless struggles and stress that is inherent in trying to eek justice out of a largely non-functioning judicial system.

Although our High courts (and some other courts, like the Land Claims Court and Constitutional Court) here in Gauteng are quite literally the best in the country (and we have the excellent officials in the Office of the respective court offices to thank for that, in particular the Judge President Dunstan Mlambo), and our Deeds Offices are weathering the storm with admirable levels of professionalism and excellent management, other justice offices are failing us to an unprecedented degree. The Master's Offices nationwide have been non-functional for over a year. Tens of thousands of deceased estates, trusts, and guardian matters have been left unattended to, and the impact that this is having on those affected is impossible to measure or describe. It is simply unacceptable, and despite the countless meetings organized with the relevant officials and promises of fixing the broken system from the top, very little has changed on the ground.

The Department of Justice's electronic systems also leave a lot to be desired. The effects of the 'hack' or 'ransom' or whatever it was (the story varies depending on the report that you read) have still not been remedied fully, although certain aspects of its system have been brought back online. The Legal Practice Council has recently been told by the courts to get its act together, as it is reportedly failing in its mandate to regulate legal practitioners and provide the services (including disciplinary services) legislated. This being said there is no shortage of regulation coming from the LPC, which regularly releases new rules for legal practitioners to

comply with. However, it must be mentioned that certain LPC members at the national and provincial levels have been extremely helpful to the voluntary associations and deserve a special thanks, amongst them Janine Myburg, Jan Stemmet, and Priyesh Daya. Thanks must also go to the various LSSA members, in particular Lizette Burger and Tony Pillay, for their ongoing assistance rendered to the voluntary associations.

Is this our 'new normal'? A partially non-functioning government justice system, saved only by the excellent functioning of the High Courts (well, at least in Gauteng), a lack of disciplinary functioning of the LPC, all time high levels of practitioners exiting the profession for a myriad of reasons, whilst all time high levels of legal assistance being required by the public? Exponentially more work to do, with less resources, facilities and assistance from government in doing it?

The work of the voluntary attorneys' associations has increased several fold over the last few years. The formation of the GAA was borne out of a dire need for attorneys in practice to be represented not only at a local level, but also at a regional level. The higher ups in government don't want to speak to us mere mortals from the cities and towns – they only want to speak to elected representatives from a region or where possible, representing the entire profession. The GAA announced two years ago that it had formally been positioned as the LSSA's Independent Lawyers Association for Gauteng, meaning that the GAA is officially part of the LSSA's internal structure and functions within it to represent lawyers in Gauteng at the national level. Through this mechanism, we have a voice at the national level too. Tiaan Joubert, of the PAA and GAA (and past chairperson of both) is the GAA's nominated representative to the LSSA. He ensures that lawyers in Gauteng have a voice at the highest level possible through the LSSA structures.

Working with each other, the GAA and its constituent members have increased the frequency of their meetings with various government departments in the past year, in an attempt to manage and mitigate the various challenges presented by (amongst others) COVID, lack of budgets, lack of proper management, union strikes, IT failures. Millie Lurie must be thanked for her ongoing efforts with the Companies Office, Katherine Gascoigne and Millie for their efforts with the Master's Offices, Anton Theron for his with the Deeds Offices, and Tiaan for his with the LSSA. Yusuf Wadee and Marianne Pretorius are heading up the High Court liaison (and dealing with Caselines issues). Yusuf is also our NADEL liaison, and RAF committee chairperson. Wendel Bloem serves as our probono liaison in relation to Probono.org, where he sits on their board. Hilde Eksteen has spent hundreds of hours arranging for webinars, online events, newsletters, websites and other marketing and PR functions to be carried out

smoothly (or as smoothly as possible, as we have had hiccups, and we apologise unreservedly for these – we are not technologically inclined, as some of you might have experienced – but we are trying our best to increase our services to our members and move into a more digital offering!). To anyone who I have left out, I apologise unreservedly. There are so many that I need to thank for the countless hours of dedication to the profession and justice, not only from the GAA and its constituents, but from government offices, NGO's, law firms, and of course to all of our staff at the PAA, JAA and WAA. You all keep the wheels of justice turning for those who so desperately seek the remediation of wrongs.

I would like to echo my sentiments from last year's AGM - 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 and are challenging our ability to deliver justice to our citizens. 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.

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. I mention only a few special projects, and some of our regular liaisons below, as there are too many across the various organisations to mention specifically. The further details are in the chairperson's reports of the JAA, PAA, and WAA.

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

1. CASE LINES

The Caselines system in the Gauteng High Courts has developed much over the past year, with it now having become 'the new normal' for most. There are still some teething problems, which we address for the profession as best as possible through the ongoing liaison with the High Courts and the revision of practice directives from

time to time. Considering that it has been in operation for less than two years, it is a resounding success.

There is a new pilot program underway for additional electronic court services, which will increase the capacity of attorneys and sheriffs to deliver court systems to their clients online. Learning from past experiences, when this rolls out we will have help desk services in place, training services in place, and we will continue to represent the profession through our liaison with the High Courts in an effort to streamline the process and mitigate the difficulties faced by a new system.

We would like to reiterate that the GAA and the High Courts 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. MASTER'S OFFICES

Katherine Gascoigne is going to join us and give us a live update on the efforts by the profession to remedy the problems experienced.

3. 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. Our efforts in this regard continue.

4. 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. The development is already under way and we hope to see a pilot project in early 2022.

5. 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 GAA EXCO continues to maintain its liaisons with other attorneys' associations across South Africa, including 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. This is achieved through the "GAA and Friends" meeting channel.

6. ONGOING LIASONS WITH STAKEHOLDERS

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

a. LSSA

Tiaan Joubert heads up our LSSA liaison and the level of co-operation between our organisations has increased dramatically this year. Many

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. The PAA has recently engaged with the BLA to collaborate further with them and we welcome this new liaison.

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

Wendel Bloem continues to serve in this liaison position.

g. LPFF AND LPIIF

We continue to foster relations between our respective organisations. Our special thanks go to Thomas Harban and his team for their ongoing collaboration with our respective associations.

h. DEEDS OFFICES

Anton Theron heads up this liaison and has done so for many years. The Deeds Offices are functioning very well, and many thanks go to Anton for his continued efforts.

CLOSING REMARKS

We soldier on, because we must. New challenges arise and old ones are resolved. But our commitment to justice remains. We wish you all “sterkte” in the face of the ‘new normal’. Those of us who remain will necessarily become even more resilient. We will (hopefully) in the face of our challenges usher in a new normal in the delivery of justice to our clients and the citizens of our beautiful country.