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OFFICE OF THE CHIEF LITIGATION OFFICER

PRESENTATION TO THE SELECT COMMITTEE ON SECURITY AND CONSTITUTIONAL AFFAIRS

MAY 2007

28/05/07
Security
Presentation



BACKGROUND ON THE BRANCH

- **The Branch is new, but incorporates some existing Units which previously resided in the Legal Advisory Services Branch**

- **The structure of the Branch consists of the following Units:**
 - **Office of the Chief Litigation Officer**
 - **State Attorney Offices**
 - **Law Enforcement**
 - **Legal Process**



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



OFFICE OF THE CHIEF LITIGATION OFFICER

- **The Structure of the office of the Chief Litigation Officer was approved early this month, and is as reflected in the attached document.**



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CHALLENGES

CHALLENGES FOR THE CLO'S OFFICE ARE:

- **The rightsizing of human and other resources, to be able to deliver efficient and professional services to all it's clients and stakeholders**
- **Reported limited publicity of public service operations of the Legal Process Unit**
- **With regard to State Attorney Offices, the added challenge is to be able to compete with the Private Sector, which leads challenges against client Departments. This challenge is manifest in:**
 - **High staff turnover**
 - **Staff with overloaded work volumes, which has an impact on staff morale**
- **The high rate of outsourcing of High Court and Constitutional Court litigation to the Private Sector**



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ADDRESSING THE CHALLENGES: PROJECTS

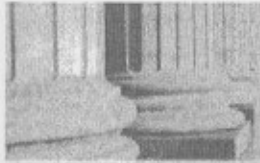
Projects for the year, aimed at addressing the challenges alluded to, include the following:

- **Finalising the process of turning of State Attorney offices into professional units**
- **Creating a Unit for In-house Counsel**
- **Creation and distribution of pamphlets on pardons and other criminal and civil process applications**
- **Roadshows to promote access to services rendered directly to the public**
- **Promotion of the Legal Services Charter**
- **Rolling out an HR development plan, which involves:**
 - Determining the capacity needs of the offices, and putting a plan in place to address them;
 - Proper placement of personnel within the offices
 - Conducting a skills audit in the offices, and designing training plans to address identified skills shortages
 - Enhancing the appreciation and implementation of the Performance Management system



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PROJECTS (CONT.)

Two major projects for the Unit this year are:

- **Producing a Litigation Risk Analysis Report; and**
- **Formulating a Litigation Strategy for government**





THANK YOU

[Re-Organization of the Office of the Chief Litigation Off

OFFICE OF THE CHIEF LITIGATION OFFICER

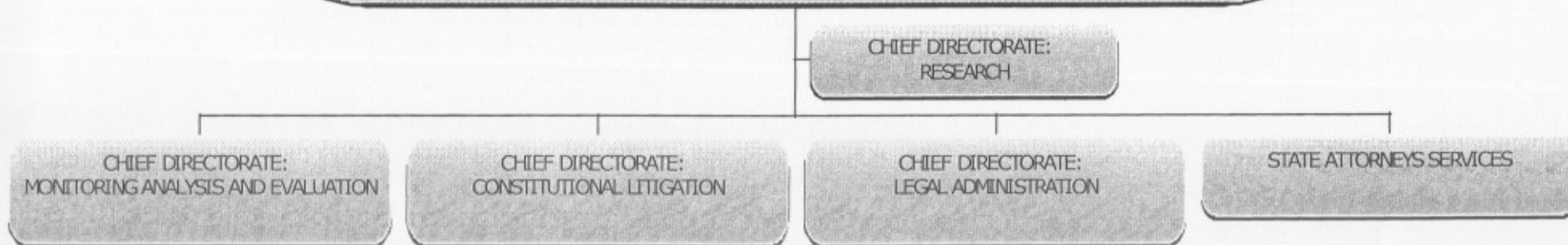
PURPOSE:

To provide reliable, cost-effective and efficient litigation advice and representation to the state and its organs.

FUNCTIONS:

1. The management of State Attorneys Services for National, Provincial and Local government, Departments and their officials on civil and criminal matters.
2. The establishing of competitive and professional state litigation services.
3. The facilitation of alignment of Government Litigation to policy.
4. The strengthening of inhouse capacity for Government Litigation.
5. The tracking and interacting with Constitutional Developments spurred by Litigation.
6. The provision of strategic and policy leadership to the Legal Administration division, as comprised of the Legal Process and Enforcement Units.
7. The provision of Constitutional Litigation advice to and on behalf of the State and its organs.

1 x Chief Litigation Officer
1 x Personal Assistant
1 x Administrative Officer



**CHIEF DIRECTORATE
RESEARCH**

PURPOSE

To provide legal research expertise in the office of the Chief Litigation Officer

FUNCTIONS

1. The investigating of legal principles
2. The analysing of facts and documents
3. The developing of theories
4. The drafting and persentation of legal reports

1xChief Director (Research)
1xLegal Secretary(Personnal Assistant)
2xLegal Administration Officer

OFFICE OF THE CHIEF LITIGATION OFFICER

**CHIEF DIRECTORATE
CONSTITUTIONAL LITIGATION**

PURPOSE:

To provide Constitutional Litigation Advice and handle matters relating to the interpretation of the Constitution on behalf of the State and its organs.

FUNCTIONS:

1. The conducting of research on Constitutional Litigation matters.
2. The provision of Constitutional advice to National, Provincial and local spheres of government in relation to litigation.
3. The handling of enquiries on Constitutional Litigation matters from National and International Stake holders.
4. The development of a broad based Constitutional Litigation expertise.

1 X Chief Director
1 x Legal Secretary (Personnel Assistant)

**CHIEF DIRECTORATE
STATE ATTORNEYS SERVICES**

PURPOSE:

To represent state Departments and their officials at National, Provincial and local government levels on litigation matters.

FUNCTIONS:

1. The drafting and managing of contracts on behalf of the state.
2. The handling of criminal and civil litigation instituted against Government as well as officials and/or committees by means of acts or omissions while executing their official duties.
3. The handling of applications from qualifying personnel for admission as Advocates for the High Court.
4. The handling of applications for admission as practicing Attorneys.
5. The regulation and overseeing of the conduct of Private Attorneys operating under the State Attorneys Act.

**CHIEF DIRECTORATE
CONSTITUTIONAL LITIGATION**

**DIRECTORATE
CONSTITUTIONAL LITIGATION RESEARCH**

PURPOSE:

To conduct Legal Research on Constitutional litigation

FUNCTIONS:

1. The investigating of legal principles
2. The analysing of facts and documents
3. The developing of theories
4. The drafting and presentation of legal reports

2 x Principal Legal Administration Officer (Principal State Litigation Officer)
4 x Senior Legal Administration Officer (State Litigation Officer)
2 x Secretary

**DIRECTORATE
CONSTITUTIONAL LITIGATION ADVICE AND COMMUNICATION**

PURPOSE:

To provide constitutional litigation advice to National, Provincial and Local spheres of Government in relation to litigation.

FUNCTIONS:

1. The drafting of legal opinion relating to constitutional litigation for various stakeholders
2. The handling of enquiries on constitutional litigation matters from National and International stakeholders
3. The provision of training and development in litigation

2 x Principal Legal Administration Officer (Principal State Litigation Officer)
4 x Senior Legal Administration Officer (State Litigation Officer)
2 x Secretary

**CHIEF DIRECTORATE
MONITORING AND EVALUATION**

PURPOSE:

To ensure provision of quality management and management oversight in the operations of the State Attorney.

FUNCTIONS:

1. The provision of quality management systems
2. The provision of management oversight in the operations of the State Attorney offices.

1 x Chief Director
1 x Personal Assistant

**DIRECTORATE:
OPERATIONS MANAGEMENT**

PURPOSE:

To provide management oversight and quality management of the operations of the State Attorney Offices.

FUNCTIONS:

1. The conducting of litigation risk analysis
2. The providing of guidance for constitutional litigation
3. The providing of response to Parliament enquiries
4. The liaising with other stakeholders in the profession
5. The providing of inputs for strategic planning
6. The providing of advice to improve performance
7. The evaluation of implemented corrective action

1 x Principal Legal Administration Officer
1 x Secretary
2 x Senior Legal Administration Officer

**DIRECTORATE:
QUALITY MANAGEMENT**

PURPOSE:

To provide quality management for the State Attorney Offices

FUNCTIONS:

1. The planning, creating and implementing of monitoring systems
2. The implementing of quality management system through the budget and performance reports
3. The receiving and processing of submissions and correspondence from stakeholders
4. The requesting, receiving and analysing of reports from from the State Attorney Offices
5. The compiling and consolidation of reports indicating performance trends of the State Attorney Offices
6. The providing of advice with regard to the Human Resources of State Attorney Offices

1 x Director
1 x Deputy Director
2 x Assistant Director
2 x State Accountant

STATE ATTORNEYS SERVICES

PURPOSE:

To represent state Departments and their officials at National, Provincial and local government levels on litigation matters.

FUNCTIONS:

1. The drafting of contracts on behalf of the state.
2. The handling of litigation involving the state and its officials.
3. The handling of application by state employees for admission as Attorneys or Advocates for the High Court.
4. The regulation and overseeing of the conduct of Private Attorneys operating under the State Attorneys Act.
5. The management of Private Attorneys Services to Government.

STATE ATTORNEYS OFFICES

Bisho
Port Elizabeth
Bloemfontein
Kimberly
Johannesburg
Pretoria
Durban
Mmabatho
Tlohoenyandou
Cape Town

Cons

Rank/ Desig
Chief Litigati
Personnal As
Administrativ
Chief Directo
Principal Leg
Principal Leg
Senior Legal
Director
Deputy Direc
Secretary
Legal Admin
Assistant Dir
State Accour
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