

LEGAL AID BOARD

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FOR ACTION

Legal Aid Officers, Regional Operations Executives, Justice Centre Executives, other Legal Aid Board staff.

FOR INFORMATION

The Chief Justice, The President of the Constitutional Court, Judges President, The National Director of Public Prosecutions, Registrars and Bars of the Cape of Good Hope, Provincial Division, Eastern Cape Division, South Eastern Cape Local Division, Northern Cape Division, Free State Provincial Division, Kwa-Zulu Natal Provincial Division, Durban and Coast Local Division, Transvaal Provincial Division, Witwatersrand Local Division, North West, Ciskei Division, Transkei Division and Venda Division, General Council of the Bar of South Africa, the Law Society of South Africa, the Law Societies of the Cape of Good Hope, Kwa-Zulu Natal, Free State and Northern Provinces, National Association of Democratic Lawyers, Black Lawyers' Association, Association of Independent Advocates of South Africa, Criminal Law Bar Commission, The Magistrates' Commission, Department of Justice, Department of Land Affairs, the Editor of De Rebus and the Editor of Advocate.

Dear Sir/Madam

CIRCULAR NO. 3 OF 2005

IMPLEMENTATION OF ACCREDITATION SYSTEM: IMPLICATIONS FOR LEGAL AID OFFICERS' DUTIES

- 1 The Legal Aid Board (L.A.B.) plans to implement a system to accredit private practitioners to be phased in from the middle of May 2005.



- 2 Under the new system, the L.A.B will deal directly with the appointment of private practitioners to create a more efficient and transparent process. The implications of the new process for Legal Aid Officers¹ are outlined in this circular.
- 3 The accreditation system will ensure that skill, experience, availability and Black Economic Empowerment (BEE) credentials are applied during the selection of private practitioners. A summary of the accreditation process is attached as Annexure A.
- 4 The accreditation system will be implemented in a phased rollout to Justice Centres following a pilot in the Gauteng Province. Justice Centre Executives (JCEs) will advise all relevant parties of the specific dates for implementation of the system at their centres.
- 5 Details of the new policy and procedures will be provided to private practitioners at briefing sessions to be held throughout the country. There will be an opportunity to lodge applications for accreditation at these sessions. Practitioners who wish to be accredited for L.A.B work subsequently should apply to the Justice Centre in whose area they have their main law offices or chambers.
- 6 Successful applicants' details will be recorded in a *directory of accredited legal practitioners*. The directory will form the basis for the allocation of Judicare instructions to suitably qualified practitioners, with effect from the implementation dates at respective Justice Centres.
- 7 The *Directory of accredited legal practitioners* will replace the current rotation lists maintained by agent Legal Aid Officers and Justice Centres. The directory will be maintained by the L.A.B. on an electronic data base system.
- 8 As a transitional arrangement with immediate effect, Justice Centres will keep

¹ Throughout this circular, the term *Legal Aid Officer* refers to those employed by the Department of Justice at Magistrates Offices.

- duplicate copies of rotation lists kept by Legal Aid Officers, who are requested to immediately supply copies of their rotation lists to the JCs that are responsible for legal aid instructions to private legal practitioners in the magisterial districts of the Legal Aid Officers.
- 9 Legal Aid Officers should continue to maintain rotation lists until the earlier one of the date from which JCs commence to issue instructions to legal practitioners from the L.A.B.'s computer system, or the date that the accreditation system is implemented in their area.
 - 10 They should, until the earlier of the events mentioned in 9 above takes place, also continue to put the name of the next available practitioner from their rotation list on the application forms (LA1).
 - 11 Legal Aid Officers will no longer under the accreditation system, before submitting applications for legal aid (LA1) to JCs, be required to contact practitioners to establish their availability to accept those instructions. That will be done at JCs through an automated SMS system.
 - 12 No Judicare instruction, whether on the rotation system, or on the accreditation system shall be issued to practitioners whose firms are not registered as vendors to the L.A.B.
 - 13 As per Circular 4 of 2004, Legal Aid Officers are no longer required to prepare Judicare instructions on LA2 forms. Judicare instructions (LA2) will be prepared at Justice Centres and supplied to the relevant Legal Aid Officers, or sent directly to practitioners.
 - 14 Legal Aid Officers are required to send to Justice Centres only completed applications for legal aid (LA1), if applicable full means tests (LA 13) and documentary proof of income and assets.
 - 15 Legal Aid Officers have no further duties regarding the registration of practitioners' firms as vendors to the L.A.B., other than to refer those practitioners to JCs and to add the names of approved practitioners to their rotation lists.
 - 16 Legal Aid Officers must refer practitioners who apply for inclusion on rotation

lists to JCEs². JCEs will inform Legal Aid Officers when such applications have been approved and when the names of those practitioners may be added to rotation lists.

Yours faithfully

V. N. Vedalankar

V N VEDALANKAR
CHIEF EXECUTIVE OFFICER

² The Justice Centre Executives of those Justice Centres responsible for legal aid instructions to private legal practitioners in their magisterial districts, in terms of Circular 4 of 2004.

ANNEXURE A

LEGAL AID BOARD ACCREDITATION SYSTEM FOR PRIVATE LEGAL PRACTITIONERS

The LAB has almost completed the roll-out of Justice Centres to deliver legal services to clients through its own legal professionals.

Providing legal services through contracted private legal practitioners (Judicare system) will however remain a feature of the legal aid system of the LAB.

On 1 February 2005 the LAB will terminate the rotation system and implement an Accreditation System for private lawyers. Coupled with decentralised managing of the Judicare system, from April 2004, Accreditation heralds a new era of partnership between the LAB and the legal profession in the delivery of public funded legal services to the poor and vulnerable. Great emphasis is placed on personal contact and improved communication with participating practitioners.

Private legal practitioners with a social conscience, who support the LAB's vision and mission to serve those who cannot afford access to justice, particularly women, children and the landless, and who have the required experience, will be accredited to serve on a panel of professionals (Directory of Accredited Practitioners) from which Judicare appointments will be made.

Legal practitioners may apply to be included in the Directory for those areas (jurisdictions) in which they practice. Briefings are being arranged to provide information to practitioners about the LAB, its strategic objectives, its philosophy about the sector of the community that it serves, service excellence, and Judicare procedures. Policy documents like the Legal Aid Guide and Circulars dealing with aspects of the legal aid scheme will also be discussed at the briefings. Equally important is the objective to establish contact between practitioners and local LAB staff who will be their main partners in delivering Judicare legal services to the poor.

Practitioners who support the LAB's objectives will enter into Service Level Agreements with the LAB. Their applications for accreditation will include details of their firms (attorneys), especially details of their Black Economic Empowerment (BEE) component.

A transparent data base system to allocate Judicare instructions to the practices of accredited lawyers is being introduced. The system incorporates equity principles, BEE and balances the Judicare fee income of practices to ensure equal distribution of these funds. It gives preference to local and full-time practitioners and seeks to match experience with the requirements of each matter.