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HOW TO FIND A REPUTABLE ATTORNEY

02 November 2011: For anyone who needs to choose the services of an attorney, and who hasn't had much experience of the legal profession, it can be a daunting and stressful experience, particularly if they are in a legal battle for the first time.

According to Gerhard Joubert, Head of Group Marketing and Stakeholder Relations at PPS, the financial services company focused on graduate professionals, there are many different specialists in the legal profession and it is critical to ensure that one not only chooses a reputable attorney but also one who understands your rights as a client.

"Attorneys who are in good standing will appear on the roll of practising attorneys at the provincial law society where their firm is based. Members of the public can call the records department of the relevant provincial law society to check on the status of an attorney," says Joubert.

Nic Swart, Acting CEO and Director of Legal Education and Development of the Law Society of South Africa, says all attorneys are required by the Attorneys Act of 1979 to register with the statutory provincial law society where they practice. "Registration ensures the attorney has fulfilled all the necessary academic, vocational and examination requirements to be admitted to practice. He/she will also have been considered to be a fit and proper person to be admitted as an attorney of the High Court. Once admitted by the court, attorneys become members of the law society."

According to Swart an attorney who practises for his/her own account is required to have a Fidelity Fund certificate. "That means that the public is protected against both negligence and theft by an attorney, the first through the Attorneys Indemnity Insurance Fund and the second through the Attorneys Fidelity Fund. If someone appoints a legal representative who is not on the roll of practising attorneys, they do not have all the above guarantees."

“When consumers make an appointment to seek legal advice from an attorney, they have the following rights: the right to professional, honest and unbiased advice at all times; to be treated with professional courtesy, respect and fairness; to privacy and attorney-client confidentiality; to clear explanations in terms they can understand; to find out from the start of the consultation what they are hoping to achieve, with an aim to make sure that their expectations are realistic; and to an explanation of the cost implications and how these are likely to be calculated,” says Swart.

However, consumers should be aware that, in turn, they must always give their attorney correct and complete information, and disclose all the relevant facts to assist the attorney to give them the appropriate advice, says Swart.

“Attorneys are governed by a rigorous ethical and professional regime and thus the attorneys’ profession is proud of its high standards and the low incidence of disciplinary action required against attorneys,” says Swart.

Joubert says most people tend to be satisfied with the service of their attorney, but cautions that things do sometimes go wrong. “That is why there is a clear and effective complaints procedure in place; complaints can be lodged with the relevant provincial law society.”

“If consumers adhere to the above tips when seeking legal advice they can rest assured that the attorney they approach is reputable and all dealings with their attorney will be conducted in the appropriate manner,” concludes Joubert.

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