Transformation Initiative - Rule 7
(a reminder)

Dear Members,

The Junior Initiative embodied in Rule 7 embraced by members at the AGM on 25 October 2018 is well under way. Although numerous members have participated in the initiative, it is necessary to remind members of the opportunities it presents.

By way of reminder, the rule is aimed at bringing more opportunities to our junior members and calls upon all members of more than 8 years’ standing to, annually, request the Transformation Committee to recommend a member as junior in a particular matter.

Copies of Rule 7 and the memorandum in support of its adoption was circulated to members on 6 December 2018. (Copies are attached for members’ convenience.)

Members (of more than 8 years’ standing)

Members are welcome to lodge their requests for the recommendation of a junior to Ms Berlina Chautsane by e-mail at JSAtransforming@law.co.za.

Junior members (those who are keen to participate in the Junior Initiative)

Junior members who are keen to participate in the Junior Initiative set up by the JSA to facilitate exposure to junior work with more experienced members (senior juniors and silks) are invited to forward their names and preferred fields of interest to Ms Berlina Chautsane by e-mail at JSAtransforming@law.co.za.

JSA Transformation Committee
"Rule 7

1. Every member of the JSA of more than 8 years standing, is obliged to, at least once in a calendar year, apply to the Transformation Committee of the Bar ("Transcom") to recommend a junior approved by Transcom as a junior or second junior in a particular matter.

2. The member shall file a copy of the application for recommendation with the Professional and Fees Subcommittee of the Bar Council as well as proof of receipt thereof by Transcom.

3. Transcom may, on application, exempt a member from participating in the Junior Initiative if it is of the opinion that it is just and equitable to do so. In the event that Transcom refuses an application for exemption, a member may appeal against that decision to the Johannesburg Bar Council.

4. Failure to comply with (1) and (2) above shall constitute unprofessional conduct."
Junior Initiative

Introduction

The Transformation Committee of the Bar hereby proposes the following initiative designed to address skewed briefing patterns at the Bar. While Transcom is putting in place its primary plan, which is to introduce measures to ensure that more (and better) work flows directly to black and woman juniors at the Bar, this junior initiative is aimed at drawing on senior members who have been at the Bar for more than 8 years to assist in addressing the problem of skewed briefing patterns by involving black and women juniors in their matters.

Apart from creating opportunities for black and women juniors, this Initiative is aimed at reaching juniors who have no (or inadequate) access to senior members. Not only does this lack of access translate into less opportunities for work, but it also means an absence of mentorship, a necessary ingredient for proper growth and development at the Bar.

Synopsis of the initiative

The essence of the initiative is the following:
1. In every calendar year, all members of more than 8 years standing are required to identify ONE MATTER in which they are briefed and which they believe would provide a useful learning opportunity for a junior.

2. The senior member is then obliged to apply to TRANSCOM:

   a. To recommend a junior for appointment; and

   b. To the extent necessary, for funding for that junior from the Bar’s Transformation Fund.

3. Failure to apply to the Transformation Committee under the Junior Initiative at least once in a calendar year will amount to unprofessional conduct.

Rule Formulation

4. TRANSCOM recommends the adoption of the following rule:

   "1. Every member of the JSA of more than 8 years standing, is obliged to, at least once in a calendar year, apply to the Transformation Committee of the Bar ("TRANSCOM") to recommend a junior approved by TRANSCOM as a junior or second junior in a particular matter.

   2. The member shall file a copy of the application for recommendation with the Professional and Fees Sub-
committee of the Bar Council as well as proof of receipt thereof by Transcom.

3. Transcom may, on application, exempt a member from participating in the Junior Initiative if it is of the opinion that it is just and equitable to do so. In the event that Transcom refuses an application for exemption, a member may appeal against that decision to the Johannesburg Bar Council.

4. Failure to comply with (1) and (2) above shall constitute unprofessional conduct.*

Step-by-step

A step-by-step guide to this initiative is set out below:

1. All members of more than 8 years standing are required to identify ONE MATTER in which they are briefed and which they believe would provide a useful learning opportunity for a junior member of the Johannesburg Bar.

2. The senior member should then make his or her attorney and/or client aware of the existence of the rule and the need to bring on a junior member approved by Transcom;

3. The senior member should ascertain if client or the attorney is prepared to fund the involvement of the approved junior. He or she should also consider a reduction in his or her fee to accommodate the junior;
4. The senior member should also look into obtaining funding through his or her Group’s litigation fund for the matter;

5. These aspects should be addressed in the application to Transcom;

6. As a matter of last resort, the senior member may approach Transcom for funding from the Transformation Fund;

7. Transcom is in the process of collating the information of all juniors at the Bar and the areas of work which they wish to be exposed to. Based on the information received, Transcom will then allocate a junior member to the matter (or approve the junior member selected by the member). This decision will be informed by a number of factors including:

   a. The nature of the matter;
   b. The junior’s stated preference; and
   c. Whether the junior is based in the Johannesburg CBD (“the CBD”) or Sandton. Preference will be given to juniors based in the CBD.

Concluding remarks

8. Given that at present there are in excess of 600 members of the JSA of 8 years standing or more, a 100% take-up rate would mean that this Initiative will yield over 600 new matters per year for juniors to get involved in. While this will not eradicate the systemic challenges facing black and women juniors at the Bar, Transcom sees this as a productive start to addressing the problem.