

Pro bono: beyond the call of duty

At the heart of the phenomenon "pro bono" lies the idea of serving selflessly, by rendering professional work to the most vulnerable and needy members of society who would otherwise never be able to afford access to justice.



Rangata

Rule 25 of the attorneys profession deals with delivery through recognised structures, of advice, opinion or assistance in matters falling within the professional competence of a member, to facilitate access to justice for those who cannot afford to pay for such services.

Section 29(1) and (2) of the Legal Practice Act (28 of 2014), prescribe the requirements for community work as part of vocational training by candidate legal practitioners. It further makes provision for a minimum period of recurring community service by practising legal practitioners – upon which continued enrolment as a legal practitioner is dependent. In this regard *pro bono* includes:

- service in the state, approved by the Minister, in consultation with the Council;
- service at the South African Human Rights Commission;
- service without remuneration, as a judicial officer in the case of legal practitioners, including as a commissioner in the small claims courts;
- the provision of legal education and training on behalf of the Council, or on behalf of an academic institution or non-governmental organisation; or
- any other service which the candidate legal practitioner or the legal practitioner may want to perform, with the approval of the Minister.

The Legal Practice Act prescribes that a practitioner who has practised for less than 40-years and/or is younger than 60-years-of-age, must provide *pro bono* services of not less than 24-hours each calendar year.

Practitioners are duty bound to comply with these requirements. However, the most rewarding experience is derived when a good deed is performed out of the goodness of one's heart.

For Maponya, community work, and providing legal services to the community at no cost, goes beyond the call of the ordinary prescribed responsibility expected of an attorney as set out in the act. The firm complies with the minimum period required in doing community work but, over and above that reserved resources are continuously allocated to serving the community, in particular to disadvantaged communities.

During October last year, the firm received a director's commendation award from *ProBono.org* in recognition for its commitment to dispensing *pro bono* legal services to nearby needy communities. We have a dedicated *pro bono* department, with two attorneys fully committed to *pro bono* work. There are many who need legal assistance and it was during our visit to, *inter alia*, the Funanani Home for Social Justice, in Mamelodi Township Pretoria that it became clear that justice cannot be fully served, if those who cannot afford the legal fees cannot be assisted through programmes such

as ProBono.Org.

We continue to support ProBono.Org and similar organisations, representing those clients who face legal action at court and providing legal opinion where necessary. In April the firm received a certificate of appreciation from ProBono.Org. The certificate symbolises our partnership with ProBono.Org and an acceptance of our responsibility to those who cannot afford legal assistance.

The call beyond duty denotes that practitioners who are compliant with the law and the rules of the attorney's profession, as envisaged in the Legal Practice Act, should do even more. If we all commit some resources to this course, we will be able to ensure that those who do not have the resources nevertheless receive quality justice. As part of contributing to the needy we conduct workshops for the *pro bono* office on a number of issues, such as sales in execution.

As legal practitioners, we remain duty bound to protect the dignity of persons, as enshrined in s34 of the Constitution, *"everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum"*. This can be achieved if we, as practitioners, go beyond the call of duty and represent those who cannot afford legal fees. The challenge to practitioners is to dedicate their offices to serving the most needy in order to ensure fair access to quality legal services.

Baitseng is Managing Director of Maponya

Article by BAITSENG RANGATA