

GROUP 21 ASSISTANCE FUND POLICY

INTRODUCTION

1. In 2010 the members of Group 21, with due regard to their professional and duty to assist and aid members and to transform both Group 21 and the advocates' profession, adopted and established the Group 21 Assistance Fund (**"the Fund"**).
2. The Fund is administered by the Group 21 Transformation Committee (**"the Transformation Committee"**). All of Group 21's members over three years' standing contribute financially towards the Fund.
3. The objectives of the Fund are to:
 - 3.1. Contribute towards the overall transformation of Group 21, as well as the JSA, by empowering historically disadvantaged junior members to build sustainable practices;

- 3.2. Assist in developing historically disadvantaged junior members, by enabling them to access work to which they would not ordinarily have access;
- 3.3. Provide a mechanism through which deserving junior members can be exposed to work, attorneys and senior colleagues;
- 3.4. Make available a process by which previously disadvantaged junior members benefit from a process of skills transfer to them from more experienced members;
- 3.5. Alleviate the impact of current briefing patterns, which remain distorted along racial and gender lines; and
- 3.6. Otherwise promote transformation within the legal profession.

ELIGIBILITY

4. Members of Group 21 who qualify for assistance from the Fund are:

- 4.1. Junior Black, Indian and Coloured members, as well as White female members (**“junior member/s”**), of less than 5 years' standing, provided that the Chair of the Transformation Committee may, in his or her discretion and in consultation with the Group Leader, consider applications for funding from members of more than 5 years' standing, on good cause shown.
- 4.2. Any member of Group 21 who is of more than 5 years standing (**“leading member/s”**), may lead a junior member, provided that the Chair of the Transformation Committee may, in his or her discretion and in consultation with the Group Leader, consider applications to lead a junior member by a member of less than 5 years' standing, on good cause shown.

APPLICATIONS FOR FUNDING

5. Applications for funding must be submitted in writing to the Chair of the Transformation Committee, such applications to be

submitted for approval prior to any work being conducted by a junior member in respect of which funding is applied for.

6. Application for funding is made, in the event that the junior member is led, by the leading member, supported by the proposed junior member, applying for funding for specific work to be performed by the junior member, as follows:

- 6.1. The leading member is required to state in writing:

- 6.1.1. The nature of the matter and the issues involved in the matter;
- 6.1.2. The nature of the work to be performed by the junior member;
- 6.1.3. The envisaged duration the junior member will spend performing the work;
- 6.1.4. The manner in which the junior member will benefit from the proposed work.

- 6.2. The junior member is required to state the manner in which she / he will benefit from the proposed work.

7. Where the junior member is not led in the matter, applications for funding are to be made by the junior member performing the role of the leading member in paragraph 6 above.

8. The Chair of the Transformation Committee (**"the Chair"**) may, in his or her discretion, grant an application after having considered, *inter alia*, the following factors:
 - 8.1. The nature of the litigation and the issues involved;

 - 8.2. Whether the junior member will be playing a meaningful role in the matter, including being actively involved in the drafting of documents and/or preparation for and/or hearing of the matter;

 - 8.3. The availability of funds in the Fund;

 - 8.4. The economic circumstances of the junior member; and

- 8.5. Whether the junior member has, in the past, received funding from the Fund.
9. The leading and junior members are required to apply for funding at every stage of the proceedings.
10. Once the application for funding has been approved, the leading member is obliged to advise his/her instructing attorney of the basis of his or her future participation in the matter and must additionally advise the attorney of the items listed in paragraphs 12 – 14 below.
11. The approval of funding for a junior member to be led, does not serve to create a relationship as between briefing attorney and counsel on brief, between the junior member and the attorney briefing the leading member in the matter.

FUNDING

12. Subject to the availability of funds and the discretion of the Chair, the Transformation Committee may grant a maximum of 5 applications for funding per month.

13. The maximum amount of funding which can be granted per junior member is R 500.00 per hour and R 3 000.00 per day, with a monthly limit per junior member of R 7 000.00 unless otherwise approved by the Chair on an *ad hoc* basis, in consultation with the Group Leader.
14. Any funding beyond the limit referenced in paragraphs 12 and 13 above is discretionary and is subject to approval by the Chair in consultation with the Group Leader.
15. The limits referred to above are subject to annual review by the Transformation Committee.
16. In the event that the junior member will be required to render services for an attorney for which no payment above the aforementioned R 7 000.00 monthly limit has been authorised, the junior member may elect to accept the brief on the basis that the junior member will proceed with the brief on a *pro bono* basis once the maximum authorised limit of funding as approved has been reached or may decline to accept the brief, unless his or her usual fees or an agreed fee or rate is paid by the instructing

attorney once the maximum authorised limit of funding as approved is reached.

17. The junior member is obliged to submit a signed invoice to the Chair, duly certified as specified in paragraphs 18 and 19 below, by no later than the 7th day following the end of the month in which the work was done.
18. Where the member was led in the matter, the leading member must also append his or her signature to the invoice submitted and certify same to be a correct and true reflection of the work done.
19. Where the junior member was not led in the matter, the invoice must be signed by the junior member's instructing attorney, who must certify the invoice to be a true and correct reflection of the work done.
20. The Chair may interrogate junior members on invoices submitted and may, where necessary, call for corroboration of any items reflected in the invoice

21. Apart from the funding referenced in paragraphs 12 and 13 above, where deemed appropriate by the Chair in consultation with the Group Leader in furtherance of the objectives of the Fund and subject to the availability of funds, contributions within the discretion of the Chair acting in consultation with the Group Leader may be made to:

21.1. Payment of a junior member's group fees and/or chamber rental, limited to a contribution of R 1 500.00 per month, for a maximum period of 6 months payable directly into such junior member's group account; and

21.2. *Ad hoc* projects approved at a meeting of the Transformation Committee.

22. All payments made as provided herein are made into the junior member's bank account, save where such junior member's group account is in arrears at the time at which such payment is to be made and in which instance the full amount payable to such member must be paid into such member's group account.

Amended 21 May 2020.

Amended 2 September 2018.