

TUCSIN 2015

Career Focus
CAREERS IN LAW

Dear Students

Did you ever consider a career in Law? If so, than you should know by now that you should excel academically and be an outspoken person. A career in Law certainly challenges you intellectually, can be personally fulfilling and financially rewarding. In this edition we take a look at the different careers in the legal profession, the characteristics of becoming a good lawyer and the requirements for each profession.

-Martina

CAREERS IN LAW

The legal professions are divided into **two branches**, namely **attorneys and advocates**. An attorney is the first person with whom an individual makes contact when seeking legal advice. The advocate's field of expertise is more specialized and covers a wider spectrum of areas than that of an attorney.



The dual legal profession as in "advocate" and "attorney" was abolished in 1995. Thereafter all lawyers (advocates and attorneys) are known as legal practitioners.

However, some legal professionals still call themselves "advocates" or "attorneys", which is not a legal but rather a factual definition.

Any advocate or attorney, who wants to practice as a legal practitioner must attend and pass prescribed courses at the Justice Training Centre (JTC). If a person wants to practice as an advocate only, he/she does not need to attend and pass these courses.

Inside this issue:

INTRODUCTION - ATTORNEYS AND ADVOCATES	1
CHARACTERISTICS OF A LAWYER	2
REQUIREMENTS & TRAINING - ATTORNEY	3
REQUIREMENTS & TRAINING - PROSECUTOR	4
REQUIREMENTS & TRAINING - MAGISTRATE ATTORNEY	5 - 6
REQUIREMENTS & TRAINING - ADVOCATE	
FOOD FOR THOUGHT	7

Legal Practitioner (Advocate) The advocate is an expert in the art of presenting and arguing cases in court. Only the advocate may present cases in the higher courts. Advocates also give legal advice and help with the drafting of legal documents.

Legal Practitioner (Attorney) Attorneys handle a large variety of affairs for individuals, companies and associations. They can specialize in either commercial or criminal cases, or can focus on litigation, estate planning or related matters. By taking further examinations an attorney may qualify as a conveyancer and/or public notary.

Public Prosecutor Public prosecutors are employed by the Ministry of Justice to act as prosecutor for the state in criminal cases in the magistrate's courts.

Magistrate Magistrates hear criminal cases in district courts, listen to all evidence and arguments of the state and the defence of the accused person, and then deliver a judgment as well as impose an appropriate sentence when the accused person is convicted. Magistrates may also hear any criminal case except for murder, rape or certain other cases, which are heard in the regional courts at the request of the attorney-general.

CHARACTERISTICS OF A LAWYER

Competitiveness

Like skilled athletes, lawyers need to have a passion for winning. There is almost always an opposing party that you'll be dealing with, whether it's the state when you represent an alleged criminal, a spouse in a divorce case or regulators going after your client for non-compliance. Winners typically are aggressive and unafraid to tackle difficult issues and barriers. You must be willing to give your clients the best representation possible and do everything in your power to win.

Logical Thinking

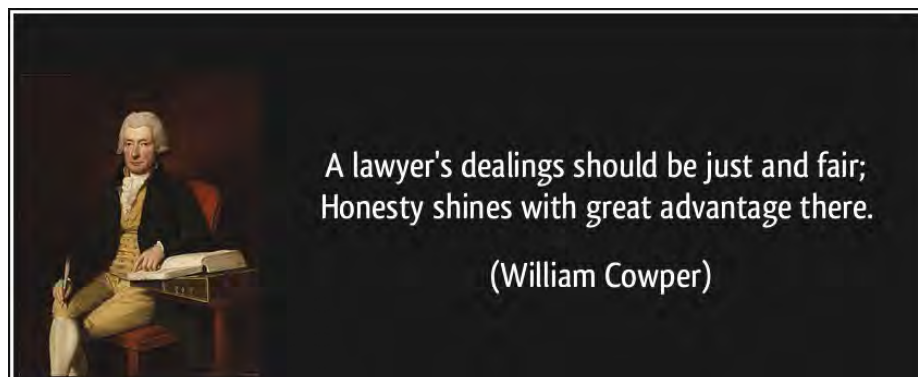
Effective lawyers usually are not emotional people. You've got to be able to separate your feelings from your thought processes, a trait that usually is inherent in your personality. You have to have the ability to think a problem through to its conclusion to build a case and then present that logic in a practical and logical way to a judge or jury. You've got to be able to think quickly on your feet in many circumstances, often without the time to consult your associates. You must enjoy a good argument and not take opposing remarks personally, because the job is not about you – it's about your client.

Self-Control

Unlike some of the lawyers you see on TV who engage in rants and emotional outbursts, a successful attorney is self-controlled. Even if you're nervous about your case or your confidence is waning, you've got to control those negative thoughts and present a clear, forceful argument in front of juries. When you're the type of person who controls her emotions, you tend to think before you speak, a vital trait you'll need when enduring the pressure of the courtroom.

Adaptability

As you're moving through your research, taking depositions and interviewing clients, your case may take an unexpected turn. That's a scenario you often see on a TV show that really does happen in real life. So even if you remain cool and collected, you have to be able to switch tactics or change course because your ultimate goal remains the same – win for your client. You also have to deal with constant changes and interruptions in your days at the office, where any new development can throw your carefully planned schedule out the window. Adapt you must – or you won't get very far as a lawyer before you burn out.



ATTORNEY — REQUIREMENTS & TRAINING



The legal practitioner as an attorney is the first person with whom the client makes contact when seeking legal advice, or when having legal problems. The attorney's knowledge must be broad enough to be able to give advice on a wide variety of subjects. They can work in the following fields: business and corporate law, civil and criminal litigation, property transactions, taxation and estate planning.

Job Characteristics

Giving personal advice to clients regarding legal matters.

Representing clients in lower courts, or instructing advocates to plead in higher courts of justice.

Drawing up legal documents.

Drawing up wills and ante nuptial contracts as well as appearing in civil and criminal trials and lower courts.

Assisting clients to negotiate settlements in matters which concern legal disputes.

SECONDARY EDUCATION

Possession of at least a **HIGCSE** Grade 12, or equivalent qualification, with matriculation exemption is required for admission to South African universities. Possession of at least an **IGCSE/HIGCSE** Grade 12, or equivalent qualification, with a minimum of 30 points in five subjects on the UNAM point evaluation scale, is needed to be admitted to UNAM. This field is very competitive and therefore admittance is awarded on the basis of merit.

RECOMMENDED SUBJECTS

Languages

TERTIARY

UNAM offers a three-year **B. Juris.** and a five-year LL. B. degree. The person will have to complete the LL.B. degree, although this is not necessary to practice as attorney. The LL.M. and LL.M. (Economic Law) is also offered by **UNAM**. South African universities offer various degree and diploma courses in Law, up to the doctorate level.

PERSONALITY

The prospective candidate must be honest, disciplined, able to solve problems, have a well-developed sense of fairness and be willing to serve people

WORK OPPORTUNITIES

Attorneys are employed at private institutions, municipalities and government departments. They are firstly employed as clerks at attorney offices, where they are assisted by lawyers. After a training period of six months, they can appear in lower courts. Attorneys can, after having passed further examinations, qualify as conveyancers and/or public notaries.

PROSECUTOR - REQUIREMENTS AND TRAINING

Public prosecutors represent the Attorney General in criminal cases in a magistrate's or regional court. Each prosecutor has a delegation to prosecute in a specific magisterial district or regional division.



Job Characteristics

Deciding whether or not there is sufficient evidence to institute a prosecution against the offender.

Deciding what charges should be brought against the offender.

Requesting further police investigation into the case, should there be sufficient evidence.

Issuing summons and drafting charge sheets, should there be sufficient reason for a prosecution.

Consulting with witnesses and preparing them for trial.

Putting evidence before the court to prove all the alleged crime's elements.

Adducing evidence in favour of the accused, even if it will be detrimental to the state's case.

Drafting legislation and preparing Government regulations based on existing laws.

Addressing the court on merits of case before judgment is given by an impartial magistrate.

Referring serious cases to the supreme court.

SECONDARY EDUCATION

Possession of at least a **HIGCSE** Grade 12, or equivalent qualification, with matriculation exemption is required for admission to South African universities. Possession of at least an **IGCSE/HIGCSE** Grade 12, or equivalent qualification, with a minimum of 30 points in five subjects on the UNAM point evaluation scale, is needed to be admitted to UNAM. This field is very competitive and therefore admittance is awarded on the basis of merit.

RECOMMENDED SUBJECTS

Languages

TERTIARY

The University of Namibia offers a three-year **B. Juris** and five year LL.B. degree. For promotional reasons, the public prosecutor could complete the LL. B. degree in order to become an advocate, etc..

Should the public prosecutor wish to practice as a legal practitioner, he/she must attend and pass courses at the Justice Training Centre. A four-year LL.B. degree course can be followed at most South African universities.

PERSONALITY

The prospective candidate must be honest, disciplined, able to solve problems, have a well-developed sense of fairness and be willing to serve people.

WORK OPPORTUNITIES

Public prosecutors are employed by the Ministry of Justice and other Government Institutions.

MAGISTRATE— REQUIREMENTS & TRAINING

The magistrate is mainly responsible for the judicial function in the court. Magistrates may be expected to work in different regions of the country, and the authority rests upon him/her to maintain and promote law and order in a society.



Job Characteristics

- Adjudicating in both civil and criminal cases.
- Protecting and enforcing the rights and responsibilities of individuals.
- Hearing and weighting arguments and evidence.
- Determining the rights and obligations of the different parties.
- Pronouncing judgment over those who have been found guilty.
- Performing clerical and/or administrative duties with the assistance of prosecutors and clerks.

SECONDARY EDUCATION

Possession of at least a **HIGCSE** Grade 12, or equivalent qualification, with matriculation exemption is required for admission to South African universities. Possession of at least an **IGCSE/HIGCSE** Grade 12, or equivalent qualification, with a minimum of 30 points in five subjects on the UNAM point evaluation scale, is needed to be admitted to UNAM. This field is very competitive and therefore admittance is awarded on the basis of merit.

RECOMMENDED SUBJECTS

Languages

TERTIARY

UNAM offers a three-year **B. Juris.** and a five-year LL. B. degree. The person will have to complete the LL.B. degree, although this is not necessary to practice as attorney. The LL.M. and LL.M. (Economic Law) is also offered by **UNAM.** South African universities offer various degree and diploma courses in Law.

PERSONALITY

The prospective candidate must be honest, disciplined, able to solve problems, have a well-developed sense of fairness and be willing to serve people.

WORK OPPORTUNITIES

Magistrates are employed by the Ministry of Justice.

ADVOCATE—REQUIREMENTS AND TRAINING

The legal practitioner as an advocate is an expert in presenting and arguing criminal and civil cases in the supreme or higher courts. He gives legal advice to clients and also drafts pleas in connection with legal disputes.



Job Characteristics

Taking instructions from lawyers.

Deciding whether there is enough factual and legal grounds for taking a matter to the court.

Studying the case in detail if it will be taken to court.

Interviewing witnesses, investigating the appropriate legal rules and principles, aspects which will be taken in the client's favour and adduce evidence in court for the state/client.

Drafting documents, called pleas, which state the case of each side.

Arguing the case in the client's favour.

Making a suggestion as to what merit of case could be, before the judge delivers judgement.

Writing legal opinions.

Acting as an arbitrator.

SECONDARY EDUCATION

Possession of at least a **HIGCSE** Grade 12, or equivalent qualification, with matriculation exemption is required for admission to South African universities. Possession of at least an **IGCSE/HIGCSE** Grade 12, or equivalent qualification, with a minimum of 30 points in five subjects on the UNAM point evaluation scale, is needed to be admitted to UNAM. This field is very competitive and therefore admittance is awarded on the basis of merit.

RECOMMENDED SUBJECTS

Languages

TERTIARY

UNAM offers a three-year **B. Juris.** and a five-year LL. B. degree. The person will have to complete the LL.B. degree, although this is not necessary to practice as attorney. The LL.M. and LL.M. (Economic Law) is also offered by **UNAM.** South African universities offer various degree and diploma courses in Law, up to the doctorate level.

PERSONALITY

The prospective candidate must be honest, disciplined, able to solve problems, have a well-developed sense of fairness and be willing to serve people.

WORK OPPORTUNITIES

Advocates are employed at private institutions, municipalities and government departments.

FOOD FOR THOUGHT

Who is Lady Justice and what is the meaning behind her image? Learn what this image represents and the symbolism affiliated with the image.

Most know that when they see a statue of a blindfolded woman holding a sword or scroll in one hand and scales in the other that they are looking at the aspirational symbol of Justice.

But where did this symbol come from, what are we aspiring to as people to need to have her presence, and just what is the meaning of her, a woman, elevated above us, firmly holding the sword or the scroll in one hand and the scales in the other?

The symbol of Justice began centuries ago and continues to be the link between the natural law and the rational law. It incorporates the culture of the divine, the inherent right of the individual and the culture of civil society, and the responsibilities of people and law. She is elevated, as the intermediary between divine justice and human justice, representing the highest standards and virtues of humanity. She carries the scale, a sword or scroll and she is often blindfolded. The modern image of Justice that many of us know today is based on Greco-Roman mythology of Themis and Justitia. Almost always draped in flowing robes, mature but not old, she symbolizes the fair and equal administration of the law, without corruption, avarice, prejudice, or favor.



Themis, c 300 BCE, was the Greek Goddess of Justice and Law and was known for her clear-sightedness. Her ability to foresee the future enabled her to become one of the oracles at Delphi, which in turn led to her establishment as the Goddess of Divine Justice. Classical representations of Themis did not show her blindfolded because of her talent for prophecy, nor was she holding a sword because she represented common consent, not coercion.

Justitia , c 1AD, is the Roman goddess of Justice and was often portrayed as evenly balancing both scales and a sword and often wearing a blindfold. Sometimes she is portrayed holding in one hand the fasces, a symbol of judicial authority, and a flame or torch in the other symbolizing truth. The scales, sword, scroll and blindfold all reinforce the concept of Justice.

Reference: Min of Labour & Social Welfare - Careers in Namibia 2005/2006

<http://www.itsaboutjustice.com/symbol-justice/>

We're on the web:
www.tucsin.org as well as on
Facebook

**YOU CAN FOLLOW US FOR MORE NEWS ON OUR TUCSIN
HOMEPAGE AS WELL AS TUCSIN ALUMNI FACEBOOK PAGE.**

**Tel# : 061 224840
E-mail: williams@tucsin.org**