

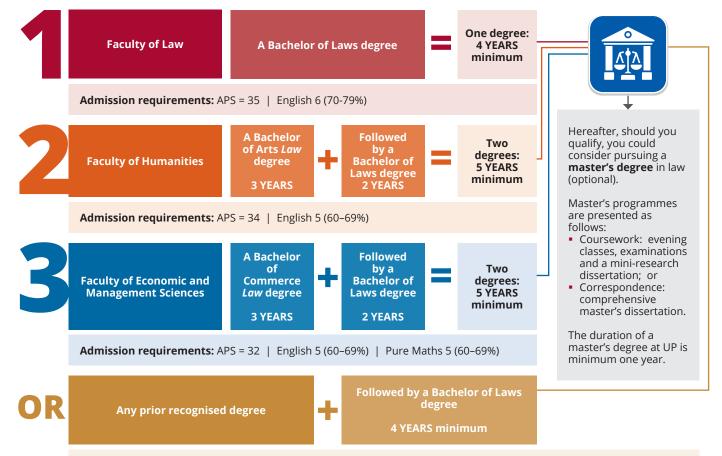
Faculty of Law Fakulteit Regsgeleerdheid Lefapha la Molao

How to choose between a Bachelor of Arts Law, Bachelor of Commerce Law or straightforward four-year Bachelor of Laws [also referred to as LLB] degree?





As explained here, there are **three direct routes** to a recognised legal qualification and eventual admission as an attorney or advocate in South Africa with a Bachelor of Laws degree behind your name, given the *status quo* in South Africa in 2019 and excluding forthcoming amendments to the Legal Practice Act, 28 of 2014:



If you are interested in a career in **patent law**, you should first pursue a science degree (Bachelor of Science or Bachelor of Engineering) degree, and/or followed by an honours degree in Bachelor of Science or Bachelor of Engineering, followed by a Bachelor of Laws degree, or vice versa. Here you are looking at a minimum period of seven years of studying. However, this will prepare you for the Patent Examination Board, as required in Section 21 of the Patents Act, 57 of 1978, as amended, for a career as a patent attorney. However, it is important to note that admission as a patent advocate or attorney is subject to passing the Bar Examination for pupils or the Competency-based Examination for Admission as an Attorney too. Should you be interested in this field of law, you may find more relevant information on the websites of patent attorneys, the South African Institute of Intellectual Property Law (SAIIPL) and the World Intellectual Property Organisation (WIPO).

Bachelor of Arts *Law* (3 years minimum)

Other degree

Bachelor of Commerce *Law* (3 years minimum)

Undergraduate Bachelor of Laws (minimum 2 years)

Undergraduate Bachelor of Laws degree (minimum 4 years)

Undergraduate Bachelor of Laws (minimum 2 years)

Possible postgraduate (master's and/or doctoral) studies as the start of post Bachelor of Laws specialisation—not compulsory

Specialisation in practice: 'Tricks of the trade'

Attorneys

BRIEF

Non-trust

account

advocates

Attorneys' profession*

Legal Practice Council (LPC) Legal Practice Act, 28 of 2014

Application for interviews with practising principal attorneys, followed by selection

Other forms of selection, such as psychometric assessment, could be included in selection processes

Appointed as candidate legal practitioner for practical vocational training (pvt)—'candidate attorney'

Serving 24 months uninterrupted as candidate legal practitioner for pvt (Regulation 6) including a ± five-week programme or structured coursework (150 notional hours)

OrServing 12 months pvt including a six month after hours programme of structured coursework (400 notional hours)

Serving 12 months pvt in a six month (400 notional hours) programme if structured coursework was completed prior to the registration of pvt contract Compulsory community service—not finalised yet

Salary range: ±R4 500 to R45 000

Competency-based examinations (CBEs) for admission as an attorney (LPA, 2014: Section 26(1)(d), Rules 21.1 and 21.2)

Annually during ± February and August

Permitted to write after satisfactorily serving a period of six months of pvt ('clerkship') or satisfactory attendance at an approved School for Legal Practice

Admission as an Attorney in the High Court

May appear in all lower courts with immediate effect

May apply for a certificate of right of appearance in the High Court after three years of practice

Advocates' profession*

Legal Practice Council (LPC) Legal Practice Act, 28 of 2014

Application for an interview with a practising advocate, followed by selection

Appointed as candidate legal practitioner for practical vocational training (pvt)—'pupil'

Serving 12 months uninterrupted as candidate legal practitioner for pvt (Regulation 7)

Complete a programme of structured coursework of 400 notional hours over a period of six months before or during this period

Compulsory community service—not finalised yet

No salary.

LPC must still determine reasonable compensation —currently under debate

Competency-based examinations for admission as an advocate (LPA, 2014; Section 26(1)(d)

Permitted to write after serving a period of six months of pupillage (Rule 21.5)

Note: The LPC is currently finalising the structure of this examination

Admission as an Advocate in the High Court

May appear in all courts with immediate effect

Section 85(1)(b) of the LPA provides that every legal practitioner (attorneys and advocates taking direct instructions from the public) is obliged to be in possession of a Fidelity Fund Certificate and who, for the first time, practices as such, must complete a legal practice management course approved by the LPC. Once operational, the LPC will make rules relating to the management course to

Practice as a 'non-trust account' advocate
No trust account, may not hold money of clients,
not required for accounts to be audited annually
and will not hold a Legal Practitioner's Fund
Certificate (LPFFC)

May only receive instructions from an attorney—may not be briefed directly by members of the public

Section 85(1)(b) of the LPA provides that every legal practitioner (attorneys and advocates taking direct instructions from the public) is obliged to be in possession of a Fidelity Fund Certificate and who, for the first time, practices as such, must complete a legal practice management course approved by the LPC. Once operational, the LPC will make rules relating to the management course to be completed (Section 95(1)(zL) of the LPA).

Practice as a 'trust account' advocate with a trust account. May hold money of clients, but must first obtain a Legal Practitioner's Fidelity Fund Certificate (LPFFC)

Must have trust account audited annually for the reissue of the LPFFC

May receive instructions directly from members of the public—intervention of an attorney is not necessary

Legal practice (dual practice is not permitted)

Note: Postgraduate specialisation (master's and/or doctoral studies) may be pursued at any time after completion of a Bachelor of Laws degree, subject to admission requirements, namely before commencement of practical vocational training (pvt), during pvt, after pvt, and in fact, shortly or many years after graduation and in practice. As always, continuing education, professional development and lifelong learning are key components for success and thus highly recommended for all legal practitioners.