



PUPILLAGE EXPERIENCE:

Is enough being done to protect young and aspiring members of the advocates' profession at the Johannesburg Society of Advocates?

by **Anonymous***

Almost five years have passed since I successfully completed my pupillage at the Johannesburg Society of Advocates ('the Bar'). The idea to share my experiences as a pupil at the Bar occurred to me just after I finished my pupillage in December 2018. However, the time was not right as I had just been admitted to the profession and was still getting acquainted with the day to day life of an advocate at the Bar.

Prior to joining the Bar, I was an attorney for over 14 years. My first mentor who I had voluntarily nominated, unfortunately fell sick which meant he could not continue mentoring me.

Looking back over the past five years, what has struck me is that almost every second pupil that I have come across has complained to me about their mentors. The common order of the day is that mentors always happen to be white, and the pupils are black. Could this be a coincidence?

I am writing this short article to share my own personal experiences as a pupil at the Bar. I pose a question, whether or not we are doing enough to protect our pupils who come with high hopes and ambitions to practise at the Bar, only to be treated as second class citizens.

My experience as a pupil was not a good one either. I sometimes wonder that if I was treated as a second-class citizen, as grown up man with over 14 years' experience as an attorney how much more then, for a young black person coming straight from university without any work experience?

I remember one incident when I was invited by my second mentor for a consultation. When I arrived at the venue – the senior counsel's chambers – I was greeted by my mentor, senior counsel (SC), briefing attorney and the senior counsel's personal assistant, all while males, except the assistant who was an elderly white woman. After a long debate about a matter, they started drafting an answering affidavit. After the first draft, the SC asked his assistant to print out copies. The assistant printed out the draft and circulated the draft to everyone at the table, except me.

* The decision to keep the author anonymous was taken by *Advocate's* editorial committee with the consent of the author. However, the subject of racism towards and the mistreatment of pupils and young members at the Bar is one that *Advocate* would not wish to silence.

At first, I thought it had been an oversight. But after this happened three times, it became clear to me that this was not an honest mistake but was rather done intentionally to undermine me. It was a deliberate act of racism. My mentor, who was sitting next to me, never even tried to protect me. He acted as if nothing had happened.

In another incident, I remember when I was invited by my mentor to accompany him to court. I went to court fully robed and sat next to him, as per Rules of the Bar, that when you go to court with your mentor you take your mentor's seniority. On this occasion, my mentor happened to be sitting in the front with his white peers. When I sat next to him, he stated that I was not allowed to sit next to him. I proceeded to ask him why, he said I just cannot. When I reminded him of the rules, he repeated "You can't". I quietly went to sit at the gallery feeling humiliated. He never explained why, I suppose because there was no clear explanation for it, other than being disrespected because of my skin colour.

My mentor shared chambers at the time with a young white colleague who had just passed his pupillage two years prior. This young white colleague used to come in in the mornings, find me and my mentor in chambers, and only greeted my mentor but not me. He completely ignored me as if I were not in the chambers sitting next to my mentor. In some instances, during lunch, he would ask my mentor what he wanted for lunch and still ignored me. All this time my mentor never mentioned a word, he rather pretended as if nothing happened, he never came to my rescue.

On another occasion just after I passed my exams and had my first brief delivered, this chamber mate was called for the brief. He was dismissive of me, saying I do not belong there. He refused to accept the brief on my behalf. I was not a member of the group at that time, I did not have a pigeonhole and therefore my brief was left at the reception.

Indeed, it gets worse! My study mate's situation – a black woman – was by far worse because her mentor, a coloured woman, refused to give her access to her chambers. A racially motivated denial, she would only come in to discuss matters and leave as she had no access to keys for her chambers. She had to sit in her car and wait for her mentor.

Having carved out the scenario above, it brings me to a crucial question: Are we doing enough to protect our young black people who come to the profession only to be subjected to racial discrimination? If as a grown man with extensive life and work experience, I was subjected to racist micro-aggressions and discrimination, how much more then, for a young black person with little to no previous work experience? Would that encourage such a person to stay at the Bar and practise or would that not break a young black person and demoralise them to the extent of leaving practice?

It is interesting that the very same people who treat black pupils like that, when it is time for them to apply for silk, they start giving small briefs to black people in order to meet the silk status requirements. In addition, some of them start acting as judges in an effort to manipulate the system and bolster their chances of obtaining silk status. They start becoming champions of transformation for self-serving purposes rather than really pushing for transformation. I have seen many white silk applicants who cannot even spell correctly the names of black

colleagues who they claim to have worked with before.

Can the Bar put measures in place to ensure that such things do not happen?


Can we as members of this noble profession ensure that measures are put in place to protect black people coming to the Bar against such injustices? Could it be the case that not much has been done, in my view, because most senior members of the Bar have not lived this reality?

How can we consciously, collectively, and progressively move forward and put an end to these injustices?

This behaviour is a total distraction for young aspiring professionals, it is done deliberately to undermine black people.

I am reminded of what Toni Morrison once said:

"The function, the very serious function of racism is distraction. It keeps you from doing your work. It keeps you explaining, over and over again, your reason for being. Somebody says you have no language, and you spend twenty years proving that you do. Somebody says your head isn't shaped properly so you have scientists working on the fact that it is. Somebody says you have no art, so you dredge that up. Somebody says you have no kingdoms, so you dredge that up. None of this is necessary. There will always be one more thing."

I encourage young black professionals at the Bar to speak out when they experience such encounters, calling out such injustices may lead to potential action! 

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