

Broadening the field of legal education

by Malcolm Wallis SC

Chairman: General Council of the Bar of South Africa



THE wide diversity of matters which cross my desk as chairman provides ample material for a contribution to *Consultus*. The consti-

tution making processes, the structure of the legal profession, developments in regard to public funding of litigation and the expansion of the Bar's role in the legal system are all topics which could be the subject of this contribution. But 1996 will stand out in the history of the Bar in South Africa above all for the advances made in the field of advocacy training.

Elsewhere in this edition you will find articles describing the events and developments of this year. The visit to London of a core group of potential trainers from South African Bars and thereafter the visit to this country by Michael Hill QC and his team from the Inns of Court Advocacy Training Committee are there described. There is no disputing that these visits were a resounding success. It is the future implications which require reflection.

There have already been some developments since the departure of our English colleagues. Training workshops have already been held in Johannesburg and Durban. A National Advocacy Training Committee under the leadership of Johan Ploos van Amstel SC has been established. That committee is in turn already planning future workshops and the extension of our teacher training base. We will continue to work in conjunction with our colleagues at the English Bar and this was reinforced by the presence at our recent Executive Committee meeting of Peter Goldsmith QC, the immediate past chairman of the General Council of the Bar of England and Wales.

Advocacy component

Amidst this flurry of activity one small step has in my view the greatest importance. It is the adoption as a compulsory part of the pupillage programme of the Bar of an advocacy training component. Using the techniques we have acquired from overseas, every pupil who enters pupillage throughout South Africa will be required to undergo basic advocacy training using the methods devel-

oped internationally over the past twenty years. In addition to the existing components of teaching by pupil masters, learning by observation and attendance at lectures, pupils will be given the opportunity to learn and exercise the skills of advocacy in a regulated training environment. This component of pupillage is necessarily small at the outset, but it will inevitably grow. I do not foresee it displacing the other important components of our pupillage training or the ultimate testing process of the National Bar examination. All these have their place. What is essential, however, is that practical advocacy training assumes its rightful role in the overall structure of pupillage.

Broader vision

Whilst our initial focus will necessarily be on the pupil a broader vision is also required. In the rapidly developing modern world where the speed and ease of communication ties us ever more closely together the notion that training is something undertaken before one commenced practice has become obsolete. In our profession, as in others, it is essential for practitioners to remain abreast of rapid development in the law. A good example for the South African advocate has been the constitutional jurisprudence developed in two short years. No practitioner can afford to close his or her eyes to these changes. That leads and must inevitably lead to a need for continuing legal education within the advocacy profession. We need to know not only what is happening in the law but to be kept abreast of trial advocacy techniques and developments. It is certainly foreseeable that in the near future participation in some or other form of continuing legal education will be a requirement for every practitioner.

These developments are exciting because they give us the tools which enable advocates in South Africa to be what they want to be – a referral profession of skilled legal advisors and litigators. Continuing legal education will enable us to continue to serve the public efficiently and successfully in the overall interests of justice. If the advocacy profession is to survive those are the goals which it must set itself and the GCB must commit itself to advocacy training in order to enable its members to achieve those goals.

