

Irish lawyers share the knowledge in South Africa

This April, I travelled to Pretoria with Irish Rule of Law International (IRLI) for its annual commercial law training programme, writes *Anna Hickey*. The delegation comprised solicitors, barristers and an accountant and included Michael Irvine (IRLI director), David Barniville SC, Jarlath Ryan BL, Cillian MacDomhnaill (director of finance, Law Society), Eithne Lynch (a lawyer with IRLI's Access to Justice programme in Malawi). Though from different backgrounds, we all shared an interest in legal education, commercial law and Africa.

IRLI has run the programme jointly with the Law Society of South Africa (LSSA) since 2002, with the support of Irish Aid. Despite apartheid ending over 20 years ago, there is still an economic imbalance in the practice of commercial law in South Africa. Commercial law training for Black lawyers is seen as a way to erode this imbalance and contribute to economic growth.

This year's 20 participants included sole practitioners, in-house lawyers, prosecutors and legal-aid lawyers, who all sought to gain expertise in commercial law and access to commercial work. The course included formal education and skills training. Participants completed a distance-learning certificate at the University of South Africa and two-week-long training courses in April and August. Eight were then selected for placements with enterprises in Ireland or South Africa, with the remaining 12 receiving mentoring. Lastly, participants delivered an introductory business law seminar to small businesses in their community.

Overhauled *Companies Act*

The April course took place over five days, finishing with a final exam on the final day. Teaching is a mixture of lectures, tutorials and interactive sessions, with guest lecturers invited from



Jarlath Ryan BL (back, right) with some of the course participants

South African law firms to add insight from daily practice. We focused initially on company law and company structures, and looked at the basic share-purchase transaction as a tool to examine drafting and contracts. A past course participant, Mmoledi Malokane, spoke on the overhauled South African *Companies Act*. This reform is particularly interesting for Irish lawyers, as many of the changes mirror those in our *Companies Consolidation and Reform Bill*.

Further sessions examined companies' accounts, due diligence and warranties, and corporate governance. Throughout the week, the level of questioning and challenging was impressive. The participants joined wholeheartedly in our role-plays, with the mock AGM turning into a shareholder uprising against our director, Michael Irvine! Between sessions, there was time to relax

with the class in the sunny LSSA courtyard, which often led to lively discussions on politics and the 2014 elections.

Black empowerment

The final day involved an attorney/client role-play, and lectures on alternative dispute resolution. We welcomed Saffiya Patel from commercial law firm, Webber Wentzel, who presented on South Africa's Black Economic Empowerment (BEE) legislation and its impact on commercial practice. This includes, for example, BEE requirements regarding company directorships and shareholdings, which can significantly affect the structuring of transactions.

A highlight of the week was the programme's open evening, hosted by the LSSA and sponsored by Shell. Irish ambassador Brendan McMahon gave the keynote address, in which he called for the private sector to play its part by offering

mentoring and placements.

A number of commercial law firms in Ireland and South Africa have offered placements already this year, as has global mining company Glencore Xstrata. Throughout the week, we held interviews with the participants to assess their interest and suitability for placements. At the parchment ceremony on the final day, a former participant, 'Ishepo Mothoa, gave an inspiring talk on his placement with Eversheds' mining team and how it had enabled him to build a thriving practice in mining law.

We hope that the programme will continue to go from strength to strength. This could not be achieved without the LSSA, Irish Aid, our volunteers and other supporters.

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