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1. I am studying towards my LLB degree and have not completed it yet. Can I enter into articles of clerkship

ANSWER:

Yes. In such a case, you can enter into a Contract of Articles for a period of five years (three if you have any other South African undergraduate degree). The period of articles may be reduced from five (or three) years to two years, on application to Court, in terms of Section 13(3) of the Act provided that you have successfully completed the LLB

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2. I have served articles under two (or more) different contracts. Can I have these periods joined?

ANSWER:

Yes. In terms of Section 11(2) of the Act, you can apply to Court for the joinder of two periods of articles. The effect of such a joinder, if granted by Court, is that the previous period is added to the new contract and is deemed to have been served continuously thereunder.

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3. I am busy attending the Law School or intend to attend same in future. Can I enter into a one year contract?

ANSWER:

No. A one year contract can only be entered into if you have successfully completed the Law School. However, if you complete Law School during the period in which you are serving articles, you can apply to Court, in terms of Section 2(1A) of the Act, to have the period of articles reduced from two years to one year.

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4. How long do I have to serve under articles?

ANSWER:

- (a) One year if you have the LLB (or BProc) degree and in addition thereto, you have successfully completed the Law School in terms of Section 2(1A) of the Act.
- (b) Two years if you have the LLB (or BProc) degree [Section 2(1)(a)].
- (c)**Three years if you successfully completed the matriculation examination (with university exemption) and in addition thereto, have completed any other undergraduate degree [Section 2(1)(c)].
- (d)**Five years if you have successfully completed the matriculation examination (with university exemption) [Section 2(1)(e)].

***Please note that this period may be reduced to two years, on application to Court, in terms of Section 13(3) of the Act, after successful completion of the LLB degree .*

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5. Can I be employed in any other capacity whilst serving under articles?

ANSWER:

No. This is prohibited in terms of Section 9 of the Act unless prior written consent of the Council of the Society is obtained in this regard. In order to refer the matter to the Council in terms of Section 9 of the Act:-

- (a) the applicant must submit an affidavit / letter setting out the nature and duties of the intended additional employment;
- (b) the applicant must confirm in the said affidavit / letter that the said additional employment will be conducted outside office hours and will thus not interfere with the daily duties as a candidate attorney;
- (c) the applicant's principal must submit an affidavit / letter confirming that he is aware of the intended additional employment, which employment will not interfere with the applicant's articles of clerkship and that the principal has no objection thereto.

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6. How many days can I remain absent during my articles of clerkship?

ANSWER:

In terms of Section 7 of the Act, your absence from the offices of your principal may not exceed thirty working days, or thirty days in aggregate, during any given year of service under articles. The period of absence relates to all types of leave (eg. Sick leave, study leave, annual leave etc).

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7. What do I do if my period of absence exceeds thirty days during any one year of my articles?

ANSWER:

In terms of Section 7 of the Act, your absence from the offices of your principal may not exceed thirty working days, or thirty days in aggregate, during any given year of service under articles. The period of absence relates to all types of leave (eg. Sick leave, study leave, annual leave etc).

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8. How long do I have, after my articles have expired, to apply for my admission as an attorney?

ANSWER:

You have to apply to Court, in terms of Section 7(2) of the Act, for leave of absence to be granted in respect of the period that has been missed. The period that has been missed should be added on after the normal expiry date of the articles. Such leave of absence most commonly occasioned as a result of maternity leave, study leave and/or hospitalization.

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