

"we make law work"



28th July 2017

Portfolio Committee on Justice
And correctional Services

PER EMAIL

To Whom it may concern

SUBJECT – LEGAL PRACTICE ACT AMENDMENT (B11-2017)

I Nanandi Albers the Director of PALSA (Paralegal Association of SA) which started to operate this year wish to make submission to the Committee for Oral Presentation, with hard copy submission of the presentation, regarding the aforementioned.

While the current Act does refer to paralegals in the below reflected sections

34 (9) page 46, :

(9) The Council must, within two years after the commencement of Chapter 2 of this

Act, investigate and make recommendations to the Minister on—

1. *(a) the creation of other forms of legal practice, including—*
 1. *(i) limited liability legal practices;*
 2. *(ii) multi-disciplinary practices; and*
2. *(b) the statutory recognition of paralegals,*

taking into account best international practices, the public interest and the interests of the legal profession, with the view to legislative and other interventions in order to improve access to the legal profession and access to justice generally.

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I however feel that there are certain sections and or paragraphs or sentences in the current LPA which will restrict and limit the ability to draw up the Paralegal Act. Limiting its ability to then properly consider best international practice and public interest, more so around the circumstances specific to South Africa and its people and Legal/Judicial needs.

There are many Paralegal Acts in the world to look at and consider while also equally considering the needs of us here in South Africa Specifically.

The LPA is geared to, amongst other issues, bring affordable and accessible law to SA citizens. Paralegals are a vital role in being able to successfully achieve this. However, if they remain limited and restricted in most ways by the LPA, their role and ability will be as well. As will the ability to draw up the new act for them.

I have researched and analysed the paralegal situation in SA for almost 2 years now and have studied many other countries paralegal acts. I was recently granted attendance as a Senior Paralegal under the banner of "junior attorney" at the PALU conference. Where I gained vast input from delegates all over Africa regarding Paralegals.

I am in ongoing research and talks with various role players and stake holders including legal and some judiciary parties as well.

It is also evident that due to the non-recognition and non-regulation of Paralegals, that a scattered and fragmented situation has formed and settled into the "norm" around SA in this filed. It is a large and vital profession which is also worth a vast amount of money in salaries or training. Many of the organisations, advice offices, training bodies etc have formed niche areas and markets for themselves, many of which operate in opposite ways or methodologies. The training and "qualifications" are equally scattered and of varying levels from poor to excellent with no proper formula as is required with the LLB. Resulting in people getting a poor "qualification" and using it to "practice with". Independent paralegals are everywhere as well operating as such and have been for years.

Please advise if I will be considered for oral submission. I realise that it is an Amendment to the LPA and therefore there will be many large and important role players and stake holders who will need the floor. I will not need more than 15 minutes as my presentation is more to highlight an aspect for consideration.

Thanking You



Nanandi S Albers