

COVID-19 AND ITS IMPACT

A consolidation of views from the most junior members of the Polokwane Society of Advocates

The practice of advocacy in South Africa has, historically been a referral profession, where work streams from attorneys to advocates. Advocates have used their best skills to attract and retain work from their attorneys. Naturally, networking and the establishment of a relationship between an advocate and attorney is critical to a successful advocate's practice and building a dependable relationship is undoubtedly one of the challenges that advocates face, especially during fledgling years of practice.

With that background in mind, the pandemic has had a negative impact on the ability of young counsel to form relationships with attorneys, resulting in what one may regard as an *extended* pupillage year, without the lessons, but still no source of income.

The lockdown caused by the unexpected pandemic, terminated most budding practices before they began, as many relied on cases involving the Road Accident Fund for a chance to start practice and to hone their trial advocacy skills.

The consequence is that an opportunity was taken away from mostly junior advocates to perfect skills that they were recently taught, whilst at the same time, denying them opportunities to earn much needed income for almost two terms in one year.

There is a widespread feeling of uncertainty relating to the development of personal careers in the profession and, the general direction that the practice of advocacy is headed in. A number of younger practitioners are beginning to despair and have expressed

preparedness to seek alternative sources of income away from practice, which will be a great pity. The expressed view is that, as a result of the restrictions on the nature of work that has been permitted during the lockdown, practice has tended to favour established practitioners, while leaving junior members stranded. In addition to the reduction in work available, clients and attorneys have been unable to pay fees for work already delivered due to the overarching impact of the pandemic in the country.

The pandemic has hit members falling in the group between 0 – 4 years the hardest. For those who are at the very beginning of their careers, the challenge does not stop there as they are still expected to pay fees for rental and Bar administration.

The lockdown has exposed the urgent need for a specialised fund to look after advocates who are in distress, this has been expressed as one of the failures of the traditional advocacy practice. Some advocate groups are said to have established junior development funds, but this is not general practice and it is something that the GCB should consider establishing in order to help budding practitioners to stay afloat in the difficult early years of practice.

In summary, the junior members of the Polokwane Society of Advocates have both individually and collectively felt the adverse effects of the lockdown caused by Covid-19 pandemic. The decline in work has affected members' ability to meet the financial obligations to the Bar. This is in addition to the fees that practitioners are required to pay for enrolment (and thereafter annually) as legal practitioner to the Legal Practice Council. [A](#)

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