

GCB 11

**Cape Bar Report
Annual Training Cost**

**Annexure to GCB submissions to the Legal Practice Bill
February 2013**

ANNUAL TRAINING COST

Of the amount reflected in respect of the cost of training members, an amount of R11 776.00 is reflected in the Cape Bar's financial records for the last financial year. That figure does not, however, accurately reflect the costs of training pupils and members if one has regard to the time volunteered by members (of various levels of seniority) each year for this purpose.

In terms of the Cape Bar's Rules, all members of more than 3 years standing are required to render a minimum of 20 hours *pro bono* service each year. Time spent on advocacy training as part of the Cape Bar's formal training programme counts towards members' *pro bono* hours.

Annexed hereto is a report of the Advocacy Training Sub-Committee of the Bar Council which reflects an estimate of the time spent each year on training pupils and members and of administering the various programmes offered for this purpose. (Some of the training reflected in the report is only due to take place in 2011). It is estimated that the total time which will be spent by members on training each year from 2011 will be in the order of 1927.5 hours. This number may in fact increase in the future depending on the number of pupils accepted into the programme each year. The aforesaid estimate is partially based on the further documentation annexed to the report, namely: the Cape Bar pupillage advocacy training and tutorial timetable for 2009 and 2010; spreadsheets reflecting the allocation of Cape Bar advocacy trainers for 2009 and 2010; a breakdown of the time spent by Adv McCurdie on administering the pupillage programme during 2010; and a breakdown of the time spent by Adv Paschke on administering the advocacy training and pupillage programmes. We emphasise that the aforesaid estimate is a conservative one, and that the time spent, by members and administrative staff, in training pupils and members and administering the programmes offered may in reality be significantly higher than that reflected.

Based on the estimate of voluntary time spent by members training pupils and members and administering the various programmes offered by the Cape Bar (as reflected in the report) it is estimated that the true cost of such training is approximately R2 566 776.00 per annum (based on the ratio of time provided by junior and senior members, calculated on an average hourly rate of R1000.00 for junior members and R2000.00 for senior members).

ANNUAL TRAINING COSTS IN RESPECT OF TRAINING CONDUCTED AT THE CAPE BAR

In broad terms training is conducted at three levels, namely:

1. training of pupils;
2. training of practising advocates;
3. advanced training of practising advocates.

The hours spent by members of the Cape Bar relating to each level are summarised hereunder.

TRAINING OF PUPILS

This training comprises essentially four components. These are:

1. Practical advocacy training – the focus is on Court and litigation skills.
2. Tutoring – the focus is on tutoring the pupils on the subjects they will be examined on in the examination set by the national bar examination board.
3. Completion of Marnewick's weekly case study workbook exercises – at the Cape Bar this training is essentially self taught but ongoing monitoring is required.
4. Mentoring – the traditional reading in chambers with a mentor.

To calculate the cost (measured as lost earnings for the members involved in all aspects of training), it is only the first three components that should probably be taken into account. While not detracting from the enormous contribution made by mentors during pupillage, pupil mentors are still able to continue practising while mentoring and they do not give up time which can be clearly isolated and identified as relating exclusively to training. For present purposes therefore the time spent on mentoring has not been included in this assessment.

The hours allocated to each of the remaining three components identified above are considered next.

Advocacy training of pupils

There are two parts to this, namely, actual time spent on training by members and time spent in preparing to train.

In summary, the training which is conducted on weekday afternoons, as reflected in the programmes annexed hereto, is conducted in the following manner:

1. The pupils are divided into three groups.
2. Two trainers are allocated to each group.

3. Each pupil moves at least one of the applications allocated to the exercise and is individually reviewed by a trainer.

The training events generally start at 15h00 and carry on to about 17h00 to 18h00. 2½ hours per weekday training exercise per trainer has accordingly been allocated to this training.

Hours allocated: 14 exercises x 6 trainers x 2.5 hrs 210 hours

The Saturday motion court exercise is conducted in three separate courts in which the pupils are divided into three groups. Each group receives a full court roll which is divided between the eight pupils in each group. Two trainers are required per group in that exercise. The exercises last about 4 hours per group.

Hours allocated: 24 hours

For the two Saturday witness handling exercises the pupils are divided into five groups with five pupils per group. Three trainers are allocated to each group. The training for these two exercises also lasts between 3 and 4 hours. 3½ hours per training exercise per trainer has been allocated to this training.

Hours allocated: 2 exercises x 15 trainers x 3.5 hrs 105 hours

Preparation for advocacy training exercises by trainers

The time spent by trainers preparing for these exercises depends on the nature of the exercises. The witness handling, opposed application and appeal exercises will generally take between ½ hour and an hour to prepare (because of the amount of reading material involved). The remaining exercises take up to ½ hour to prepare.

Hours allocated: 60 trainers x 0.75 hrs (for the longer exercises) 45 hours
7 exercises x 6 trainers x 0.5 hrs
(for the shorter exercises) 21 hours

Administration of advocacy training programme

Ron Paschke puts the programme together and I allocate the trainers. The process involves sending letters out to all the trainers, monitoring their responses and re-arranging allocations where they suit the members' diaries. Paschke's time is included in his report annexed hereto, and the hours allocated here are for my time only.

Hours allocated: 12 hours

Weekly monitoring of trainers, sending out material and instructions to trainers, allocating groups and starting each exercise.

Hours allocated: 2 hours x 16 weeks 32 hours

Administering the Saturday motion court exercise, which includes

- compiling the roll, allocating the roll to pupils
- instructing the pupils on preparation

Hours allocated: 16 hours

Administering the Saturday witness handling exercises, which include:

- distribution of materials
- managing last minute changes to training pool and reserve trainers
- attending and monitoring the training for trainer assessment

Hours allocated: 10 hours

Ron Paschke has completed a report on the time spent by him on administration of pupillage, a copy of which is annexed hereto. Of this, the hours spent by him on his administrative role as advocacy training co-ordinator and training policy development is indicated below.

Hours allocated: 86.5 hours

Tutoring of pupils

The member co-ordinating the tutoring of pupils, Rob Patrick, reports that 85.5 hours was spent by members on tutoring pupils during 2010.

Hours allocated: 85.5 hours

Administering the tutoring programme

Rob Patrick reports that he spends approximately one hour per week for 6 months on administering the tutorial programme.

Hours allocated: 24 hours

The workbook monitoring and pupillage co-ordination

Janet McCurdie monitors the workbook programme which involves monitoring whether the pupils have completed and handed in each week's workbook exercise on a weekly basis. She also administers and co-ordinates the entire pupillage programme. McCurdie has completed a detailed report on the time spent on administering pupillage by her, a copy of which is annexed hereto.

Hours allocated: 220.5 hours

The above hours do not include time spent in committee meetings, time spent formulating policy, time spent by the other pupillage committee members considering pupil applications, or the time spent on administering the programme by the secretaries of the members who are most intimately involved in the programme. McCurdie's report indicates the time spent on administering the programme by her secretary separately.

TRAINING OF PRACTISING ADVOCATES

The Cape Bar has in the past held expert witness workshops for practitioners with 0 - 5 years experience. The expert witness workshops require four advocates to assist the practitioners in consulting expert witnesses, two advocates to do a case analysis session and five advocates (one for video reviews) for seven hours on the Saturday that the exercise is conducted in Court. The time allowed is for one court only. If two courts are run, the allocated hours must be doubled.

Hours allocated: 50 hours

Administration of continuing legal education training

Compiling files for case exercises, sourcing witnesses
arranging catering, instructing participants:

Hours allocated: 20 hours

Training advocacy trainers

Only advocates who are trained in "the Method" form of training are utilised in advocacy training (excluding the Saturday motion court exercise and the matrimonial exercises). Currently the pool of advocacy trainers (excluding judges) at the Cape Bar comprises 16 silks and 34 juniors.

Inevitably due to trainer fatigue, elevations to the bench, or for a variety of other reasons, advocates request to be removed from the list each year. As they are only on the list due to their willingness to volunteer their services, there is no basis upon which those requests can be declined.

To maintain the pool of trainers, six advocates from the Cape Bar are sent to a GCB sponsored training course each year. At the course, which is held over a weekend, the six advocates are trained to be advocacy trainers and assessed as to their competence to train pupils in "the method" form of training.

The Cape Bar sends A grade trainers as faculty to the course to train the trainees. On average 4 members of our Bar attend as trainers, although 6 trainers from our Bar attended in 2010. Trainers leave for the Drakensberg on a Friday morning and return on Sunday evening.

<u>Hours allocated:</u>	24 hours x 4 (for faculty)	96 hours
	24 hours x 6 (for trainee advocates)	144 hours

Administration of advocacy training for trainers

This includes:

- interviewing potential participants;

- liaising with the GCB on participants and travel arrangements; and
- distribution of training packs to participants.

Hours allocated: 6 hours

ADVANCED TRAINING OF PRACTISING ADVOCATES

This course, aimed at practitioners with 5 and 12 years experience, will be presented by the GCB in Stellenbosch from January 2011. Five senior advocates from the Cape Bar will be involved as faculty for 2011, three for the whole week (which runs from Monday morning until Saturday afternoon), and two for two full days.

Hours allocated: 3 x 8 hrs per day x 6 days: 144 hours
2 x 16 hours: 32 hours

Two local members are also involved in assisting with administration of certain aspects of the course.

Hours allocated: 16 hours

36 practising advocates are also to be utilized as volunteer witnesses for the Saturday morning court finale, 6 of whom will also be utilized as administrative helpers for the entire 6 days.

Hours allocated: 30 x 8 (Saturday volunteers) 240 hours
6 x 8 x 6 (full week volunteers) 288 hours

Total hours volunteered by members of the Cape Bar

The total time spent by members of the Cape Bar on training each year, including administration of the training and the pupillage programmes, is therefore in the order of 1927.5 hours.

Jannie van der Merwe
Training Committee Member