

## Draft Rule

### *Reporting Requirements*

4. It shall be the responsibility of each Group Leader to compile a Transformation Report detailing his or her Group's progress and achievements on Transformation.
5. The Transformation Report must comprise a section (Part A) detailing the progress and achievements by Senior Members in the Group on Transformation and another section (Part B) by Black juniors of the Group detailing their perspective of the Group's progress and achievements on Transformation for the period under review.
6. Specifically, the Transformation Report must in each section detail:
  - 6.1 the number of briefs in which each Senior Member has involved black juniors as integral members of the legal team and on a professional fee basis;
  - 6.2 the number of briefs in which each Senior Member has involved black juniors as integral members of the legal team on a pro bono or non-remunerative basis;
  - 6.3 if black juniors were involved in the brief on a pro bono or non-remunerative basis, whether or not the Senior Member charged a fee in the brief;

- 6.4 which black juniors (by name and seniority) each Senior Member in the Group has involved in his or her briefs;
  - 6.5 in what type of matter (eg. Constitutional, Delict, Contract, Competition, etc) the Senior Member involved a black junior in the year under review;
  - 6.6 in which Court (if applicable) the matter/s in question was or were heard or to be heard;
  - 6.7 what fees the black junior earned from the brief, if any;
  - 6.8 if the Senior Member has not involved any black juniors in his or her briefs in the year under review, what the reasons are for not doing so.
7. The Transformation Report must be submitted by each Group Leader to the Bar Council on or before 30 September of each year.
  8. Failure to submit the Transformation Report by 30 September of each year shall constitute unprofessional conduct.
  9. Failure by a Senior Member in each group to submit the information detailed in rule 6 above to the Group Leader shall constitute unprofessional conduct.
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## RESOLUTION D (as amended)

1. It shall be unprofessional conduct for lead counsel to accept a brief or remain on brief where:
  - 1.1 there are 3 or more counsel on brief, including lead counsel, for the same client or set of clients in the same matter; and
  - 1.2 no member of the team of counsel is a black person.
2. For the purposes of this rule the term 'black person' is a generic term which is used in the same sense as defined in the Employment Equity Act;
3. In giving effect to this rule it shall be the responsibility of lead counsel to take appropriate steps to ensure that black women are identified and given special preference.
4. The remaining issues set out in proposed resolution D will be dealt with by the Transformation Sub-Committee for adoption by the Johannesburg Bar Council after consultation with the Groups.