

A GEORGE PERSPECTIVE

by **Urice Deetlefs**

Covid-19 has without a doubt caused many inconveniences, but for practitioners with practices away from the major cities, Covid-19 had an advantage which was welcomed with open arms.

Some practitioners long to move away from the big cities and settle themselves in smaller towns or regions in our country. The problem then becomes the distance they must travel to courts and the requirement of keeping chambers to remain a member of a bar.

That is why, a few years back, when I decided to move away from the city, I settled in George. George has its own bar that stands in association with the Cape Bar and has a circuit high court for most part of the year.

To my surprise, my practice in Cape Town remained active after my departure from Cape Town, causing me to travel much more than what I anticipated.

Soon I looked to platforms such as Zoom to minimise my travelling for consultations. Although some practitioners welcomed the idea, I found that most of my requests to consult via Zoom or other platforms were met with a “rather tell us when you are in Cape Town again”.

Suddenly Covid-19 arrived, and we had no other choice than to use these platforms for communication. To everyone’s surprise, it worked well, and it was clear that there was no reason why consultations could not be conducted in this manner.

That was only the beginning. The courts started to utilise these platforms as well. It meant very little travelling especially for practitioners located a distance away from the courts. One could sit in your office or even at home and conduct hearings wherever they were taking place.

The judges on circuit in George used these online platforms as the preferred way of doing all hearings and encouraged the practitioners to upload their entire files to be accessed digitally.

This streamlined one’s practice tremendously. Not only does your practice continue without interruptions, attorneys and clients spend no more time in traffic having to travel to court or counsel’s chambers for consultations.

It was not long before I realised that this way of practice had the potential of lowering legal fees for clients – no opposed motion which I did virtually lasted longer than two to three hours. I do not need to charge a daily fee as I know that I will have sufficient time left in my day to continue with other work.

I must add that I did not conduct any trial virtually, and agree that the dynamics of a trial might require the traditional format; however, in motions, one is bound by what is already on paper. It is unlikely that a virtual hearing would cause an outcome different from one in court.

We do not know how long Covid-19 will stay with us, and we do not know if virtual hearings will still take place once this pandemic is something of the past. Still, the success of digital platforms should, in my view, form the basis of discussions around the renewal of the way we practice law in South Africa. It goes to accessibility and affordability of justice for the ordinary person. So much time is wasted by practitioners and clients purely because a hearing takes place in a courtroom, which is mostly situated in the major cities. It should possibly also form the basis of discussions around requirements which the bars set for membership. The keeping of chambers is sometimes the practical and financial obstacle that sees members having to leave the Bar.

It is so that everyone might not like or trust technology and for this reason prefer the way they practised before Covid-19, but technology is here to stay and will only improve over time. Maybe the answer is somewhere in between, where practitioners and courts are allowed to utilise these platforms should the circumstances call for it.

