

Pupillage

General Council of the Bar of South Africa

Format for pupillage 2014

A. Entrance to pupillage

1. Each Bar will be entitled to determine a limit to its numbers for pupillage, based on its own capacity.
2. Each Bar will be expected to subscribe to general guidelines to be drawn up by the GCB as to the criteria for choosing applicants where numbers exceed limits, which criteria are to be drawn up on the basis of inter alia the following factors (not necessarily stated in order of importance):
 - (a) University results;
 - (b) Relevant previous experience;
 - (c) Race;
 - (d) Gender;
 - (e) Previous pupillage.

B. Dates, registration and university involvement

1. Pupillage will extend over the period 15 January to 31 December of any year.
2. Subject to the individual discretion of each Bar, the cut-off date in any year for registration for pupillage for the following year will be 30 September. Each applicant is to provide full details as prescribed by each individual Bar with the application for registration. Bars are advised to take great care with the full disclosure required of pupils in relation to misconduct as an attorney or as an advocate, criminal convictions and any problems that they know about in obtaining their university results.
3. It is recommended that individual Bars conduct interviews of each applicant. Pupillage Coordinators are required to promptly inform the GCB Secretariat of the number of pupils admitted to pupillage and, upon the commencement of pupillage, to furnish the National Coordinator with the following details regarding pupils admitted to pupillage at their Bar:
 - (a) The name of the pupil;
 - (b) The name of the mentor;
 - (c) Whether the pupil is engaged in pupillage for the first time or not;
 - (d) Whether the pupil has been granted any form of exemption from a component of pupillage and the nature of such exception;
 - (e) Whether the pupil has any prior practical experience, and if so, the extent of such experience.
4. Individual Bars are permitted to levy a registration fee over and above the examination fee, subject to the right of the GCB to determine a maximum amount.

5. The GCB has determined that a pupillage levy is payable by each pupil on commencement of pupillage. The levy for 2014 is R575 and is a contribution towards the printing and distribution costs of the course manuals. Bar administrators are requested to collect this levy from pupils during January 2014. This levy may be waived by the Bar Council on application in individual circumstances which warrant a waiver.
6. Individual Bars are encouraged to arrange delegation visits to their local universities in mid-year to inform final-year students about the advantages and disadvantages of joining the Bar, and the practicalities of doing so (cut-off date for registration, period and content of pupillage, etc).
7. Individual Bars are encouraged to inform applicants timeously about the availability of Bar bursaries and the GCB's bursary fund, and to encourage applicants who may need financial assistance to apply timeously therefore. Applications for financial assistance should preferably accompany the applications for pupillage.

C. Curriculum

The curriculum for the examination is to be determined by the GCB in consultation with the National Bar Examination Board.

D. The programme for pupillage

1. 15 January to end January: Introduction to the Bar and mentors, and orientation.
2. February to end July: Workbook tutorials and advocacy training and advanced advocacy training.
3. Pupils are entitled to take such days off as the constituent Bar may determine in order to facilitate preparation for the examination.
4. Bar Examination in August followed by oral examinations in September/October as determined by the NBEB. Bars are requested to ensure strict compliance with the rule requiring pupils to be admitted as advocates before they sit for the examination.
5. October (or September for those who have passed the Bar Examination outright) through to mid-December:
 - 5.1 Advanced advocacy training (for those Bars who do not complete their advanced training by the end of July), arranging chambers, lectures on practice, fees,

fee and brief administration, VAT, Income Tax and District Levies.

- 5.2 Practice under the supervision of the pupil's mentor provided that such practice shall not prevent attendance at Advanced Advocacy Training.

NOTE THAT THIS PROGRAMME FOR PUPILLAGE IS SUBJECT TO ADJUSTMENT IN THE EVENT THAT A PUPIL IS GIVEN A PARTIAL EXEMPTION BY CONSTITUTENT BARS IN ACCORDANCE WITH THE RULES REGULATING SUCH EXEMPTIONS.

E. Certification

1. A pupil advocate is entitled to practise as a full member of a Bar once such pupil has fulfilled the following requirements:
 - 1.1 the pupil has obtained a pass in the Bar examination set by the National Bar Examination Board; and
 - 1.2 the pupil has satisfactorily attended the practical course in advocacy training and advanced advocacy training, conducted under the supervision of the National Advocacy Training Committee and has been assessed as competent by the Bar's Advocacy Training Committee;

and
 - 1.3 the pupil has been issued with a certificate signed by the pupil's pupil mentor and the Bar's pupil coordinator (or a person appointed by the Bar's pupil coordinator) to the effect that the pupil has satisfactorily served the pupillage applicable to the pupil.

F. The practice supervision system

1. There should be one pupil mentor per pupil, subject to the discretion of each Bar to appoint more mentors than one per pupil.
2. In order to create more cohesion and a higher level of responsibility:
 - 2.1 Where possible, each Bar is to allocate a silk to an appropriate number of pupils and pupil mentors, eg one silk to every six pupils/mentors (the ratio to be determined on the basis of available numbers);
 - 2.2 the allocated silk is to assist with the practical training of the pupils allocated to him/her to the extent that this is appropriate and practicable;
 - 2.3 the pupil mentor's certificate is to be co-signed by the particular silk.
3. Where possible, in order to spread the load, mentors and mentor-silks are not to be taken from the existing tutors and trainers.

G. Pupil's appearances

1. From the commencement of pupillage, pupils are entitled to appear with their pupil mentors or another member of the Bar approved by the mentor without remuneration.
2. After the first six months of pupillage, and provided the pupil has been issued a provisional certificate of appearance by the Bar, the pupil may appear independently of the pupil mentor, but only in that category of matters determined by the National Pupillage Sub-Committee from time to time, and subject to the following:
 - 2.1 The pupil remains subject to the overall supervision and direction of the pupil mentor.
 - 2.2 The presiding judge or officer is informed beforehand of the fact that the pupil is a pupil.
 - 2.3 The pupil must in open court when placing himself or herself on record state clearly his/her status as a pupil.
 - 2.4 A pupil in accepting a brief must put it on record to the instructing attorney that he/she is a pupil and must ensure that the attorney is fully aware thereof.
3. Pupils may take up part-time hourly-paid or otherwise casual employment during the first six months of pupillage provided that the employment activities are entirely outside ordinary office hours. Each Bar retains the right to require individual pupils to limit or terminate part-time activities in the event of these interfering with pupillage.

H. Already-qualified legal practitioners who apply for membership of the Bar

1. In principle, the period of pupillage will be the same for pupils who have not yet qualified as legal practitioners as for pupils who have already qualified as legal practitioners, viz 12 months.
2. Provision for partial exemption from this requirement is as follows:
 - 2.1 No-one may be exempted from any of the requirements of pupillage if he or she has not practised as a legal practitioner for at least four years.
 - 2.2 A legal practitioner who has practised for a period of at least four years may apply to the Bar Council of the Bar which he/she wishes to join for partial exemption from the requirements of pupillage, subject thereto that:
 - (a) No-one may be exempted from the requirement of having to pass the National Bar Examination;
 - (b) No-one may be exempted from the requirement of having to satisfactorily attend the advanced practical advocacy training.
3. Notwithstanding anything contained in the paragraphs above, the Annual General Meeting of the GCB and the executive committee of the GCB has the power to exempt any person from the requirements of pupillage. **A**