



Welcome to our first issue of the Secretary's newsletter, a long discontinued practice. Council has decided to resuscitate this most informative communication tool. Through the newsletter we seek to

get closer to membership. The newsletter will provide updates of the Law Society's activities both current and future.

In view of the high cost of publishing this

newsletter, it is going to be available to members online or through e-mail circulation. I hope to be able to keep in touch with all of you and appeal to those with colleagues not yet online to encourage them to do so.

The world has evolved and ICT is now part of an indispensable way of conducting business. Lawyers cannot afford to remain the technological dinosaurs that we are derided to be. Let's move on with the times guys.

In this inaugural issue I shall speak of Council ambitions, plans for this year. I will also touch on developments in the profession and also share forthcoming activities you have to look forward to.

LSZ Planning and Key Priorities

The Law Society Council retreated to Chengeta Lodge for a strategic planning meeting from 19 – 21 January 2012. The retreat was facilitated by Symacon ODI.

The outcome of the retreat was the adoption of key priorities for the Law Society and the requisite deliverables for such identified priority.

The following were the Law Society's key priorities:-

1. Clearing disciplinary backlog of cases from 2010 (100%) and dispose off 50% of all cases arising in 2011.
2. Set up a computerised case management system by the end of the first quarter of 2012.
3. Develop and implement an enhanced complaints mechanism.
4. Introduction of compulsory Continuing Legal Education for those undergoing pupillage in terms of SI 137 of 99.
5. Facilitate judicial training in jurisprudence, technical skills and management skills.
6. Provide specialised professional training to lawyers in commercial law and trial advocacy.

7. Effectively monitor standards of legal training at the local universities.
8. Provide effective representation of the legal profession by among others spearheading research on repressive legislation and effectively intervening in the legislature agenda.

The Law Society will seek to timely respond to threats to its independence and threats to the rule of law.

9. The Society will prioritise also communication with its membership and with its stakeholders. This shall be done through the revival of the Zimjuris, the newsletter and revamping and regular updating of its website.
10. The Society will continue to comply with its good effective corporate governance responsibilities, exercise fiscal prudence and effective programmes implementation. This shall be achieved through proper financial management and people and other resources management.

Council seeks to achieve the foregoing for the better services to its membership and all other relevant stakeholders.

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The official opening of the 2012 legal year

The 2012 legal year was officially opened by Deputy Chief Justice Luke Malaba on the 9th of January. This ceremonial opening of the legal year is always looked upon by the profession as a significant event that sets the agenda for the bench for the ensuing year. This year the occasion provided an opportunity for judicial self introspection whilst also setting benchmarks for justice delivery. It was heartening to note the candid approach adopted by the Deputy Chief Justice in his speech marking the official opening of the legal Year.



The speech outlined grave failure by the judicial system to deliver justice to the people. In his speech, opening the 2011 legal year, the Chief Justice lamented the low disposal rate of cases, wherein he stated that 82% of civil appeals noted in 2010 were yet to be set down by the time of his speech. Disappointingly the disposal rate of "cases mostly in the Harare High Court has remained terrifyingly low". These statistics are worrisome as they confirm the slow movement of the wheels of justice. This may eventually result in the breakdown of the justice delivery system and the rule of law.

This slow movement of cases was attributed in part to neglect of duty by most judicial officers who do not spend time doing what they are primarily appointed for. The LSZ also acknowledges the criticism against some of its members who have caused unnecessary delays through unreasonable request for postponements which behavior is unethical. The LSZ condemns such conduct and would like to remind its members that they have a professional duty to execute their work diligently,

ethically and professionally and specifically to study the rules and act timeously in accordance with the procedures prescribed. The minimum standards of appropriate conduct within the legal profession for legal practitioners require that lawyers do not abuse court process to the detriment of their clients' interests. The public in general has a view that the legal profession is noble but contemptible behavior by lawyers places the profession in danger of losing all the characteristic features that make it a profession, albeit a noble one. If this happens, it will be a terrible blow to the self-

esteem of all lawyers. Thus the collapse of the culture of nobility of the world's oldest profession is something none of us can afford.

For its part, the LSZ has prioritized the elimination of backlog on disciplinary cases. To this end case management system will be implemented to ensure efficiency in the disciplinary process.

The practice of speedy disposition of cases at the Supreme Court and the Bulawayo High Court which has depended on the hard work of judges and legal practitioners is highly commendable. As judicial power is guaranteed under the constitution that it is fairly used to deliver justice within reasonable time at a reasonable cost, it is anticipated that this year the primary goals of the system will be pursued and achieved by all stakeholders. Ultimately the year 2012 offers a challenge and a test both for the legal profession and the judiciary to work hard for the improvement of the justice delivery system and to regain its trust from members of the public in general

Coming soon

Law Society of Zimbabwe facebook community



Zimjuris Magazine



Law Society Newsletter

MCHUMOR.com by T. McCracken



"Better get used to it. I was just appointed to nine life terms to the bench."

Corruption Alert



The 2011 Summer School theme was "tackling corruption and inefficiency in the justice delivery system". There was extensive debate on this subject. The participants were in agreement that the scourge of corruption

has afflicted the justice delivery system. Specifically it was lamented that some members of the legal profession, are corrupt and or condone corruption. That is the sad reality which was confirmed by the participants at Troutbeck last year.

The LSZ Council has committed itself to fight this scourge and calls upon the profession and all stakeholders to support it in this fight. Relevant measures are therefore going to be adopted in 2012 and beyond until corruption in the justice system is assigned to the dustbin of history. This should be sweet music to the many honest lawyers in our midst whose livelihoods are under threat due to this scourge. Please report corrupt lawyers, judicial officers, judicial support staff and corrupt law enforcement officers. It is in the profession's best interest. Your secretariat supported by the President and Council is ready to deal with these matters decisively.

OUR HOTLINE IS 0772 240 424

CONTINUING LEGAL EDUCATION (CLE)

I am pleased to announce that the LSZ has received the mandate to run the Compulsory Continuing Legal Education (CCLE) in terms of SI 137/99 effective from 1 January 2012. This programme will affect those under pupillage in terms of the above mentioned statutory instrument. It is our hope that the CCLE programme will result in re-skilling the profession in order to improve the standards of lawyering in our jurisdiction to match with or even set a trend in global standards.

We will also be conducting specialized training in Trial advocacy and Commercial Law. This is in line with the Council's desire to re-skill the profession to improve the standards of lawyering broaden the scope of services and enable our profession to compete on the global market.

Major Activities for the Year

Here are some of the major activities to look forward to this year:-

1. Advocacy Training 16 – 17 Byo & 19 – 20 Mutare
2. Commercial Law Training 15 – 18 July 2012, Victoria Falls
3. President's Fundraising Dinner 15 June 2012
4. Winter School 19 – 22 July 2012 – Victoria Falls
5. Judicial Colloquium - 6 - 9 September
6. Summer School 8 – 11 November 2012 Troutbeck, Nyanga
7. A.G.M. 23 November 2012 - Bulawayo
8. Walter Kamba Rule of Law Dinner 6 December 2012, Harare

Here are some relevant international conferences:-

1. CLA - Sydney, Australia
2. SADCLA 23 – 19 Mbabane, Swaziland
3. IBA 30 September – 5 October, Dublin, Ireland.

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Law Society Newsletter

Rent a Chair

Not a Legal Business Structure

The rent a chair craze, whilst a viable and acceptable business form for hair salons, is certainly unlawful and not an acceptable business structure for law firms.

We are disturbed to note that a number of emerging law firms are adopting the rent a chair business form. A law firm is a legal partnership. It is not a loose association of lawyers where every lawyer eats what he kills. In a law firm there is a management structure and professional mutual obligations for the Partners and Professional Assistants. It is not acceptable to have a firm where the only obligation partners have towards each other is their contribution towards overheads of the firm. The Managing partner has a duty to the LSZ and to the clients

of the law firm. It will not assist the managing partner to shirk responsibility to a client on the basis that the client belongs to a fellow practitioner in the firm. The managing partner should be responsible for the discipline in the law firm. The rent a chair model is therefore a violation of the legal practitioners act and the by-laws; it is unprofessional, it is dishonourable and will be not tolerated. This practise must stop!

The most glaring evidence of this sad practice is the acquisition of practising certificates individually yet the Audit Certificate submitted is one. In some instances Professional Assistants are asked to pay for their practising certificates. This practice ought to stop!

REGULATORY DEPARTMENT

In planning for the year 2012, Council has directed the Secretariat to clear all complaints received until 31 December 2011.

Considering the volume of complaints which are unfortunately growing by the day this is a mammoth task. This decision was made so that complaints are dealt with speedily, and errant members face their fate within record time. This therefore means that Council has raised a "red card", signalling zero tolerance against unprofessional conduct.

The Regulatory Service Department has been assigned to implement the following strategies aimed at swiftly dealing with complaints:-

- 1) Identify and install an electronic complaints data base system by 30 April 2012.
- 2) Restrict spot checks to, problem signalling law firms and new law firm inspections. Problem signalling law firms will be identified as:-

- (a) Law firms with complaints based on poor handling of Trust funds.
- (b) Non payment of personal debts by Legal Practitioners.
- (c) Non payment of rentals by law firms.
- (d) Lawyers with criminal charges which emanate from handling of trust funds.
- (e) Complaints emanating from a "rent a chair" partnership or employee agreement.

Members are advised that the above are prima facie acts of unprofessional conduct.

We have noted with concern that members are neglecting to issue out receipts to their clients for monies paid, fee statements, producing monthly balances and bank reconciliation statements. Members are therefore advised to follow the trust accounting rules as provided by the Legal Practitioners' Act and the LSZ by-laws.

We welcome your feedback

If you want to give your feedback drop an e-mail
on anesu@lsz.co.zw or secretary@lsz.co.zw