



## **JUNIOR DEVELOPMENT & SUPPORT POLICY**

PABASA is a national voluntary bar association with provincial chapters and Groups established throughout the country. This policy document gives effect to the objects and guiding principles contained in the Constitution and provides mechanisms for the implementation and realisation of the goals of equality, mutual respect and professionalism of all PABASA members.

### **REASON FOR AND SCOPE OF THE POLICY**

1. PABASA recognises that entry into the vocation of advocacy can be daunting and that commencing practice for one's own account as a sole practitioner is difficult for many advocates at the Bar.
2. PABASA acknowledges that during the early years of practice, and following a year of pupillage training, newly-admitted advocates are in a financially vulnerable position and require both experience and support from more senior colleagues at the Bar.
3. PABASA is cognisant that gender and race representivity in the profession is skewed and does not reflect the demographics of the broader South African society. As such, strategic interventions are required to ensure transformation of the profession in a manner that is sustainable and enduring over the long-term.
4. Steps must be adopted to:
  - 4.1. encourage and retain black and female advocates in the profession; and
  - 4.2. provide to junior advocates the support necessary to enable them to establish a financially viable business practice.
5. PABASA accepts that Groups have different governance structures and have differing capacity and resources that will affect the manner in which the Group provides support to junior advocates. As such, PABASA does not prescribe a particular mechanism to give effect to this Policy and it is in the discretion of the Groups to determine how best to give effect to this Policy.



## **DEFINITIONS**

6. The words and phrases below have the following meaning for purposes of interpreting and applying this Policy:
  - 6.1. “chamber fees” may mean either rental amount and/or Group fees as the Group may determine.
  - 6.2. “junior” means an advocate in their first or second year of practice.
  - 6.3. “resources” includes both human resources and financial resources.

## **MECHANISMS TO DEVELOP AND SUPPORT JUNIOR ADVOCATES**

7. The mechanisms listed below are non-prescriptive and are aimed at guiding Groups on interventions to adopt that provide support to junior advocates on entry into the profession.
8. Groups are expected to adopt at least one, or a combination of, the mechanisms below subject to the available resources within the Group.
9. The mechanism(s) adopted by the Group should be reviewed for its effectiveness and sustainability and revised where appropriate and/or necessary.
10. Junior briefs:
  - 10.1. All Group members of a specified seniority are expected to involve a junior member in on a brief at least once or twice a year as determined by the Group governance structure.
  - 10.2. This intervention aimed at:
    - 10.2.1. introducing junior advocates to attorneys and law firms they may not be familiar with;
    - 10.2.2. exposing junior advocates to practice areas and matters of a complexity that they would not in the ordinary course be exposed to.



## 11. Junior fund:

- 11.1. The Group establishes a fund to which members of a specified seniority are required to (alternatively volunteer to) contribute as part of their Group fees.
- 11.2. The funds received are used to remunerate junior advocates at a reduced hourly rate for devilling work.
- 11.3. The junior advocates are allocated, on a monthly basis, to senior advocates who participate in the fund on a roster system so as to prevent preferential treatment and to ensure that junior advocates are exposed to the practice areas and practice styles of a number of senior members in the Group.
- 11.4. This intervention is aimed at:
  - 11.4.1. exposing junior advocates to practice areas and matters of a complexity that they in the ordinary course would not be exposed to;
  - 11.4.2. providing junior advocates with paid work on at least a monthly basis;
  - 11.4.3. enable senior advocates who participate in the junior fund to meet, work with and assess the abilities of junior advocate in the Group.

## 12. Sharing chambers / reduction in Group fees:

- 12.1. Junior advocates:
  - 12.1.1. are granted the benefit of chambers (whether rental and/or Group fees) at a 100% or 50% reduced rate for a period of three, six or twelve months; or
  - 12.1.2. are entitled to share chambers with another/ other junior advocates, for example in the form of "scottish chambers".
- 12.2. The financial benefit granted to junior advocates in their first year is subsidised and distributed amongst the senior members of the Group.
- 12.3. This intervention is aimed at:



- 12.3.1. reducing the business overheads costs of junior advocates in establishing and growing their business;
- 12.3.2. ensuring that the cost of the financial benefit to junior advocates in their first year is equitably distributed amongst the remaining Group members to lessen the financial burden on the Group.

13. Access to electronic resources:

- 13.1. Junior advocates are provided with access to Lexis Nexis and/or Jutastat online resources, wholly subsidised by the Group.
- 13.2. This intervention is aimed at:
  - 13.2.1. empowering junior advocates with the legal resource tools necessary to effectively fulfil briefs that they receive;
  - 13.2.2. reduce the business overhead costs of junior advocates in establishing and growing their business.

14. The Group may elect to adopt a mechanism other than the mechanisms contemplated above. In such a case, the Group governance structure must obtain the consent of PABASA prior to implementing the proposed mechanism.

**THE DECISION OF THE GROUP**

- 15. The decision on the appropriate and sustainable mechanism or combination of mechanisms to adopt is made by the Group, in accordance with the Group's governance structure and taking into account the Group's resources.
- 16. Should a junior advocate be granted a reduction in chamber fees, the member will not, by reason of a reduction in chambers fees, forfeit his or her rights as a tenant-member, and shall continue in all respects to participate in all Group activities and decision-making.



## **EFFECTIVE DATE**

17. This Policy was approved by the National Executive Committee and is effective September 2019.