



LPC Chairperson Addresses LSSA AGM

28 March 2025



ADVOCATE PULE SELEKA SC

(Chairperson: Legal Practice Council)

SALUTATION

Thank you, Programme Director...

I would like to start by acknowledging:

- **Ms Joanne Anthony-Gooden**, the President of the Law Society of South Africa (LSSA)
- Vice-President Mr **Nkosana Francois Mvundlela**
- Vice-President Ms **Ntlai Eunice Masipa**
- Acting Judge President of the Eastern Cape – **Judge Z M Nhlangulela**
- Legal Services Ombud – honourable **Judge Siraj Desai**



- CEO of the Legal Practitioners Fidelity Fund – **Mr Motlatsi Molefe**
- Legal Practitioners Indemnity Insurance Fund General Manager – **Mr Thomas Harban**
- Members of the LPC National Council present here today
- Members of the LPC Provincial Council
- All leadership, management and members of the LSSA
- Members of the profession and all role players

A NEW DISPENSATION

This is a new dispensation, with a new LPC that pledges to work with you and dispel the notion that the LPC is against you. The LPC is not against you and should not be perceived to be against you.

You are certainly aware of the two major elections conducted by the LPC over the last six months which resulted, firstly, in the election of the new national council, with its term of office commencing on 01 November 2025 and, more recently, the Provincial Councils in all 9 provinces. In fact, it was only last night, at 20h35, that I received a notice announcing the outcome of the provincial elections. The notice is yet to be published.

The outcome of these elections is determined by you, the legal practitioners. I therefore wish to express the LPC's sincere gratitude to you for participating in the process of electing your own office bearers.



STAKEHOLDER ENGAGEMENT

The new national council has had two ordinary Council meetings since taking office on 01 November 2024. We have made presentations to Parliament's Portfolio Committee of Justice & Constitutional Development, and have begun key engagements with stakeholders, such as the Legal Practitioners Fidelity Fund (the LPFF) and the Legal Services Ombud, Judge Desai, with whom I am in constant communication. It would be remiss of me, if I were not to express my gratitude to him for the support and assistance he continues to provide to the LPC and the legal profession. He has recently agreed to undertake an investigation into a complaint referred to him by the LPC, involving the LPC executive. He estimates that the report will come out early in June 2025.

Our presence here today is a continuation of the new Council's commitment to foster good relations with key stakeholders. We see the LSSA [which importantly brings together under one body LPs from the BLA, NADEL and the independent attorneys' associations (IAA)] certainly as one of the major stakeholders, and are honoured to be part of your 2025 AGM.

COUNCIL COMPOSITION

Our Council, of 23 members, is the third Council of the LPC and will be in office until election of the next Council in October 2027. We are fairly pleased with the calibre of practitioners that serve on the Council, and look forward to a collaborative effort to turn the LPC around.



COUNCIL'S TASK

The Council is acutely aware of the immense task cut out for it in regulating the profession and safeguarding the interests of both the practitioners and the public. It will be an illusion to think that the Council can achieve this important objective without the assistance and cooperation of you the legal practitioners. We are in this together.

The Council has, in line with the requirements of the Legal Practice Act, established sub-committees of Council that focus on key areas of functions to be performed by the LPC. These Committees, together with Exco, are the power engines of the National Council, going the groundwork in regard to development of policies, rules and procedures that affect the profession, as well as more operational matters, such as HR, Exams, Admissions and many other responsibilities of the LPC.

The National Council makes final decisions on all these matters. I am sharing this with you legal practitioners, to invite you to bring matters for consideration by the LPC. You can do so by formally submitting proposals or memoranda to the national office.

As the new Council, we are focused on a number of pressing matters, and in line with the theme of this AGM, are dealing with issues of sustainability, efficiency and innovation.



SUSTAINABILITY: ANNUAL LEVIES

Regarding sustainability, it is significant to note that the LPC does not receive subsidy from Government, even though our mandate stems from legislation. The LPC depends on the appropriation from the LPFF, as well as annual levies payable by the legal practitioners.

Therefore, we continue to urge you legal practitioners to ensure that your fees are paid and up to date. Based on the current LPC Funding model, it is a challenge when legal practitioners fail to meet their levy obligation. We appreciate that there are glaring disparities in practitioners' ability to meet this obligation. But note that the LPC is amenable to concluding payment arrangements.

Our mandate, as the Regulator requires us to do more, and the need for our intervention is constantly on the rise. This is also increased by the requirement for the LPC to have a footprint in every province. The cost implications are enormous.

Therefore, your commitment to meeting your levies obligation is ultimately about ensuring that the LPC has the financial wherewithal to perform its functions as the Regulator, especially at provincial level.

COMPLIANCE WITH THE RULES

We also urge practitioners to ensure that you are compliant with the rules. This includes ensuring your submission of an annual audit report within six months after the financial year end; to obtain a Fidelity Fund Certificate (FFC).



Failure to do so results in the LPC taking action against attorneys practising without an FFC, which is not desirable. We would prefer that all legal practitioners are compliant and the LPC does not need to institute disciplinary processes against them.

On the issue of disciplinary matters, the LPC deals with a number of cases where there is a frequent failure by legal practitioners to respond timeously and adequately or, at all, to complaints. I understand that there is a trend also by practitioners to employ delaying tactics and technical challenges to prolong the hearings, often under the wrong assumption that delays will result in the matter being dismissed.

Another issue, I understand, being encountered recently is bogus legal practitioners. The LPC regularly receives complaints from the public against persons who are not legal practitioners. Other cases involve legal practitioners utilising fraudulent fidelity fund certificates. We appeal to you to report these incidents to the LPC, so that they are addressed with the requisite expedition.

It is a criminal offence to pass off as a lawyer, and such matters are reported to SAPS. Relevant officials of the LPC are called as witnesses.

NEW PRACTITIONERS

The number of new entrants to the profession is on the rise. The challenge is the employment prospects and the resulting risk of having LPs that enter the profession without sufficient skills and experience. The LLB programme is not sufficient to prepare aspirant lawyers for practice. Universities say it is not their role to do so. This is an issue that requires stakeholder engagement.



In the meantime, we trust that your continued support, in providing training to candidates attorneys, will go a long way in helping to address this challenge. I note that one of the LSSA's expressed objective, is "to empower attorneys to provide excellent legal services to the community in an ethical, professional, considerate and competent manner".

FUNDING TO THE LSSA

The Legal Practice Act, specifically section 6(5)(f)(ii) requires the LPC to create a mechanism to offer legal education and training to aspirant and newly appointed legal practitioners, as well as continued training for experienced legal practitioners.

Furthermore, in terms of section 6(5)(g)(i) the LPC may accredit training institutions that offer Practical Vocational Training (PVT) Courses which contribute towards the qualification of legal practitioners and candidate legal practitioners.

The LPC has in the period 2019 to 2024, provided annual funding to the LSSA in total amount of R277 million. This level of contribution to LSSA demonstrates the value and appreciation by the LPC of the work done by the LSSA.

There is now an increasing number of associations requesting funding from the LPC. Whilst the previous Council did a good job without a policy document on this matter, the present Council is committed to establishing a policy to guide in the performance of this function.



To this end, you will receive a letter from the LPC making certain enquiries in this regard. Do not rubbish it. Respond to it to assist the LPC in developing a policy on funding.

LSSA

2019: R55 mil

2020: R60 mil

2021: R49,9 mil

2022: R49,9 mil

2023: R33,9 mil

2024: R28 mil

TOTAL: R277 million

	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>Request 2025</u>	<u>Proposed allocation</u>
19 UNIVERSITY LAW CLINICS	5 700 000	5 700 000	6 500 000	7 000 000	7 350 000	2 333 333
LSSA	49 622 345	49 622 345	33 892 547	28 000 000	49 000 000	9 000 000
BLA-LET	7 432 736	7 432 736	8 461 138	8 884 195	22 075 665	2 900 000
NADEL LEG ED	2 019 830	2 019 830	4 445 800	4 668 090	6 650 000	1 500 000
PABASA(pupils)	1 827 989	1 827 989	4 016 320	4 217 136	5 114 100	1 333 333
SAFLII	1 500 000	1 500 000	1 600 000	1 680 000	1 500 000	433 333
BASADI BA MOLA(pupils)		1 000 000	1 967 300	2 065 665	2 065 466	666 667
GCB(pupils)			5 096 954	5 351 802	4 920 000	1 333 333
Silver Fox Forensic Solution			-		373 500	-
JSA					1 417 000	100 000
Polokwane society of advocates						-
Total	68 104 920	69 104 921	65 980 059	61 866 888	100 465 731	19 600 000



INFORMING THE PUBLIC

The new Council continues to deal with the issue of lack of awareness regarding the work of the LPC. Raising awareness helps the profession in reducing unreasonable expectations; lack of understanding/patience around the investigations processes, and can help address the dissatisfaction on the outcome of cases. However, awareness also the effect increasing the volume of complaints to the LPC, for which capacity is needed.

The LPC has taken note of media reports about what the SIU said to have reported to Parliament's Standing Committee on Public Accounts that 102 law firms are alleged to have received duplicate payments from the RAF; the allegation is that they have defrauded the RAF. I understand that these matters date back to 2020, in respect of which the LPC has provided information to the RAF. The LPC condemns any such conduct, if proven, and on its radar are about 14 implicated law firms that, I understand, some of which have since been subjected to disciplinary processes and implicated LPs suspended, and others have subsequently approached the court challenging decisions of the Disciplinary Committees. The LPC continues to work with the SIU on these matters.

THE JUDICIARY

The LPC wishes to maintain a good relationship with the Judiciary, and the Office of the Chief Justice. The Judiciary is also a key stakeholder in the legal profession. The LPC Exco recently had a meeting with the JP KZN and two of her colleague Judges on matters considered to be of mutual interest to both the profession and the bench, such as (1) Robing in the magistrates courts, (2) discipline of practitioners who delay in rendering judgments as acting



Judges, (3) mediation in all matters (Rule 41A) - a draft directive by the JP Gauteng for public comment, and (3) non-conformant of gender identifications.

CONCLUSION

Lastly, the LPC, through its 9 Provincial Offices and 400 members of staff, continues to be diligent in its service to the profession and the public. For the year 2024, the LPC received over 22 000 complaints. Currently, there are over 1 100 law firms under curatorship across country, with funds in excess of R300 million under curatorship.

Despite these high numbers, the LPC has finalised over 14 000 matters already in 2024. This work is being done by less than 100 legal officers. Our work in regulating the profession means that we deal with over 79 000 registered legal practitioners in South Africa, 43 000 of whom are practicing, whilst 36 000 are not.

I wish to express our gratitude to the LSSA for your continued partnership with the LPC. I also express our appreciation to each one of you, distinguished members of the profession, for your contribution and efforts in keeping our profession, maintaining its ethos and reputation.

Ladies and gentlemen, I thank you

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