



LPC CHECKLIST FOR AN ADVOCATE'S ADMISSION APPLICATION

by SECHABA MOHAPI, Johannesburg Bar

It may seem somewhat presumptuous for a rank junior (who has only appeared once to move an application for admission of an advocate) to contribute a checklist on the subject. Might I disclaim as did David Pannick KC in the preface of his book *Advocate*, that by way of mitigation, this checklist is first of all not my own, it is the LPC's, but it also does not purport to tell others how to draft their admission applications. It has a more modest purpose of offering a guideline or, for my part, at least merely drawing attention to it.

There is perhaps one other reason for publishing the LPC's checklist. We move admission applications *pro amico* not *lucris causa*. For that reason, I would venture a suggestion that a quick reference guide offers a welcome timesaving tool, perhaps because of the general constraints for the junior Bar to be preoccupied by briefs of financial gain, making appearances in admissions court few and far between.

Yet another object of a checklist of this nature is indeed to offer up a "pointing in the right direction" to the prospective advocate for drafting their admission application but of course not to be prescriptive, but merely as a guideline. **A**



A) APPLICANT'S AFFIDAVIT		
LIST OF ITEMS	REFERENCE TO LEGISLATION	CHECKED
1. Confirmation of the jurisdiction of the court.	<i>Rule 17.2.1 of the Rules.</i>	
2. Applicant's full names, date of birth, identity number and residential address.	<i>Rule 17.2.2 of the Rules.</i>	
3. Applicant's citizenship or permanent residence status. - Applicants must attach a certified copy of their permanent residency permit as issued by the department of Home Affairs as proof of permanent residency. - Common error is to refer to compliance with Section 24(2)(b)(ii) regarding citizenship or compliance with both Section 24(2)(b)(i) & Section 24(2)(b)(ii).	<i>Rule 17.2.3 of the Rules and Section 24(2)(b)(i) or (ii) of the LPA.</i>	
4. Applicant's academic qualifications, (i.e BA/BSc/Bluris/ BCom, B Proc, and/or LLB), and the years of study (4/5 years). "Common error is to refer to Section 26(1)(a)(ii) when the candidate only has an LLB- degree or when the LLB-degree was obtained in five years"	<i>Section 26(1)(a) of the LPA and Rule 17.2.4 of the Rules.</i>	
5. Applicant's enrolment as an advocate. Applicant must include confirmation whether his/her intention is to practise with or without a Fidelity Fund Certificate (Trust account advocate).	<i>Rule 17.2.5 of the Rules.</i>	
6. Applicant's physical address of the Chambers (office) or Advocate Bar where applicant practices, or any other further information.	<i>Rule 17.2.6 of the Rules.</i>	
7. Name of Advocate Bar where applicant is practising and/or undergoing practical vocational training (PVT).	<i>Rule 17.2.8 of the Rules.</i>	
8. Confirmation that applicant has undergone practical vocational training (PVT).	<i>Section 26(1)(c) of the LPA & Rule 17.2.12 of the Rules, read with Reg 7(1) of the Regulations.</i>	
8.1 Date of filing of contract.	<i>Reg 7(1) of the Regulations.</i>	
8.2 Duration of contract. (12 months uninterrupted)	<i>Reg 7(1) of the Regulations.</i>	
8.3 Date of registration of contract.	<i>Reg 7(1) of the Regulations.</i>	
8.4 Date of filing of cession (if applicable).	<i>Reg 7(1) of the Regulations.</i>	
8.5 Date of registration of cession (if applicable).	<i>Reg 7(1) of the Regulations.</i>	
9. Supervisor's entitlement to enter into contract.	<i>Reg 7(4), 7(5) & 7(7) of the Regulations.</i>	
10. Supervision during the applicant's Practical Vocational Training. Applicants must always remember to include the following: "that service was under the direct personal supervision and in the office of the supervisor".	<i>Rule 17.3.3 & Rule 22.2.3. of the Rules.</i>	
11. Confirmation that the applicant has passed the competency-based examination or assessment for candidate legal practitioners.	<i>Rule 21.1, Rule 21.5, & Rule 17.2.11 of the Rules read with Section 26(1)(d) of the LPA.</i>	
12. Confirmation that the applicant has complied with the requirements for community services. (when applicable).	<i>Sections 26(1)(c)(i) & section 29 of the LPA read with Rule 17.2.12 of the Rules.</i>	

A) APPLICANT'S AFFIDAVIT (continued)

LIST OF ITEMS (continued)	REFERENCE TO LEGISLATION	CHECKED
13. Confirmation that the applicant attended and completed Practical Legal Training [PLT] (<i>part time or full time</i>).	<i>Reg 7(1)(b) & 7(2) of the Regulations.</i>	
14. If a period of one year has lapsed between the date of completion of the PVT-Contract and the date of the application, a statement disclosing the activities of the applicant during that period must be made. It should be noted that applicants must also disclose the activities during long periods that have elapsed from the date of completion of LLB-studies to date of commencement of PVT-Contract. On numerous occasions courts have asked for applicants to disclose same.	<i>Rule 17.2.13 of the Rules.</i>	
15. Applicant's criminal conviction, (<i>if any</i>), with a clearance certificate.	<i>17.2.14.1 of the Rules.</i>	
16. Applicant's pecuniary interest (<i>if any</i>). - Confirmation of no pecuniary interest in any law practice, have not held any other office or engaged in any other business other than that of a candidate legal practitioner during the period of the PVT-Contract. - Applicants are advised to verify on the Companies and Intellectual Property Commission website that no enterprises are registered and active against his/her identity number during the period of the PVT-Contract.	<i>Rule 17.2.9 and Rule 22.2.4.1 of the Rules.</i>	
17. Applicant's disciplinary actions (<i>if any</i>).	<i>Rule 17.2.14.2 of the Rules.</i>	
18. Applicant's sequestrations (<i>if any</i>).	<i>Rule 17.2.14.3 of the Rules.</i>	
19. Confirmation that the applicant's name had not been struck off the roll of legal practitioners and had not been suspended from practice as a legal practitioner and no such proceedings are pending.	<i>Rule 3A(1)(b)(i) of the Uniform Rules.</i>	
20. Confirmation that the applicant had not previously been admitted nor applied for admission as a legal practitioner.		
21. Applicant's confirmation that original annexures will be made available to the court.	<i>Rule 17.2.15 of the Rules.</i>	
22. The applicant must serve on the Council the original and two copies of the application. (Applicant's confirmation of service of application). The applicant must remember to serve the application on the Bar Council/Society of Advocates 6 weeks prior to the date of hearing.	<i>Rule 17.7 of the Rules.</i> <i>Rule 3A(1) & 3A(1)(c) of the Uniform Rules.</i>	

B) SUPERVISOR'S SUPPORTING AFFIDAVIT

LIST OF ITEMS	REFERENCE TO LEGISLATION	CHECKED
1. The training supervisor should confirm that he/she is practising as an advocate or has been accredited by the Council to act as a training supervisor of pupils for purposes of practical vocational training or is employed by an entity which has been accredited to provide supervisors who are qualified to act as training supervisors to pupils.	<i>Rule 17.5.1 of the Rules.</i>	
2. Confirmation of the exact dates that the applicant (pupil) served under the supervision of his or her training supervisor.	<i>Rule 17.5.2 of the Rules.</i>	
3. Confirmation that in his or her view that applicant is a fit and proper person to be admitted and enrolled as an advocate.	<i>Rule 17.5.3 of the Rules.</i>	

C) ANNEXURES THAT FORM PART OF THE APPLICATION

LIST OF ANNEXURES <i>Note: certified copies</i>	CHECKED
1. Applicant's Identity document.	
2. An affidavit regarding examination of the applicant's identity document in terms of Rule 3A(b)(ii) of the Uniform Rules.	
3. Applicant's marriage certificate where applicable.	
4. Senior Certificate/proof of matriculation exemption.	
5. Applicant's degree certificate.	
6. Applicant's Practical Vocational Training Contract (PVT-Contract).	
7. Applicant's registration letters for PVT-Contract.	
8. Applicant's cession agreement (<i>if applicable</i>). Applicants must ensure that the whole cession agreement is attached which includes the affidavits of the cedent & cessionary as they form part of the cession agreement.	
9. Applicant's registration letters for cession (<i>if applicable</i>).	
10. Applicant's certificate of proficiency (part 1, part 2, part 3, part 4 and part 5). It should be noted that the certificate as mentioned herein will be issued electronically during the inspection period and will not be issued to applicants before service of the application.	
11. Applicant's Practical Legal Training Attendance report.	
12. Applicant's 'Clearance certificate.	

D) GENERAL

LIST OF ITEMS	DESCRIPTION	CHECKED
1. Candidate legal practitioner information.	Name as per ID on Notice of motion, founding affidavit, supporting affidavit and annexures.	
2. Application.	- Bound, indexed and paginated. - The application must be filed at court before it is served on the Council. - The applicant must serve to the Council the original and two copies of the application. (Rule 17.7 of the Rules).	
3. Notice of motion.	- Dated and signed, with correct citation of court and case number. - The request must be for admission as a legal practitioner and enrolment as an advocate and not vice versa.	
4. Founding affidavit.	Initialed by deponent and commissioner of oaths, commissioned by independent commissioner of oaths, with commissioner's full name, designation and business address, and case number.	
5. Annexures.	- Commissioned by a commissioner of oaths, with commissioner's full name, designation and business address, and initialed by the deponent and the commissioner that commissioned the founding affidavit. - Proper certification requires the date of certification, details of the Commissioner of Oaths, signature of the Commissioner of Oaths and the words "true copy of the original". All annexures must be clearly marked according to the references thereto in the founding affidavit.	
6. Supporting affidavit.	Initialed by deponent and commissioner of oaths, commissioned by an independent commissioner of oaths, with commissioner's full name, designation and business address, and deposed to on or after date of deposition of founding affidavit, and case number.	
7. Court Practice Manuals.	- Applicant must also consider the relevant Court Practice Manuals that prescribe additional statements to be recorded in the applicant's affidavit and documents to be attached to the application for admission of advocates such as: - confirmation that the applicant was not found guilty in misconduct proceedings while in a previous profession/employment and when such previous profession was relinquished or employment was terminated, no misconduct proceedings were pending. - confirmation that the applicant is unaware of any fact which may detrimentally affect the adjudication of the application. - proof of arrangements made to pay outstanding amounts due to the relevant tertiary institution, if the applicant is not in possession of the LLB-certificate due to owing fees to the university or a certificate of good standing by the university must be annexed. - recent certificate of good standing.	
8. Enrolment form and proof of payment.	The application must be accompanied by a completed enrolment form as prescribed by the Council and proof of payment of the fee payable in terms of Rule 2.4 of the Legal Practice Council Rules as determined by the Council.	
9. Application brought in terms of section 115 of the LPA, if an applicant satisfied the requirements of the LLB degree before 1 November 2018.	- Applicant must clearly indicate in the prayer for admission and in the founding affidavit; - that Section 115 is invoked; and - if the applicant was previously admitted as an attorney, a certificate of good standing by the Legal Practice Council must be attached.	