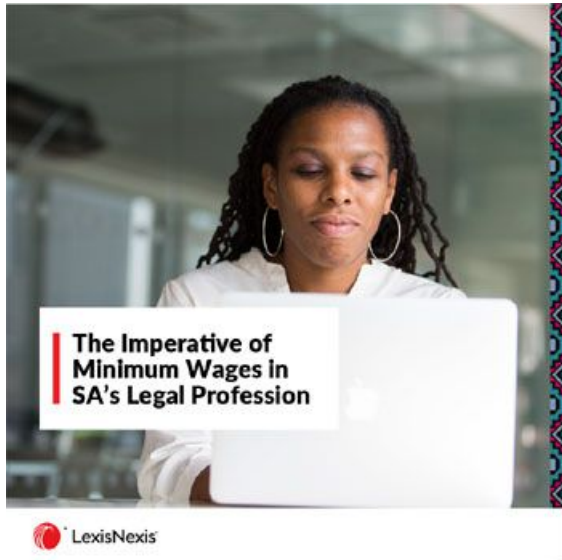


The imperative of minimum wages and community service in South Africa's legal profession

Issued by [LexisNexis](#)

7 Nov 2023

South Africa's legal profession is at a new crossroads. The imminent amendments proposed by the Legal Practice Council are not just bureaucratic shifts but a call for a more egalitarian, just, and inclusive legal system. Central to this debate is the issue of a minimum wage for candidate legal practitioners.



Brian Mhlongo, from the Legal Practice Council, underscores the urgency and necessity of this change. He was a guest on a recent webinar on the subject hosted by LexisNexis South Africa. For many, the wage landscape for candidate attorneys is an enigma, stemming from the historical gaps left by the repeal of the Attorneys Act and the subsequent inauguration of the Legal Practice Act. This has engendered a precarious situation where some young attorneys work pro bono, merely to gain experience, while others earn pittance, sometimes even below the national minimum wage.

Such vast disparities aren't just unsettling; they are fundamentally unjust according to some in the profession. Mhlongo's argument states that if candidate attorneys are the gears driving the machinery of their respective firms, doesn't logic (and fairness) dictate they be adequately compensated?

These young professionals he says are not just paper pushers; they are expected to be future vanguards of the legal profession, making court appearances, and adhering to stringent professional standards. Such responsibilities come with their own set of costs, from the necessity of formal attire to the unseen emotional toll of navigating challenging cases.

Yet, implementing such a wage structure is far from straightforward. Recent surveys hint at an undercurrent of resistance among many practitioners. Their concerns, stemming from the post-Covid financial crunch, are valid. But, if unchecked, the current approach will only amplify existing inequities. This begs the question: How do we define a 'reasonable' minimum wage?

It's a complex puzzle, intertwining urban-rural dynamics, the gulf between large and boutique law firms, and the broader economic context. The council's ongoing deliberations, rooted in data and feedback, aim to find a harmonious middle ground.

Another dimension to this discourse is the potential implications of a set minimum wage. Could it inadvertently constrain firms from hiring candidate attorneys? Alternatively, could it serve as a beacon, drawing top-tier talent into the legal profession's fold? As Mhlongo suggests, the latter could very well be the case, breathing new life and vigour into our legal corridors.

Parallely, the concept of mandatory community service is also gaining traction. Echoing the ethos of the medical fraternity, recently gazetted regulations emphasise the sanctity of pro bono work. Such community service could be transformative, offering the marginalised a lifeline to justice. Legal practitioners, backed by robust institutional structures, could pave the way for a new era where justice isn't a luxury but a fundamental right.

There is no doubt that changes are sweeping across South Africa's legal terrain. The journey ahead has challenges, but it's

also replete with promise. Mhlongo says as the profession stands at this, it's crucial to remain anchored to core values of fairness, justice, and inclusivity.

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