LEGAL & RELATED CAREERS IN THE JUSTICE SYSTEM

Did you know that a law degree does not limit you to a career as an attorney or an advocate?

the doj & cd
Department: Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA
Take a look at some of the legal and related career choices available in the justice system:

1. Department of Justice & Constitutional Development
   1.1 Office of the Chief State Law Adviser
   1.2 State Attorney
   1.3 Legal Administration Officer
   1.4 Master of the High Court
   1.5 Office of the Family Advocate

2. National Prosecuting Authority
   2.1 Public Prosecutor
   2.2 State Advocate

3. Judiciary
   3.1 Magistrate
   3.2 Judge

4. Court Administration
   4.1 Court Manager
   4.2 Clerk of the Court
   4.3 Registrar
   4.4 Maintenance Officer
   4.5 Maintenance Investigator
   4.6 Maintenance Clerk
   4.7 Interpreter
   4.8 Stenographer
1. Department of Justice & Constitutional Development

1.1 Chief State Law Adviser

This office provides legal services to the Executive (including the offices of the President and Deputy President), all State departments (both national and provincial), parastatals and independent or autonomous bodies such as the Auditor-General, the IEC (Independent Electoral Commission), SITA (State Information Technology Agency), SARS (South African Revenue Service) and local government that may refer work to it.

The office is comprised of state law advisers and provides the following core services:
• Writing of legal opinions and drafting of legislation.
• Scrutiny of all international agreements including extradition agreements.
• Scrutiny of draft subordinate legislation, e.g. regulations.
• Scrutiny of municipal by-laws.

Minimum requirements: LLB admission as an attorney of the High Court or admission as an advocate would be an added advantage.

1.2 State Attorney

State attorneys are attorneys in the service of the State. They represent the State in all lawsuits and transactions for and against the State. They work and function in the same way as ordinary attorneys. A candidate attorney may enter into an agreement of candidacy with the state attorney and may write the attorney’s admission examination after completion of his/her articles.

The minimum qualification for state attorneys is an LLB degree plus admission as a attorney.

1.3 Legal Administration Officer

Legal administration officers deal with legal administrative issues relating to the administration of justice.

The minimum qualification for a legal administration officer is an LLB degree.
1.4 Master of the High Court

A Master of the High Court is appointed for every provincial division of the High Court of South Africa. All magistrates offices are service points of the Master. Master’s offices are situated in Bloemfontein, Cape Town, Grahamstown, Kimberley, Mafikeng, Pietermaritzburg, Pretoria, Mthatha, Bisho, Thohoyandou, Johannesburg, Polokwane, Durban, Port Elizabeth and Nelspruit.

Functions performed by the Masters’ Offices:
- The administration of estates of deceased and insolvent persons in accordance with the applicable statutory prescriptions.
- The protection of the interests of minors and legally incapacitated persons.
- The protection and administration of the funds of minors, contractually incapacitated and undetermined and absent heirs, which have been paid into the Guardian’s Fund.
- The supervision of trusts in terms of the Trust Property Control Act, 1988.
- The safeguarding of all documentary material received by the Master in respect of estates, insolvencies, liquidations, trusts, etc.
- The processing of enquiries by executors, attorneys, beneficiaries and other interested parties.
- The appointment of impartial and capable persons as executors, trustees, curators and liquidators.

To be appointed as a Master of the High Court, a person should at least have an appropriate three year legal qualification, such as an LLB degree. He/she should also go through the following stages: You start as an Estate Controller, Assistant Master, Deputy Master, Master and then Chief Master.

1.5 Office of the Family Advocate

It is the duty of a family advocate to assist both the High Court and the lower courts in civil matters regarding the “best interests of children”. A family advocate is also involved in cases where applications are made for the amendment of existing court orders regarding custody, access and guardianship of children. They also deal with international child abduction cases under civil law. The work of a family advocate may be emotionally demanding due to the conflict levels that arise in family disputes.

A family advocate must have an LLB degree and must be admitted as an advocate of the High Court.
2. National Prosecuting Authority

2.1 Public Prosecutor

A public prosecutor is a person who prosecutes accused persons in the magistrates’ courts on behalf of the State. He/she leads evidence by the State witnesses and cross-examines the witnesses of the accused. Approximately 90% of a public prosecutor’s work takes place in court.

To be appointed as a public prosecutor, a person must have an LLB degree. Public prosecutors are appointed by the National Prosecuting Authority.

2.2 State Advocates

A state advocate is someone who has been admitted as an advocate of a High Court. He/she acts as a “public prosecutor” in a High Court. A state advocate’s work is also done in court, although more preparation and research on cases is necessary. State advocates are appointed by the National Prosecuting Authority and are attached to the Office of the National Director of Public Prosecutions.

Anyone seeking appointment as a state advocate must have an LLB degree as a minimum qualification.
3. Judiciary

3.1 Magistrates

A magistrate adjudicates criminal and civil cases in court. They have power to acquit, convict and sentence the accused person if found guilty of committing an offence or pass judgments in civil matters. Magistrates are appointed by the Minister of Justice and Constitutional Development on the recommendations of the Magistrates’ Commission.

*In order to qualify as a magistrate you need to have an LLB degree as a minimum requirement.*

3.2 Judges

Judges preside over criminal, civil and constitutional matters in the High Courts, Supreme Court of Appeal and the Constitutional Court. They are appointed by the President on the advice of the Judicial Service Commission.

*Any appropriately qualified person, who is fit and proper, may be appointed as a judicial officer. Judges and magistrates function independently from the Department of Justice and Constitutional Development.*
4. Court Administration

4.1 Court manager

Court managers are responsible for the overall management of courts and act as a support to both the judiciary and prosecution. The duties of the court manager includes:

- Coordinating the strategic and business planning processes.
- Coordinating and managing the financial and human resources of the court.
- Managing the facilities, physical resources, as well as information and communication related to courts.
- Implementing departmental policies at courts.
- Compiling and analysing court statistics to show performance and trends.
- Compiling of annual performance and statutory reports to the relevant users.
- Providing of case tracking services to the judiciary and prosecuting authorities.
- Development and implementation of customer service improvement strategies.
- Leadership and management of transformation of the office.
- Management of strategic projects intended to improve court management.
- Managing communication and relations with internal and external stakeholders.

To qualify as a court manager, you need to have post-matric qualifications in administration and three years’ managerial or supervisory experience.

4.2 Clerk of the Court

The primary role of a clerk of court is to render administrative support to the judiciary, prosecution, attorneys and advocates, and to the general public. They are also responsible for the handling of general public enquiries including cases of applications for maintenance and payment, assisting with the handling of estate matters, helping the public with payment of witness fees and also with small claims matters. They also serve as the link between attorneys, advocates, the general public and the court.

The clerk of court, amongst others, is responsible for the safe custody and disposal of court records. He/she is responsible for the pending files and must ensure that files are made available on the date of the case.
The roles and functions of the clerks of court, registrars and court managers cannot be over-emphasised. They render support to various stakeholders in the administration of justice. They ensure that there is communication with departments in the justice value chain, e.g. Correctional Services, Social Development and the South African Police Service, etc. The minimum qualification for a clerk of court is a matric certificate.

4.3 Registrar

A registrar is responsible for all administrative tasks relating to a trial in the high court, including the issuing of subpoenas, the filing of all processes of court and arrangements regarding court facilities. In order to be appointed as a registrar, a person should at least have an appropriate four-year legal qualification, such as an LLB degree.

4.4 Maintenance Officer

A Maintenance Officer performs duties in terms of the Maintenance Act including:
- Handling of formal and informal maintenance inquiries.
- Providing advice on maintenance issues.
- Providing guidance to Maintenance Investigators in the performance of their duties.
- Conducting maintenance proceedings in terms of the Maintenance Act.

In order to be appointed as a Maintenance Officer, you need an LLB degree.

4.5 Maintenance Investigator

A Maintenance Investigator performs in-depth investigative duties in terms of the Maintenance Act including:
- Examining a person who is likely to give material or relevant information about any complaint relating to maintenance.
- Tracing whereabouts of respondents/defaulters, his/her financial information, employment details.
- Serving of maintenance related processes e.g. subpoenas.

Legal qualification, paralegal qualification or Grade 12 certificate.
4.6 **Maintenance Clerk**

Duties include:
- Issuing and assisting in the completion of the application forms, where assistance is needed or required.
- Referring applications to Maintenance Officers for final screening.
- Receiving online applications and referring for processing.

*A Matric qualification is required.*

4.7 **Interpreter**

The duties of a court interpreter mainly relates to:
- Interpreting in the various courts, at quasi-judicial proceedings and during consultations.
- They also translate legal documents and exhibits and provide any administrative support such as recording cases in criminal record book and drawing case records.

*The minimum academic qualification is Matric (Grade 12) and a formal language proficiency.*

4.8 **Stenographer**

Duties include:
- Performing digital recording of court proceedings and ensure integrity of such records.
- Transcribing thorough court proceedings for the record.
- Filing transcripts with the court clerk, and providing copies to lawyers, judges and the public per request.
- Provide any administrative support as required by management.

*A Matric qualification is required.*

4.9 **Judge’s Clerk**

- Judge’s Clerk are legally qualified.
- They accompany the judge/s in all sittings of the court sessions.
- They manage the judge’s diary on sittings and postponement of cases.
- They conduct research for the judge/s on law related matters.

*A legal qualification is required.*
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