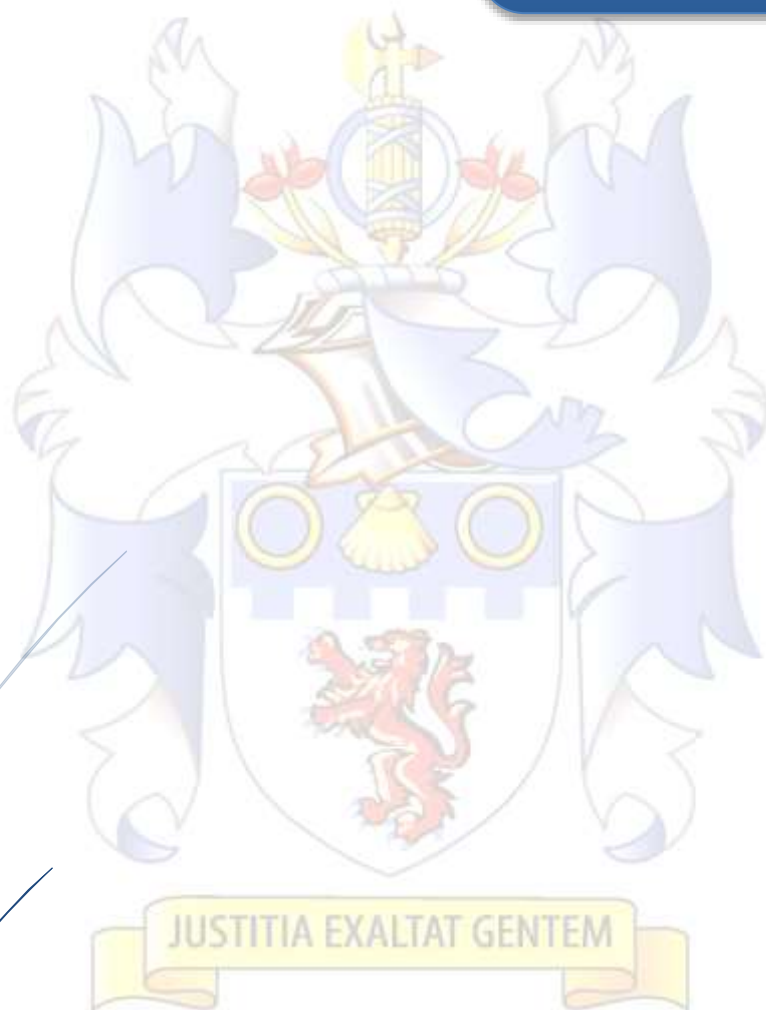


Contract of Articles of Clerkship

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 ARTICLES OF CLERKSHIP

ARTICLES OF CLERKSHIP 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)

and _____ born on _____ (hereinafter referred to as the candidate attorney) in terms of which:

↑
CANDIDATE DATE OF BIRTH

1. the candidate attorney binds himself or herself and undertakes:
 - 1.1 to serve the principal diligently, honestly, properly and confidentially in his or her profession as an attorney in the [●] **Eastern, Western or Northern Cape** Province (**strike out the incorrect provinces**), for _____ consecutive years from the date hereof;
 - 1.2 to execute, at all times, all lawful instructions given to him or her by the principal or any partners of the principal or any person placed in authority over the candidate attorney by the principal or any partners of the principal;
 - 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 the 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 that the candidate attorney has served his or her period of articles 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 discontinue his or her practice in the [●] **Eastern, Western or Northern Cape** Province (**strike out the incorrect provinces**), he or she shall not thereafter be bound by these articles but shall, if requested by the candidate attorney, cede these articles to an attorney practising in the said province;

4. should the clerk:
 - 4.1 not serve the period of articles properly in terms of these articles;
 - 4.2 commit a breach of any of these articles; or
 - 4.3 be guilty of any misconduct, then the principal will be entitled to cancel these articles, 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.**

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 articles of clerkship;
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 articles of clerkship;

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;

INITIAL HERE:

Principal	_____
Candidate Attorney	_____
Two witnesses	_____

- 6.4 SECTION 5(1) Contract of articles of clerkship 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 articles of clerkship 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;
- 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;

INITIAL HERE: **Principal** _____
 Candidate Attorney _____
 Two witnesses _____

- 6.10 SECTION 10 (Cession of contract of articles). 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 articles 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 articles of clerkship/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 _____

1. * 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 -

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.

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.)**

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).

INITIAL HERE:

Principal
Candidate Attorney
Two witnesses

11.2. Provide particulars of criminal proceedings pending.

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.)**

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.)**

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

14.1 _____
(insert name of first referee and attach reference hereto)

14.2 _____
(insert name of second referee and attach reference hereto)

15. Name and address of Principal

INITIAL HERE: **Principal** _____
 Candidate Attorney _____
 Two witnesses _____

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

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.)**

WITNESSED

1 _____

2 _____

DATE _____

**SIGNATURE OF
CANDIDATE ATTORNEY**

VERIFYING AFFIDAVIT

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

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 articles of clerkship 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 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: _____