

Practice management training: Exemptions and extensions

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The Law Society of South Africa's (LSSA's) Legal Education and Development (LEAD) division offers a six-month practice management training course for admitted attorneys. This course was made mandatory by the introduction of ss 8 to 10 of the Judicial Matters Second Amendment Act 55 of 2003, which stipulate that all attorneys who are issued with an Attorneys Fidelity Fund (AFF) certificate for the first time after 14 August 2009 must complete a practice management training course to the satisfaction of the relevant provincial law society.

This means that attorneys who want to practise for their own account will be issued with their first AFF certificate but will not be issued with a second certificate unless they provide proof to the relevant provincial law society that they have completed a practice management training course with an accredited institution.

All queries relating to applications for extension and/or exemption should be made to the relevant provincial law society and not to LEAD.

Attorneys must apply for extension to the relevant law society if they have not yet completed the practice management training course and their first AFF certificate is about to expire. If the extension is granted, the attorney will get a second AFF certificate but will have to do the course before the second certificate expires. The prerogative to grant an extension lies solely with the relevant provincial law society, and whether or not it is granted will depend on the motivation submitted by the applicant.

An attorney who has prior experience in practice management or who has the necessary management qualifications can approach the relevant provincial law society to apply for exemption from attending the full practice management training course or some of its modules. Exemption can be granted partially or in full.

Application procedure

The applicant must complete and submit an application in the prescribed format to the director of the relevant law society at least two months prior to the meeting of the Practice Management Exemption Committee (PMEC). Applicants should contact their provincial law societies for the two meeting dates of the PMEC per annum. The applicant must state in writing the grounds for extension or exemption and must provide such further information as the PMEC may require.

Applications for exemptions: Procedure of PMEC

The applicant may be required to undergo an assessment as determined by the PMEC. The assessment is based on the content of the LSSA's practice management training course.

The committee may grant –

- full exemption and issue a certificate of compliance; or
- partial exemption, whereby the applicant shall be required to register for and complete one or more modules of training and/or comply with other conditions.

An applicant to whom partial exemption is granted may commence with practice and, at the same time, register for a relevant course, which must be completed in the period prescribed by the PMEC, failing which the certificate may be withdrawn by the PMEC. On completion, the PMEC will consider granting a certificate of compliance.

In reaching a decision on whether to issue a certificate of compliance (exemption), the committee shall, *inter alia*, consider the following:

- Relevance of the subjects completed as part of a practice management course/programme.
- The duration of such a course/programme.
- The National Qualifications Framework (NQF) level of the qualification.
- Experience in law firm management.
- Position held in the firm.

- The size of the firm.
- Evidence of having been involved in some form of management, preferably in a middle to senior position.
- Proof that the applicant has not lost touch with general management/law firm management since the qualification was obtained or since the experience was gained.

Applications for extensions: Procedure of PMEC

An extension will be granted once for a period not exceeding one year, but the PMEC may, in exceptional circumstances, grant a further extension of one year.

Extension may be granted, *inter alia*, on the following grounds:

- Ill health or other personal hardship.
- Practice circumstances.

Please note that attendance of courses at the School for Legal Practice and the compulsory course for candidate attorneys does not serve as a basis for an application for exemption.