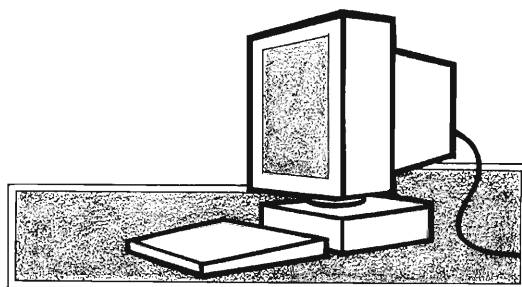


# The Bar on the Internet

Leon Bekker  
Pretoria Bar



Leon Bekker

**T**HE Internet has become the primary method of publishing and distributing information in the world. Currently it is estimated that more than 30 million people in 80 countries around the world have access to the Internet. At its recent meeting the General Council of the Bar considered a proposal that the Bar of South Africa make use of this medium to promote the cause of the profession and, at the same time, to offer the services of its members to national and international legal, corporate or academic institutions. I will sketch the background to this proposal.

## Electronic publication of legal information in SA

During 1994 the CSIR, the leading developer of technology in Southern Africa, created a structured and indexed information platform which focuses on providing South African centred information to the Internet community. This service is known as Worldnet Africa. The information is provided via the World Wide Web, a medium through which text, graphics, sound and video can be accessed by every person throughout the world with Internet access. Sta-

tistics kept by the CSIR show that, in South Africa, 200 000 people use the Internet every day. During a single week (in April 1996) as many as 142 000 South Africans and 116 000 foreigners used Worldnet Africa to view the information published at this site.

In 1996 the CSIR launched the Legal Hub on Worldnet Africa. This is a service dedicated towards providing legally relevant information to the legal fraternity and other interested persons. At this stage this service is still under construction. I was requested by the Pretoria Bar to represent it on an advisory committee which was created to advise the CSIR on the nature and structure of legal information which would be of use to the legal community in Southern Africa. The Transvaal Law Society, Department of Justice, Nadel and academic institutions are also, amongst others, represented on this committee.

The aim of the Legal Hub is to provide a comprehensive and structured information service where all legally relevant material can be published. This includes the various law reports, statutes, government gazettes, unreported judgments provided by the Department of Justice, law journals and legal indexes, all of which can be accessed via the World Wide Web. Some access will be provided free of charge while access to the publications of the commercial publishing houses such as Juta and Butterworths will take place on a subscription basis. The goal is to collect all legally relevant material in Southern Africa at one site. This medium also, for the first time, provides a cheap and instantaneous method of updating ever changing legal material. Hopefully this will foreshadow the further proliferation of the publication of legal material by the commercial publishers.

## The publication of information by the Bar on the Internet

Internationally and especially in the United States of America legal information services such as the Legal Hub are used extensively by legal firms to promote their services to the users of the Internet. A few "virtual law firms" already exists in the United States of America. In South Africa a few of the bigger firms of attorneys have created web pages on Worldnet Africa in which the services which they offer the public are being advertised. Invariably a full list of their partners, associates, consultants and professional assistants, together with their qualifications and professed fields of expertise are given.

It was proposed that the South African Bar and the various Bars make use of the Legal Hub on Worldnet Africa to promote their own and their members' cause and services, to the public under the umbrella of the General Council of the Bar of South Africa. This could be done within the context of providing information about the structure of the South African legal system and the various institutions which forms part thereof. One could imagine that the type of information that could be published on a web page created by the GCB of South Africa could include short but informative information pages about:

- The history and some of the features of the South African legal system;
- The court structure in South Africa;
- A list of the various divisions of the supreme court with their seats, telephone numbers, fax numbers and E-mail addresses (where available) of the registrars;
- A comprehensive list of all the judges serving at each division together with a pen sketch of their careers;

- The South African Bar;
- Other legal professions, their roles within the legal system and the role of the various professional legal associations in South Africa;
- Copies of the interim and new Constitutions;
- The various law schools and academic institutions providing legal training in South Africa.

The history of the South African legal system could provide interesting information about the origins of the Bar in South Africa. Also one could publish the original text of historic documents available from archives with regard to the development of the South African legal system as well as the creation of the various professional associations and especially the Bar in South Africa.

The secretariat often receives letters from school children asking for information about our profession. This demonstrates the need for a well presented and informative source of information on the place of the advocate in the practice of law in South Africa. The Internet could provide a platform from which to attract those interested in becoming legal practitioners to the Bar.

All this information should be provided under the umbrella of the South African Bar. Its creation, aims, activities and purpose should form the central focus. Each Bar could, in turn, create its own publication setting out its history, the courts and area which it essentially serves and particulars with regard to its address, telephone numbers and E-mail address. I believe it is time that each Bar obtains an E-mail address and trains at least one staff member to access E-mail and handle the E-mail messages for members at that Bar. Access to the E-mail can, usually in all the bigger centres in South Africa, be gained by way of a local phone call.

Each Bar should, in my view, be encouraged to publish a comprehensive and up to date list of its members, their contact addresses, telephone numbers and E-mail addresses (where available). Members should be allowed, should

they wish to do so, to publicize their fields of expertise, qualifications, academic and other achievements and language which they are capable of speaking or reading underlying to their basic details listed on the main information page of their bar. These underlying "*advertisements*" should be drawn up in accordance with guidelines laid down by the Bar and approved by a person designated for that purpose by each bar.

### **Services which members could render to international legal, corporate and academic institutions**

The electronic medium provides an ideal opportunity for members to provide consultation and opinion services to both local and international legal, corporate and academic institutions. The renewed interest in South Africa created a demand for South African legal information. Lawyers and corporate institutions internationally, and especially in the United States, use the Internet extensively as a source. Members of the Bar should be allowed to provide that information at a fee should they be requested to do so by legal firms, corporate institutions or academic institutions. By way of electronic mail communication nationally and internationally becomes cheap and virtually immediate. Most of the Bar associations are situated in centres where the CSIR has a point of presence which means that documents can be transmitted anywhere in the world by way of E-mail through a local telephone call. Usually documents can be sent in this manner anywhere in the world and should arrive at its destination within an hour or two.

Bar associations or financial institutions could act as an intermediate between members and their clients. I propose that a member, upon receiving his or her instructions, should provide the client with a quote. Payment of the member's fee should be secured with either the Bar association or a financial institution before the information (in the form of an opinion or other document) provided by the member is

released to the client. Should any dispute arise the Bar associations should offer to act as arbitrators and both the client and the member should, before the time, agree that the Bar associations' decision in this regard would be final.

A further service which members can provide, and which should be encouraged as it would promote the image of the Bar, is to moderate electronic forums on specific legal subjects. The Legal Hub at Worldnet Africa proposes to create forums where interested persons could post articles, information and queries with regard to specific subjects. The moderator of such a forum would be required to review the material provided for publication, provide his or her own comments on the material and, generally create a stimulating environment within which debate and discussion on the legal topic which forms the subject of the forum, can be conducted. It is proposed that members could contract with the CSIR to provide this service at a fee to be negotiated. Members should be allowed to announce in the forum that they are practising members of the Bar. One of the possible methods which could be used to compensate members prepared to act as moderators is to charge persons using the forum a fee for accessing the information contained therein or to obtain sponsorship from commercial institutions who may wish to advertise on these pages. Members could then profit from the income generated by such a forum.

### **The next step**

The annual general meeting of the GCB delegated the chairman to evaluate a proposal for a web page for the South African Bar. If the proposal is accepted a page will be developed and the various Bar associations can, individually, decide whether they wish to publish their own pages and a list of the members practising at that Bar.

I trust that members will soon have the opportunity to make that fact that they practise law at the most southern tip of Africa known to the 30 million Internet users in cyberworld. 