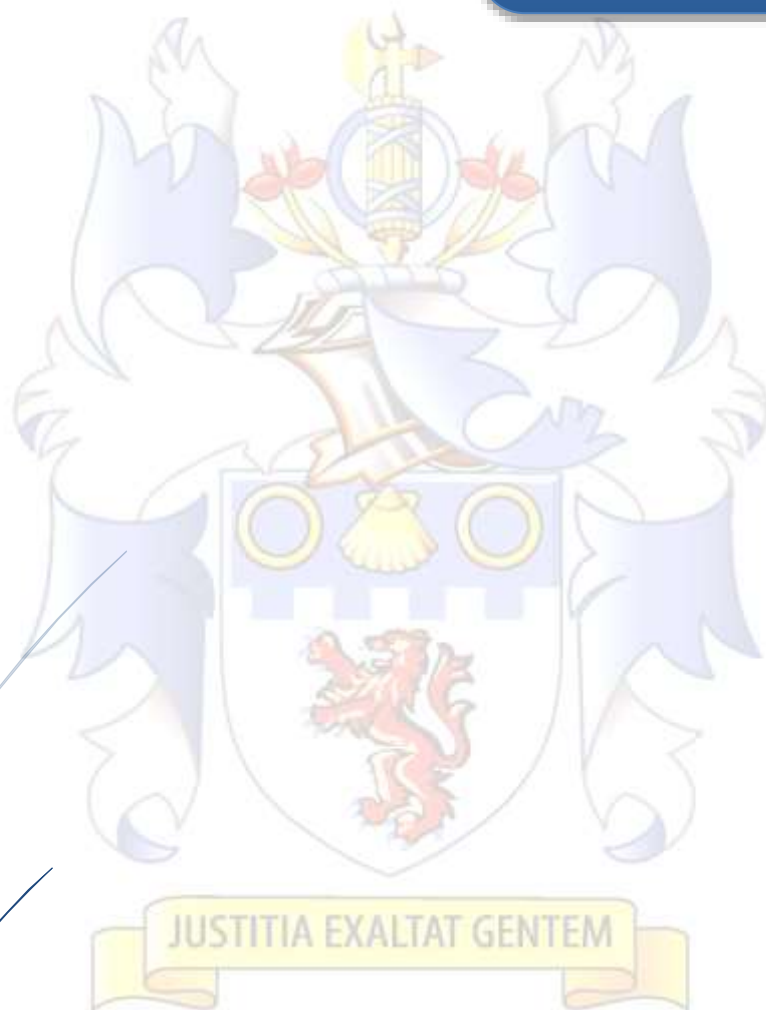


## Contract of Community Service

*2018 Version*

Please note that this document is fillable, therefore the relevant answers may be typed in (in some instances, the appropriate answers may be chosen from a Drop Down Box). However the contract, application form, verifying affidavit and declaration will have to be printed in order for the relevant signatures and initials, and other necessary amendments to be effected thereon.



## CONTRACT OF COMMUNITY SERVICE 2018

CONTRACT OF SERVICE made and entered into at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by and between

\_\_\_\_\_ an attorney of the [•] \_\_\_\_\_ Provincial Division of the High Court of South Africa (*hereinafter referred to as the principal*) who is permanently employed by the \_\_\_\_\_ Legal Aid Clinic/\_\_\_\_\_ office of the Legal Aid Board and which clinic/office has been properly certified or approved in terms of section 1 of the Attorneys Act 1979 (Act No. 53 of 1979) (as amended), and

\_\_\_\_\_ (*hereinafter referred to as the candidate attorney*)

born on \_\_\_\_\_ in terms of which:

1. The candidate attorney binds himself or herself and undertakes:
  - 1.1 to serve the principal from date hereof for \_\_\_\_\_ consecutive years diligently, honestly, properly and with due regard to the confidential nature of the principal's practice as an attorney in the [•] **Eastern, Western or Northern Cape** Province (**strike out the incorrect provinces**);
  - 1.2 to execute, at all times, all lawful instructions given to him or her by the principal or any admitted attorney or advocate who is permanently employed by the Legal Aid Clinic or the office of the Legal Aid Board where the principal is employed;
  - 1.3 not to absent himself or herself from his or her employment by the principal without the principal's prior consent;
  - 1.4 not to engage in any business whatsoever other than that of a candidate attorney without the written consent of the principal and the Council of **THE CAPE LAW SOCIETY**.
2. The principal undertakes that:
  - 2.1 he or she will use his or her efforts to teach and instruct the candidate attorney in the practice and profession of an attorney;
  - 2.2 provided the candidate attorney has served his or her contract of service properly and is in the principal's opinion a fit and proper person for admission, the principal will use his or her best efforts to procure the admission of the candidate attorney as an attorney of the [•] \_\_\_\_\_ Provincial Division of the High Court of South Africa.
3. Should the principal cease to practice in the [•] **Eastern, Western or Northern Cape** Province (**strike out the incorrect provinces**), he or she shall not thereafter be bound by this contract of service but shall, if requested by the candidate attorney, cede the contract of service to an attorney practising in this province.
4. Should the candidate attorney:
  - 4.1 not serve his or her term in accordance with this contract of service;
  - 4.2 commit a breach of any provision of this contract of service; or
  - 4.3 be guilty of any misconduct, then principal will be entitled to cancel this contract of service and dismiss the candidate attorney from his or her employment.

In witness whereof the parties have hereunto set their hands at \_\_\_\_\_ on the day, month and year aforementioned, in the presence of the undersigned witnesses.

As witnesses

1. \_\_\_\_\_  
Principal
2. \_\_\_\_\_  
Candidate Attorney

\_\_\_\_\_ \*Parent or guardian \*Where the candidate attorney is a minor.

**TO THE CAPE LAW SOCIETY**

**APPLICATION FOR APPROVAL OF CONTRACT OF  
COMMUNITY SERVICE**

**PART I**

**(to be completed by Principal)**

I, the undersigned

(insert full names) \_\_\_\_\_

practising as an attorney at \_\_\_\_\_

(insert business address)

under the style \_\_\_\_\_

(insert name of the firm)

have agreed, subject to approval of

**THE CAPE LAW SOCIETY**

to engage \_\_\_\_\_

(insert full names of candidate attorney)

as a candidate attorney (hereinafter referred to as the candidate attorney),

**HEREBY CONFIRM THAT -**

1 I am satisfied that my firm offers the facilities and range of practice that are necessary to provide the candidate attorney –

1.1 with the opportunity to learn and practise the skills referred to in the community service referred to herein, and

**INITIAL HERE:**

**Principal**

**Candidate Attorney**

**Two witnesses**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 1.2 with the training that he/she requires to prepare him/herself adequately for the practical examination in terms of Section 14 of Act 53 of 1979.
- 2 I have practised continuously as an attorney for my own account or as a partner in a firm of attorneys or as a member of a professional company for a period of at least three (3) years or have practised as a professional assistant in a firm of attorneys or at a professional company for a period of five (5) years within the preceding six years and I have \_\_\_\_\_(*insert number of candidate attorneys, excluding this one, serving under community service which have already been registered by the Society*) candidate attorneys articulated to me.
- 3 The contract of community service was signed at \_\_\_\_\_  
 \_\_\_\_\_  
 (*insert name of place where the contract was signed*)  
 on \_\_\_\_\_  
 \_\_\_\_\_  
 (*insert date when contract was concluded, being the effective date as indicated on page 1 of the contract.*)  
 and submitted herewith for approval by the Council of the Cape Law Society in terms of Section 5(2) of Act 53 of 1979 contains the whole of my agreement with the said candidate attorney.
- 4 As a result of investigations made by me into the family and personal history of the said candidate attorney, I am satisfied that he/she is a fit and proper person to enter the legal profession.

**INITIAL HERE:**

**Principal**

**Candidate Attorney**

**Two witnesses**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. I am satisfied that the candidate attorney has attained the minimum educational standard prescribed by Section 4 of Act 53 of 1979 as a prerequisite to his/her entering into a valid contract of community service;
6. I am aware of the following provisions, *inter alia*, of Act 53 of 1979 relating to candidate attorneys and I have directed the attention of the said candidate attorney to such provisions, namely -
- 6.1 **SECTION 2:** Duration of service under contract of \_\_\_\_\_ community service;
- 6.2 **SECTION 3:** Only practising attorneys practising as partners or for own account or as member of a professional company who have continuously so practised for a period of three (3) years or periods of three (3) years in the aggregate or practising attorneys that have practised as a professional assistant in a firm of attorneys or at a professional company for a period of five (5) years within the preceeding six years may engage or retain a candidate attorney and no such attorney may engage or retain more than three (3) candidate attorneys at any one time;
- 6.3 **SECTION 4:** Information to be placed before the Society by persons intending to be articulated;
- 6.4 **SECTION 5(1):** Contract of community service to be lodged with the Society within two (2) months of the date thereof by the attorney concerned for registration by the Director of the Society;
- 6.5 **SECTION 5(3):** If contracts of community service are not registered within two (2) months of the date thereof, any service thereunder shall be deemed to commence on the date of registration thereof;
- 6.6 **SECTION 6:** (Supervision over candidate attorney). Candidate attorneys to be in actual employment of and in office where his/her principal is practising and under direct personal supervision of principal;

**INITIAL HERE:**

<b>Principal</b>	_____
<b>Candidate Attorney</b>	_____
<b>Two witnesses</b>	_____

- 6.7 **SECTION 7:** Absence of candidate attorney from office of principal;
- 6.8 **SECTION 8:** When candidate attorney may appear in court;
- 6.9 **SECTION 9:** Restriction of pecuniary interests of candidate attorneys;
- 6.10 **SECTION 10:** (Cession of community service). Cession to be signed by cedent on last day of candidate attorney's service and by cessionary on date candidate attorney enters his service in order to prevent a break in the service of the articles and the completed cession documentation to be lodged within two (2) months from the date on which the candidate attorney left the service of the cedent;
- 6.11 **SECTION 12:** An advocate's contract of community service can only be registered after his name has been removed from the Roll of Advocates;
- 6.12 **SECTION 15:** (Requirements for admission as an attorney). Candidate attorney to apply for admission as an attorney within a period of three (3) years of completion of contract of community service or within the further period allowed by the court in terms of Section 15(2).

**WITNESSED**

1 \_\_\_\_\_

2 \_\_\_\_\_

**Date** \_\_\_\_\_

\_\_\_\_\_

**SIGNATURE OF PRINCIPAL**

**PART II***(to be completed by candidate attorney)*

(\* **It is mandatory to complete these fields in order to ensure quick and efficient communication with the Society)**

1. Full names \_\_\_\_\_

2. Date of birth \_\_\_\_\_

3. Present residential address \_\_\_\_\_

\_\_\_\_\_

4. \* Personal e-mail address \_\_\_\_\_

\* Firm e-mail address \_\_\_\_\_

\* Cell phone number \_\_\_\_\_

5. In the case of minors, name, address and occupation of guardian -

\_\_\_\_\_

*(insert names of guardian)*

\_\_\_\_\_

*(insert address of guardian)*

\_\_\_\_\_

*(insert occupation of guardian)*

6. Educational standard attained *(insert particulars of highest examination passed or university degree obtained)*

\_\_\_\_\_

7. Indicate whether matriculation exemption has been obtained (not applicable if degree is held). A conditional matriculation exemption is not acceptable.

\_\_\_\_\_

**INITIAL HERE:**

**Principal**

**Candidate Attorney**

**Two witnesses**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Indicate school(s) and university(ies) attended, giving particulars of periods of attendance -

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9. Provide details of periods of employment since leaving school or university, to date hereof, if any, in chronological order, giving particulars of the periods of employment. If you have been employed by your current firm, from a date prior to the commencement of your articles, kindly confirm whether or not you are only employed in the capacity of a Candidate Attorney since the date of commencement of articles.

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10. Provide full particulars of any prior contract of articles of clerkship/ community service under which you have served, if any, including the date on which the contract was concluded and the full names of the principal. **(Note: A clear declaration is required and the answer 'N/A' or 'not applicable' or 'none' is not acceptable.)**

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11. Provide particulars of pending criminal matters and/or convictions for criminal offence(s) (other than traffic offences). An affidavit giving full particulars of the offence(s), particulars of the place and date of conviction and sentence as well as a copy of the criminal record should be attached. **(Note: A clear declaration is required and the answer 'N/A' or 'not applicable' or 'none' is not acceptable.)**

- 11.1. Provide particulars of previous conviction(s) for criminal offence(s).

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- 11.2. Provide particulars of criminal proceedings pending.

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INITIAL HERE:

Principal  
Candidate Attorney  
Two witnesses

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12. Provide particulars of any disciplinary action(s) taken by the university(ies) where candidate attorney was enrolled. An affidavit giving full particulars of the disciplinary action(s), particulars of the date of disciplinary hearing, the sentence imposed as well as a copy of the transcribed record, if available, should be attached. **(Note: A clear declaration is required and the answer 'N/A' or 'not applicable' or 'none' is not acceptable.)**

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13. Details of any other disciplinary action(s) against you by any professional or administrative body. **(Note: A clear declaration is required and the answer 'N/A' or 'not applicable' or 'none' is not acceptable.)**

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14. Two character reference(s) issued within the last 6 months -

14.1 

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*(insert name of first referee and attach reference hereto)*

14.2 

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*(insert name of second referee and attach reference hereto)*

15. Name and address of Principal

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16. Period of articles *(insert one / two / three / five years)*

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**INITIAL HERE:**      **Principal** \_\_\_\_\_  
                                 **Candidate Attorney** \_\_\_\_\_  
                                 **Two witnesses**      \_\_\_\_\_

17. Provide full particulars of admission as an advocate, if previously so admitted. Copy of order removing name from roll of advocates should be attached hereto. **(Note: A clear declaration is required and the answer 'N/A' or 'not applicable' or 'none' is not acceptable.)**

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\_\_\_\_\_  
**SIGNATURE OF CANDIDATE ATTORNEY**

**WITNESSED:**

1. \_\_\_\_\_

2. \_\_\_\_\_

**DATE:** \_\_\_\_\_

## VERIFYING AFFIDAVIT

I, the undersigned (*insert full names candidate attorney*)

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do hereby make oath and say that -

- 1 I am the candidate attorney referred to in Parts I and II hereof;
- 2 to the best of my knowledge and belief, the replies given by me to the questions in Part II are true and correct in every respect;
- 3 the certificates attached hereto with regard to my character are certificates furnished to me by the persons mentioned in paragraph 14 of Part II hereof;
- 4 I have read Part I, as completed by my Principal, and confirm that I am aware of and understand the provisions of Act 53 of 1979, as amended, referred to in sub-paragraphs 6.1 to 6.12 thereof;
- 5 the contract of community service submitted herewith for approval by the Council of the Cape Law Society in terms of Section 5(2) of Act 53 of 1979, as amended, contains the whole of my agreement with my Principal.

\_\_\_\_\_  
**SIGNATURE OF CANDIDATE ATTORNEY**

**SWORN TO BEFORE ME AT** \_\_\_\_\_

on this the \_\_\_\_\_ day of \_\_\_\_\_ 2018.

**the deponent having acknowledged that he/she knows and understands the content of this affidavit, has no objection to taking the prescribed oath and regards the oath as binding upon his/her conscience.**

\_\_\_\_\_  
**COMMISSIONER OF OATHS  
FULL NAMES, DESIGNATION AND ADDRESS**

		<p>Firm logo or name</p>
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## DECLARATION OF PROFESSIONAL IDENTITY AND RESPONSIBILITY

I \_\_\_\_\_ ID: \_\_\_\_\_

declare my professional identity and responsibility as follows:

- I shall protect and promote the values enshrined in the Constitution of the Republic of South Africa and uphold the laws of the country.
- I shall be committed to serving my clients' interests and assist, advise and represent my clients diligently and with integrity.
- I shall manage my practice prudently and take action to remain competent in my chosen area of expertise.
- As an officer of the court, I shall conduct myself in a professional manner at all times, treat court officials with respect and obey the rules and procedures of our courts.
- I shall uphold the ethics of my profession and act within its code of conduct, in the interest of the public.
- I shall deal appropriately and professionally with all moral and ethical dilemmas which confront me in practice, in accordance with my values and principles as a professional legal practitioner.

\_\_\_\_\_  
Candidate Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
Principal as Witness

\_\_\_\_\_  
Date

Principal's Name: \_\_\_\_\_

Practice: \_\_\_\_\_