REPORT BY CHAIRPERSON ON ACTIVITIES OF JAA
(SEPTEMBER OCTOBER 2020 – 2021)

CHAIRPERSON'S REPORT

When I wrote my chairperson's report last year in September for the 2020 AGM, I never thought that a year on, I would still be referring to challenges that COVID has presented our organization. We have now been in lockdown for a year and a half, and when I think back on that time, it all seems like a blur. Truthfully, I think that we are only now really beginning to see the long-term effects of the lockdown, not from a health perspective (thankfully) but from a socio-economic perspective.

Today's reality consists, for many attorneys, of a packed daily diary with zoom meetings and online court attendances from home, crisis after crisis, hundreds of WhatsApps (or Telegram, Signal, or WeChat messages) per day and working late every evening (from one's previously sacred home space). This has become our 'the new normal'.

Sometimes we have to juggle work and home responsibilities, and I personally need to pause here to congratulate every attorney (male, female or any other gender) who balances their life in this way – it is a monumental task and we often forget, as attorneys, how we are unable to help others unless we can first find the time and energy to help ourselves and our families first.

We rarely meet clients, the judiciary or hold office meetings in person, and our interpersonal relationships are weakening. The training offered to our candidates and junior attorneys is not what it used to be. We aren't in contact with as many people as we used to be, and this is weaking the bonds that we had with our 'contacts' in our professional networks. Added to this attorneys and firms are suffering financially as a result of the economic turndown, and the rising costs of living.

Many smaller firms and sole practitioners have closed their doors over this past year or have moved into other sectors of business other than law. [On a side note, let me take this opportunity to remind our members that we have welcomed non-practicing members into the fold of the JAA, as per the decision taken at the 2020 AGM.] Many others have passed away (our beloved vice chairperson, and longstanding JAA member, Jacques Tarica, being one of

them). Tragically, some have even committed trust account fraud or committed suicide. Many government offices have faced immense difficulty keeping their doors open during the times of pandemic; some have entirely failed, whilst others battle on admirably. This has had a dramatic effect on our reserves, which are fast depleting. Our Treasurer, Katherine Gascoigne, will speak to this further.

But the JAA battles on. We have endured many crushing hardships this past year, the most tragic of which was the death of our colleague Jacques Tarica, who was the glue that kept our profession together at many levels. We have lost the great majority of our historical income stream, which was mainly derived from photocopying revenue at our High Court office. We have seen the complete collapse of the Masters' offices, which we are working day and night to resolve in conjunction with other regional and national organizations as well as government.

On the whole, while our billable hours are increasing, our non-billable hours are increasing dramatically – and we, as attorneys in practice, are being stretched to the limit. As a result of the increasing number of issues facing our profession, for those of us serving on the JAA committees our work has increased dramatically. Not a good sign in these troubling times, and one that we must realistically meet with increased passion and determination.

It is at times like this that strength in numbers means the most. That our ability to band together and to tackle and fight issues that affect the entire profession, the citizens of our beloved country, and justice as a whole, should take precedence over our individual practices and concerns. The more we band together and tackle issues with a strong and united voice, the better chance we have of swaying government on policy, of resolving administrative red tape, and generally of creating a more hospitable work environment for attorneys in practice.

The JAA is a constituent member of the GAA (The Gauteng Attorneys' Association), which is a constituent member of the LSSA (Law Society of South Africa – it is the Gauteng Independent Association). We liaise with PAA, GAA, NADEL, LSSA, PIPLA, SAWLA, LPIIF, sheriffs, the judiciary, Masters, Deeds Offices, and various other associations on a daily basis. We hope in the future to strengthen relations with other professional organizations. We continue to maintain our liaison relationships with a host of government departments/officials, from the judiciary, through to the Masters' Offices and Deeds Offices. We are doing all that we can to maintain and form stronger networks of professional relationships across the board.

That being said, the JAA committee members cannot magically solve the problems of the world on their own. We need help. We need volunteers to sit on our various committees, and to work, in various respects, with other organizations and government, to resolve the issues that are affecting our profession. We need sponsorship, funding, and income from subscriptions, to keep our organization running and our staff's salaries paid. We need support from all of our members in the form of responses to the various surveys and newsletters we send out, and feedback in relation to challenges that they are experiencing, as they serve as our eyes and our ears in the trenches. We need greater numbers of attorneys to join us and subscribe to the JAA, to strengthen our voice at the regional and national level.

To those of our members who have shown us support, in any of the ways mentioned above, thank you for your contribution towards the fostering of justice in South Africa. Please continue to support us, and encourage your colleagues to join us too, in order that we can raise our voice in solidarity with the continued strength and passion that we need to keep fighting against injustice and unlawfulness.

SPECIAL THANKS

This has been an incredibly challenging year for the members of the JAA EXCO, our staff members and the members of our subcommittees. Our long-standing EXCO committee member Jacques Tarica passed away, and another of our most senior members and EXCO members, Mr Hoosen Sader, experienced ill health which forced him to cut back on his JAA activities. The loss of so many years of experience and the wisdom of these two long-standing colleagues cannot be remedied by the replacement of the members of the EXCO with younger versions. We are forever grateful to both of these giants, and their families, for the contributions that they made for the JAA and for justice in South Africa over the past 30 years, and we honour them all for their sacrifices in this regard.

I also need to personally thank the JAA EXCO and subcommittee members for their dedication, expertise, and above all, the time commitment that they make to the JAA. I would also like to thank our colleagues at the various other organizations that the JAA is collaborating with in various respects for their ongoing support during the year. 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 also need to personally thank the JAA's staff members,

Angela (who is leaving us shortly to spread her wings), Regret and Vivianne for their unwavering support and dedication to the JAA and its members.

I will now summarize our most important projects and concerns, as they relate to the past year.

SPECIAL PROJECTS

1. CASE LINES

We continue to receive ongoing reports by members of difficulties that they are experiencing with the Caselines system, mainly in relation to default judgments, court orders, duplicate files and obtaining dates. These are communicated to the registrars in a liaison meeting. As a result of our ongoing liaisons, the registrars released a 'check list' of steps that practitioners ought to refer to when they feel that they aren't receiving responses or that their application hasn't been granted. This has relieved the pressure somewhat, but as the checklist was released recently, we have not been able to gauge accurately whether this has solved the problem as of yet. Our efforts will remain ongoing in this regard.

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 opened its Caselines Help Desk in 2021, and this has been operating successfully for most of the year. The JAA has recently concluded a partnership with Mandy Machia of Case Online Africa, and our plans are to provide increased training opportunities and help facilities to our members through this collaboration [watch this space!]. The JAA has also recently concluded a partnership with a private online training provider which we hope will provide more affordable, practical legal training to our members, increasing the level of skills and opportunities in the profession.

There is a pilot project underway at the South Gauteng High Court to introduce another electronic case management/filing system. We are part of the trial and are working to ensure that when the system goes live we will be in a position to provide a help facility, to liaise with the judiciary regarding kinks in the system, and to provide quality training on the system.

Although our Gauteng High Courts battle on with Caselines, a trial is underway to introduce a new online court system that will hopefully iron out all of the “Caselines” kinks, and the JAA has plans to introduce a new partnership to the profession that will move us forward into the digital filing age with ease.

2. INTRODUCTING OTHER INCOME STREAMS

During 2021 we introduced a scanning facility that can be utilized by members to scan large bundles of documents quickly and easily. This is one of our new electronic service offerings.

We also introduced an electronic bookkeeping service, and a file upliftment service, both of which can be conducted electronically.

3. ELECTRONIC COURT ORDERS SYSTEM

Several dozen complaints were received about court orders not being avialable (either because decisions had not been taken or because the court order was not typed and made available on Caselines). To our knowledge all of these have been successfully resolved, after liaising with the registrars and deputy judge presidents at the respective courts. We will continue a watching brief in this regard.

4. MASTERS’ OFFICES

The saga is ongoing and the Masters’ Offices across RSA are barely functional in some respects, and largely non-operational for the most part. The JAA is working with several regional and local associations, some voluntary associations of attorneys (most notably PIPLA) and some private businesses, to address the problem through the Dept of Justice. Our Katherine Gascoigne is one of the drivers of this project and has spent hundreds of hours on this issue this year, attempting to find a way to bring the Masters’ Offices back to a functioning level. Her efforts are deeply appreciated and her work is ongoing in this regard. Please continue to keep an eye out for our updates in this regard.

5. OPENING OF NEW OFFICES AT JHB DEEDS OFFICE

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 opened our JAA Jhb Deeds linking office in 2020, and we continue to operate it, but at a loss, because the number of practitioners paying to

use it does not cover the expenses incurred in relation to it. We are working to increase the numbers of paying members. This is an essential service that many conveyancers would not be able to do without.

6. RAF AND RABS

The saga is ongoing. This year also saw a plethora of court applications launched by the RAF and plaintiff attorneys. The PAA (Pretoria Attorneys Association), one of our fellow constituent attorney associations at the GAA, is actively involved in the ongoing litigation and we are also in communication regularly with the LSSA's RAF committee with regards to all developments. We are planning to host a free webinar with updates to the profession on the RAF saga as soon as judgment has been handed down in one of the more pivotal matters.

7. COJ ELECTRONIC CLEARANCE SYSTEMS AND ELECTRONIC RATES CLEARANCE CERTIFICATES

Last year the COJ went 'live' with its online clearance system, which caused some havoc initially. Most of this has been sorted now, however, and, at the moment, the only delays experienced are where there are billing errors/issues to be corrected before obtaining figures, or where the COJ staff are under pressure as a result of COVID, system down time or for other reasons.

The JAA's Property Committee has a regular standing meeting with the COJ relating to the above twice a month and during the year released a protocol statement on how refunds ought to be handled. There have been many difficulties with this and the committee representatives are working towards producing a more refined protocol that reduces the time and effort involved.

8. CLOSURE OF BOOYSENS MAGISTRATE'S COURT OFFICE

Due to COVID we took the decision to close our Booysens office at the Booysens Magistrates Court. The costs of operating it full time were too much to carry at this point.

9. CLOSURE OF RANDBURG MAGISTRATE'S COURT OFFICE

After many years, 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.

10. AMENDMENT TO CONSTITUTION TO INCLUDE LEGAL PRACTITIONERS

We took a decision at our last AGM in 2020 to welcome non-practicing members and advocates to the JAA. The decision to welcome advocates, however, was subject to the Constitutional committee meeting to decide precisely how to move forward with advocates however – this is still a work in progress and more will be communicated to our members about this during the next year.

11. 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 from 2020 are ongoing in this regard.

12. 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.

13. WEBSITE REVAMP

We are in the process of finalizing our plans to revamp our website to make it more accessible to members, and to include a member portal with additional new and cost saving features, hopefully including electronic research facilities, electronic meeting rooms (that are not limited for time), and other useful tools that not all attorneys might have access to.

14. EXPROPRIATION WITHOUT COMPENSATION

Parliament released two sets of proposed legislation for comment during this year. Working together with a think tank of experts across the country, we submitted comments to both. We now await Parliament's revised versions of the bills.

15. CALENDAR OF EVENTS

For the second year running we had our pre-planned calendar 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!

16. 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.

17. 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.

e. SLF

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. 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.

g. 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.

h. HIGH COURT LIBRARY

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

i. MAGISTRATES COURT LIBRARY

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

j. 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.

k. GISEC

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

l. PROBONO.ORG

We maintain regular liaisons with Probono.org to collaborate to solve problems facing the profession.

m. MASTER'S OFFICES

Katherine Gascoigne and her staff members continue to meet with the Masters' 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.

n. LPFF AND LPIIF

We continue to foster relations between our respective organisations.

o. 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.