

# MPUMALANGA SOCIETY OF ADVOCATES

## APPLICATION FOR PUPILLAGE

Schedule 2 entitled 'Information for Applicants' which commences at paragraph 47 ('the information schedule') constitutes an integral part of this application form. The information schedule sets out necessary requirements for the proper completion of this form. It is accordingly **essential** that you read and understand its contents. Kindly do so before you start filling in this form and before you ask any questions about the application process.

Schedule 1 entitled "Information for Referees" should be given to your referees.

The marginal notes next to certain questions in this form refer you to specific paragraphs in the information schedule.

I hereby applying for pupil membership of the Mpumalanqa Society of Advocates ("the Society").

### About the applicant

1. Full name: .....

Name by which you prefer to be called: .....

2. Home address: .....

..... Postal code: .....

Phone No: ..... Cell: .....

Fax No: .....

E-mail address: .....

3. Work address: .....

..... Phone No: .....

4. Date of birth: .....

*See  
information  
schedule  
paras 55 to  
57.*

*In respect of the questions on nationality, race, sex and disability, see information schedule para 58.3.*

5. Nationality:.....
- 5.1. If you are a South African citizen, how did you obtain South African citizenship?  
 by birth or descent  by naturalization
- 5.2. If you are a South African citizen by naturalization, on what date did you obtain South African citizenship? .....
- 5.3. If you are not a South African citizen, provide full particulars of your immigration status and your right to reside in South Africa:
6. Race: .....
7. Sex:  Female  Male
8. Are you disabled?  Yes  No
- If so, provide details: .....
9. Do you need the fact that you have made application to be kept confidential?  Yes  No

**Academic qualifications and achievements**

10. Provide the following details of your tertiary academic qualifications: LLB and any pre-or post-LLB qualifications:

Degree / other qualification	Name of university / other institution	Date of graduation

*Leave this table blank if you have not yet obtained a degree / other tertiary qualification.*

11. If you have not yet obtained your LLB degree, provide full disclosure of all subjects still to be passed or other requirements to be met:



**Previous experience**

16. Provide the following details, in chronological order (oldest first), of all your activities since leaving high school including study, employment, occupation, travelling, unemployment, and in particular, any previous legal experience:

*Do not leave out any period.*

*Do not simply refer to your CV.*

*The duration for a current activity should include the expected duration until the end of this year.*

Institution / organization / firm / company	Activity/ position Also state whether full time ( ) or part time ( )	Dates		Duration (eg. 3y 2m)
		From (yyyy-mm)	To (yyyy.{yjm})	

17. Provide details of your previous legal experience (in addition to its duration as included above), such as your capacity, your level of seniority (attorney, candidate attorney, judge’s clerk, legal lecturer, legal advisor, NGO adviser, etc.) and your practical experience such as appearing in court, drawing pleadings and/or affidavits, writing opinions, advising clients etc.

18. In the event that you still have to wind up your current practice or business affairs, which do not necessarily constitute employment affairs, provide details in this regard:

19. If you were a practicing attorney, estimate what percentage of your practice involved litigious work including court appearances and drafting of pleadings: \_\_\_\_\_ %
20. Will you still be in the employ of any person/institution at the commencement of pupillage?  
 Yes  No

If so, furnish full particulars (including any remuneration receivable by you and the date upon which your employment will finally terminate).

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### Admission as an advocate / other pupillage

21. Date of and division where you were admitted as an advocate:

*See  
information  
schedule  
paras 64 - 68.*

22. If not admitted, on what date and in which division of the High Court will you lodge your application for admission?

23. Apart from the answers provided above, give particulars of any previous -

23.1. admission as an advocate or application for admission as an advocate:

23.2. membership of any Bar or application for membership of any Bar:

23.3. pupillage served at any Bar or pupillage applied for at any Bar:

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24. Give particulars of any other applications for pupillage next year which you have made or intend to make:
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### **Applicants who are or were attorneys**

25. Are you presently on the roll of attorneys?  Yes  No

*See  
information  
schedule  
paras 69 - 70.*

If so, when do you intend to apply for the removal of your name?

26. Were you ever previously on the roll of attorneys?  Yes  No

If so, give particulars of the circumstances of and the reason for the removal of your name from such roll:

27. Furnish full particulars including the name(s) of the firm(s) with which you were associated as an attorney:

28. What arrangements have been made for any firm of attorneys which practices under a name which includes yours to cease using your name?

29. Are you entitled to any payment in respect of goodwill? If so, give full particulars:

### **Applicants who are or were candidate attorneys**

30. Are you presently a candidate attorney?  Yes  No

If so, furnish full particulars of the date when you commenced your articles of clerkship, the firm(s); your principal(s) and when you will be completing your articles of clerkship:

31. Were you ever previously a candidate attorney?  Yes  No

If so, furnish full particulars of the date when you commenced your articles of clerkship, the firm(s); your principal(s) and why you did not complete your articles of clerkship:

*If successfully completed, attach proof.*

.....

32. Have you successfully completed your Attorneys Admission Examinations (or equivalent)?  Yes  No

Have you met all the requirements to be admitted as an attorney and do you consider yourself to be a fit and proper person to be admitted as an attorney? If not, provide particulars of those requirements you have not yet met or why you do not consider yourself to be a fit and proper person to be admitted or examinations you still have to pass:

### Pupillage

*See information schedule paras 71-73.*

33. Do you wish to apply for exemption from any of the requirements of pupillage?  Yes  No

If so, indicate which requirement or what period, and why:

*See information schedule paras 74 - 76.*

34. Do you have any preference as to who your pupil mentor should be?  Yes  No



34.1. If so, give his or her name and confirm whether he or she has already agreed to accept you as a pupil should you be selected for pupillage at the Polokwane Bar:

34.2. Motivate your reason for wanting to do pupillage with this particular advocate (include information about any professional or other relationship):

See  
information  
schedule  
paras 77-78.

35. What financial arrangements have you made for your pupillage? .....

See  
information  
schedule para  
78.

36. Do you need the Society to provide you with any financial assistance?  
 Yes     No

If so, provide full details of the extent to which you will require financial assistance:

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### After Pupillage

An untruthful answer may adversely affect any future application for membership of the Society.

37. Do you intend to practice on completion of your pupillage?

Yes     No

37.1. If the answer is "no", set out details of what you propose to do:

37.2. If the answer is "yes", when do you intend to start practice and where:

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### References

38. You are required to approach at least two persons (preferably local persons) to provide reference letters. You will need to give each referee a copy of Schedule 1 to this application form.

39. Please furnish the name and contact details of the two persons:

39.1. Name: .....

Address: .....

Phone No: .....

E-mail: .....

39.2. Name: .....

Address: .....

Phone No: .....

E-mail: .....

- 40. It is your responsibility to ensure that your chosen referees submit their reference letters timeously and directly to the secretariat of the Society.
- 41. You are required to attach a testimonial from the dean of the law faculty that you attended or a certificate of conduct from the said faculty. If it is not possible to obtain such testimonial or certificate, you are required to state the reason for your inability to obtain it and motivate why the Society should consider waiving this requirement.

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**Full disclosure**

See  
information  
schedule  
paras 79-81.

- 42. Have you ever been investigated for or faced charges of misconduct, dishonesty or other improper conduct *inter alia* in relation to your employment, profession or university studies or have you ever been investigated for or faced criminal charges for which you were convicted or paid an admission of guilt fine (other than for minor traffic violations) or has any hearing, tribunal or court ever made a finding against you?

Yes     No

If so, give details: .....

- 43. Do you have a history of any mental health, personality or general health condition which may adversely affect your fitness to undertake pupillage or to practice as an advocate or which the Society should know about in order to consider your application?

Yes     No

If so, give details: .....

44. Make full disclosure of all further facts, circumstances or information, which may have a bearing upon your fitness to undertake pupillage or to practice as an advocate or which the Society should have regard to in order to consider your application.

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### **Declarations and undertakings**

45. I declare that:
- 45.1. The information provided in this application is true and correct.
  - 45.2. I have not been guilty of any dishonest or improper conduct or other conduct which may render me unsuitable or disqualify me from being admitted as an advocate or being admitted as a member of the Society. No investigation relating to any such conduct is being considered or is pending.
  - 45.3. No fact, circumstance or information which ought to be considered by the Society in order to enable it to decide upon my fitness to be admitted as a pupil member has been withheld by me.
  - 45.4. I have read and understand the information contained in the attached information schedule and in the Society's "Pupillage Selection Process" as published on its website.
  - 45.5. I accept and agree to be bound by the conditions and requirements of application for pupillage that the Society and the General Council of the Bar of South Africa have set, including those contained in this application form and the attached information schedule.
  - 45.6. I attach to this application each of the documents which are listed in paragraph 50 of the information schedule.

- 45.7. Should I be selected to serve pupillage at the Mpumalanga Bar, I hereby undertake to comply with all the requirements of the Society and its pupillage program during my pupillage.
46. I undertake that:
- 46.1. During my pupil membership, I will abide by the rules of the Society and any directions and decisions of the Bar Council, its pupillage committee, the General Council of the Bar of South Africa and the National Bar Examination Board.
- 46.2. Save to the extent that I may in law be compelled to do so, I will not, during or after the period of my pupillage, disclose to any person any information obtained by me during the course of my pupillage concerning the affairs of my mentor or any other advocate with whom I might work as a pupil or concerning the affairs of any client.

**SIGNATURE OF APPLICANT**

**DATE**

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## INFORMATION FOR REFEREES

The Mpumalanga Society of Advocates requires that each applicant for pupil membership approach at least two referees to provide comment which may assist the Society to assess the applicant's potential to practice as an advocate. If you have received this page, you have been requested to provide a reference for such an applicant.

If you are willing to provide the reference, the Society invites you to comment based on your knowledge of the applicant, on any of the following:

1. The applicant's academic achievements and capability;
2. Any facts and circumstances that may have inhibited the applicant's fulfilment of his or her academic potential, including any physical disability and/or socio-economic disadvantage;
3. The applicant's legal experience and/or expertise;
4. The applicant's community involvement and/or commitment to transformation;
5. The applicant's leadership abilities and participation in activities that indicate an attainment of life experiences and well-roundedness;
6. Any other information the referee considers relevant.

Please also provide information on how long you have known the applicant and in what capacity.

In order to preserve the integrity of the process, we ask that you do not show the applicant your reference letter and that you submit it directly to the secretariat of the Society either in hard copy, in a sealed envelope, or by email.

References may be submitted to:

**Mbombela Chambers**  
**Beacon Corner**  
**Cnr Van Niekerk**  
**2 Rothery Street**  
**3<sup>rd</sup> Floor**  
**Nelspruit**  
**Tel: 013 880 1844**

Or electronically to:

[nomsa@mpbar.co.za](mailto:nomsa@mpbar.co.za)

**Please note that your reference letter should be submitted before the end of September.**

## INFORMATION FOR APPLICANTS

('the information schedule')

### Completion and submission of applications

47. You are requested to complete the application form in bold typewriting on a word processor (Microsoft Word). For this purpose, you may download an electronic version of the application form from the website of the Mpumalanga Bar.
48. If you are completing the application form on a word processor and the form does not provide enough space for you to fully answer any particular question then continue typing each answer until it is complete and delete any dotted lines.
49. It is undesirable that you complete the application form by hand. However, if you are unable to provide a typed response, ensure that each and every word is legible. If the form does not provide enough space for you to fully answer any particular question then use a separate page. If you use a separate page, ensure that (a) this fact is clearly stated under the relevant question on the application form itself and (b) the answer on the separate page is headed with the corresponding question number.
50. An application that is not submitted with the correct supporting documentation will not be considered. The following constitutes a list of documents that must be attached to this application, **failing which your application shall not be considered:**
- 50.1. A recent passport photograph securely glued (but not stapled) to the designated space on page 1.
  - 50.2. A certified copy of your identification document.
  - 50.3. If you are a South African citizen by naturalization, a certified copy of the document(s) that prove the date that you obtained South African citizenship.
  - 50.4. If you are not a South African citizen, a certified copy of the document(s) that prove your immigration status (e.g. permanent residence).
  - 50.5. A certified copy of your matric certificate or equivalent scholastic certificate;
  - 50.6. A certified copy of your degree certificate(s) (if you have graduated).
  - 50.7. A certified copy of any certificate of completion of the program in Legal Practice at the School for Legal Practice.
  - 50.8. A certified copy of your full academic record showing each and every subject passed and failed, and all marks or other results obtained towards your LLB degree.
    - 50.8.1. This record must be provided irrespective of whether or not you have graduated or when you graduated. If your degree is incomplete then provide your academic record with all the results to date.
    - 50.8.2. Unlike your degree certificate or a transcript of academic results an academic record shows all your university results including those for subjects that you may have initially failed but which you subsequently passed. If you provide a document that does not comply with the aforesaid, for example a UNISA transcript only of the credits (subjects passed) towards your degree, and not also all subjects failed and repeated, the Society will not be able to assess your application.
    - 50.8.3. If you have obtained credits towards your LLB from courses done while studying for another degree or from a different university then attach academic records in respect of such other degree or other university.
  - 50.9. A testimonial from the dean of the law faculty that you attended or a certificate of conduct from the said faculty (unless you have applied, in terms of question 40, for the Society to waive this requirement).
  - 50.10. A certified copy of your certificate(s) showing successful completion of any Attorneys Admission Examinations (or equivalent).
  - 50.11. If you have been admitted as an advocate, a certified copy of the court order admitting you as an advocate of the High Court (unless same is not yet available

as the date of admission was recent, in which case it should be provided as soon as it become available).

- 50.12. A certified copy of the court order admitting you as an attorney of the High Court (if you have been admitted as an attorney).

*(Do not attach documents not specifically requested in this application form)*

51. The original application must be accompanied by two identical photocopies of the full application including all annexures. Should the applicant be unable to comply with this requirement, namely to provide a total of three (3) application forms, he or she should prepare a written application setting out why he or she requires assistance in this regard.
52. The closing time for applications is **16 30 on the last working day of September** in the year preceding the year of pupillage. A working day is a day other than Saturday, Sunday or public holiday. Applications submitted prior to the closing date will be processed first. It is in your interests to submit your application as early as possible.
53. **Save in exceptional circumstances no application received after the closing date will be considered** It is therefore in your interests not to leave the completion and submission of your application to the last minute. Rather ensure that the administrative officer of the Society has received your application well before the closing date. If you send your application by courier, you must send it for 'door delivery' (or equivalent) and not for 'counter'.

#### **Notification of any change to contact details**

54. You are required to immediately notify the administrative officer of the Society of any changes to your contact details (address, phone number(s), fax number and e-mail address).
55. You will be deemed to have received a communication sent to your address, fax number or e-mail address on record. For example, after a notice of the date, time and venue for any interview has been sent to your address, fax number or e-mail address on record, the Society will not follow up with you to check whether or not you in fact received such notice.
56. Your duty to immediately notify the administrative officer of the Society of any changes to your contact details lasts throughout your period of pupillage, should your application be successful.

#### **Assessment of applications**

57. The timeous submission of a complete application form does not guarantee that the Society will necessarily accept your application.
- 57.1. The present selection criteria and process are set out in detail in the document titled "Polokwane Society of Advocates: Pupillage selection process" which is available on request or from the Polokwane Bar website. You are required to carefully consider this document.
- 57.2. To promote the transformation of the Society to better reflect the composition of society, preference may be given to applicants who are (a) African, Colored or Indian; (b) female; or (c) disabled.
- 57.3. You are required to disclose your nationality, race, sex and disability status to enable the Society to apply its policy concerning historically disadvantaged individuals.
58. The Society may require you to be interviewed prior to taking a decision on your application and your failure to attend will be regarded as a withdrawal of your application. The interview will form an important part of the assessment process and usually takes place during the month of October. An audio recording of the interview may be made without further notice.
59. The Society will endeavor to inform you of the outcome of your application by the end of October.



## **Exemption from the requirements of pupillage**

60. If you wish to apply for an exemption from any requirement of pupillage, fully motivate all the facts relied upon to support your application.
61. For your information:
  - 61.1. Exemptions are granted sparingly.
  - 61.2. In principle, the period of a program for pupillage will be the same for pupils who have not yet qualified as legal practitioners as for pupils who have already qualified as legal practitioners, viz. 12 months.
  - 61.3. Provision for partial exemption from this requirement is as follows:-
    - 61.3.1. An applicant may not be exempted from any of the requirements of pupillage if he or she has not practiced as a legal practitioner for at least 4 years.
    - 61.3.2. A legal practitioner who has practiced as such for a period of at least 4 years may apply for partial exemption from the requirements of pupillage, provided that the Bar Council may not exempt anybody from the requirements of having to:-
      - (a) pass the National Bar Examination; or
      - (b) satisfactorily attend advanced practical advocacy training.
  - 61.4. Notwithstanding anything contained above, the General Council of the Bar (GCB) has the power to exempt any person from the requirements of pupillage.

## **Pupil mentor**

62. You are encouraged to ascertain from a member of each Bar at which you apply for membership whether that member would be willing to be your mentor in the event that your application succeeds. Note that senior counsel are never appointed as mentors and that, absent prior relevant experience, members of less than five years standing are generally not appointed as mentors.
63. The decision on the allocation of your mentor rests with the Society and while your preference, if any, will be taken into account, the fact that a member may be willing to be your mentor does not necessarily mean that you will be allocated to that member. Likewise, the fact that a member may be willing to be your mentor does not necessarily mean that you will be offered a place in the pupillage program.
64. It is not essential that you arrange for someone to be your mentor. If you do not or cannot arrange for an advocate to be your prospective mentor, the Society will allocate a suitable member to be your mentor.

## **Financial assistance and arrangements**

65. The Society can provide limited financial support to some pupils during their pupillage and possibly during the initial part of their practice after pupillage. The nature and amount of support available, if any, differs among the Bars.
66. An application for financial assistance will ~~jpg~~ prejudice your application for admission to the pupillage program. It is in your interests that you fully disclose what financial arrangements you have made for your pupillage. Information provided in this application will be considered when an application for financial assistance is evaluated.

## **Full disclosure requirements and investigations by the Society**

67. You must make full disclosure of each particular matter mentioned in paragraphs 42 to 44, of any further facts, circumstances or information which may have a bearing upon your fitness to undertake pupillage or to practice as an advocate or which the Society should have in order to consider your application. You must disclose criminal conviction(s) for any traffic-related offences for which a term of imprisonment without the option of a fine could have been (but was not necessarily) imposed. This includes driving under the influence of alcohol or drugs, ~~driving with excessive alcohol in the blood and negligent or reckless~~

driving.

68. The Society may seek to verify any information contained in this form and may investigate any matters about which, in the view of the Society, disclosure ought to be made. Such investigations may extend beyond the references that you provide. By making this application you consent to any such investigation and authorize the disclosure to the Society of your personal information. The Society will treat any personal information disclosed to it confidentially.
69. Your duty to make full disclosure is taken very seriously. Should it be found that you failed to make full disclosure, your application may be dismissed or your pupillage may be terminated for that reason alone.

**Administration** fee and acceptance of offer

70. If you are offered a place to do pupillage:
  - 70.1. you will be required to notify the Administrator on or before 15 December as to whether or not you will be taking up the offer to do pupillage. You may notify the Administrator by email at: [nomsa@mpbar.co.za](mailto:nomsa@mpbar.co.za). Failure to do so will mean that your place will be offered to another applicant;
  - 70.2. your entrance fee of **R 5 000 which will be payable on or before 19 January.** either by EFT, cheque or cash;
  - 70.3. you will be required to attend a compulsory introductory lecture at a time and on a date of which you will be notified in your letter advising you of the offer to do pupillage.