LAW SOCIETY
OF SOUTH AFRICA

15 May 2018

Via e-mail
THE PROVINCIAL LAW SOCIETIES, NADEL AND BLA

Mr T Grobler
Ms P Mfusi
Ms T Leope
Mr F Dorey
Ms B Rangata & Ms N Maduba-Silevu
Ms F Sydow & Ms H Munglee

Dear all

SECTION 35 OF THE LEGAL PRACTICE ACT

The LSSA's Costs Committee met earlier this year and considered, amongst other, the implications of Section 35 of the Legal Practice Act (the Act) on the attorneys' profession. Section 35 is one of the most important provisions within the Act.

The Committee agreed that it is important to obtain the views of the attorneys' profession on the implications of Section 35 of the Act. The Committee may, based upon feedback received from the attorneys' profession, recommend that the LSSA should host a colloquium that would allow the LSSA to engage with attorneys on this important topic.

We kindly request you to circulate amongst your members an invitation to provide their written comments on whether Section 35 offers a practical solution to the regulation of fees and, in particular, whether Section 35:

1. Should draw a clear distinction between litigious and non-litigious fees?
2. Has suitably empowered the Rules Board for Courts of Law, in the 2-year period after the section will come into operation, to determine all fees (litigious and non-litigious) for legal practitioners?
3. Should stipulate the parameters for determining the factors listed in terms of sub-section 2, i.e. importance, complexity, expertise, etc. given that these factors have degrees of relativity and may be arbitrary?

Tel +27 (12) 366 8800 Fax +27 (12) 362 0969 www.lssa.org.za PO Box 36626 Menlo Park 0102 Docex 82 Pretoria
304 Brooks Street Menlo Park Pretoria

4. Should make provision for a fee guideline based on seniority and experience, which would allow the parties to deviate from such guideline in justifiable circumstances? If so, whether the South African Legal Practice Council should be best suited to issue such guidelines?

Comments can be submitted to Kris Devan at kris@lssa.org.za

Yours faithfully



Lizette Burger
Professional Affairs Manager
Tel: +27 (0)12 366 8800
Fax: +27 (0) 86 674 6533
E-mail: lizette@lssa.org.za