

# CAPE BAR PUPILLAGE SELECTION MANUAL

1. This manual must be read in conjunction with the Cape Bar pupillage selection policy.

## PHASE 1: MERIT RANKING (EXCLUDING HDI STATUS)

2. In phase 1, applicants are evaluated with reference to four criteria:
  - 2.1 academic results and achievements;
  - 2.2 relevant previous experience;
  - 2.3 aptitude to be an advocate; and
  - 2.4 motivation to be an advocate.
3. The first two categories are assessed primarily with reference to written applications submitted by applicants on the standard form. The latter two categories are assessed primarily during interviews which are conducted by an interview panel of the pupillage committee.

### Academic results

4. The academic results of each of the applicants are captured in spreadsheet form. Points are awarded separately for LLB results and other academic achievements.
5. In regard to LLB results, the following rules are applied:
  - 5.1 Where a student has degrees in addition to an LLB, only the marks from the law subjects in those other degrees are counted.
  - 5.2 Non-law subjects (e.g. German, Psychology, etc) done during the LLB are excluded.

- 5.3 All LLB subjects are given equal weighting (as it is difficult to ascertain from an academic transcript which subjects are full credits and which are half credits).
  - 5.4 Marks for subjects which count as credits towards the LLB, including from another university, are counted.
  - 5.5 Marks obtained in an LLM are excluded from the LLB result calculation. As appears below, the fact that an applicant has obtained an LLM is taken into account in a separate part of the evaluation process.
  - 5.6 Both the failure mark for a subject (if any) and the eventual pass mark for that subject, are counted (thus repeated failures are factored into the score of the LLB). It is for this reason that a full academic record is required.
  - 5.7 Where an applicant has received zero for a subject, for example, if the applicant did not attend or qualify to write an exam, that is not counted. Counting such score could distort the average of an applicant unfairly – for example if there was good reason that the applicant could not write. Instead the mark eventually obtained for that subject is counted.
  - 5.8 Different universities are treated equally.
6. After the results have been captured, a single committee member is responsible for checking that the data has been captured correctly and consistently. The reason that the same member performs this task in respect of all of the applications is to ensure the consistent application of the rules.
  7. The average of the marks recorded for each applicant is then divided by 10 to arrive at a score out of 10. This score is multiplied by 5 (the weighting factor) to arrive at the number of points allocated for LLB results.
  8. In regard to other academic achievements, the following guidelines apply:
    - 8.1 A complete LLM is allocated a score of 0.5. An incomplete LLM is not counted.

- 8.2 Successful completion of Attorneys Admission Examinations (or equivalent) is allocated a score of 0.33.
  - 8.3 A legal journal publication (or similar calibre of publication) is allocated a score of 0.25.
  - 8.4 A popular media publication (including *De Rebus*) is not counted.
  - 8.5 Inclusion on the Dean's merit list is not counted (since this would entail double counting LLB results).
  - 8.6 The achievement of academic awards (excluding for LLB subjects) may be allocated 0.25, depending on the nature of the award and its relevance to the practice of an advocate.
  - 8.7 Non-LLB degree(s) (including any LLM) completed with distinction ('*cum laude*' or '*suma cum laude*') are allocated 0.25.
  - 8.8 Postgraduate diplomas in law subjects, for example, a tax diploma is allocated 0.25.
  - 8.9 A completed Practical Legal Training course (such as that offered at UCT) is allocated 0.25.
9. The maximum score that an applicant may be allocated for other academic achievements is 1.

#### Relevant previous experience

10. The points allocated for previous relevant experience are a factor of the duration of such experience and the degree of relevance of that experience to the practice of an advocate.
11. Points are allocated in the following way:
12. The degree of relevance of the experience is assessed and allocated a score between 0 and 1. In this regard, the following guidelines are applied:

Band	Examples	Score per yr
0 – no relevance	non-legal work; gap-year travelling overseas	0
1 – non-professional legal job	para-legal; court interpreter; legal secretary; job shadow	$\frac{1}{4}$
2 – trainee / assistant	candidate attorney; judge's clerk/registrar; teaching; research assistant; legal researcher	$\frac{1}{2}$
3 – non-litigation lawyer	non-litigation practising attorney (eg conveyancer); legal advisor to a corporation or government; legal academic	$\frac{3}{4}$
4 – litigation lawyer	litigation attorney; prosecutor (including state advocate and DDPP etc); magistrate	1

13. For example, two years of being a candidate attorney would count 1 point ( $\frac{1}{2}$  point per year x 2 years) and two years of practice as a litigation attorney would count 2 points (1 point per year x 2 years).
14. If the nature of an activity is not clear from the application, this must be clarified at the interview.
15. A litigation attorney is one whose practice involves 50% or more litigious work.
16. The number of years (or part thereof) of experience is then determined. Experience of even a short duration is counted and expressed in units of years (eg 3 weeks = 0.058 years).
17. If the applicant performed the work part-time, that must be factored into this part of the equation. For example if an applicant was an assistant legal researcher who was employed for two and a half days a week for a year, then the total duration of experience would be half a year (0.5).
18. The number of years is then multiplied by the score in paragraph 12 above. The result of this equation is capped at 4. In other words, an applicant with 20 years of experience as a magistrate would not be allocated a score of 20 (20 x 1), but rather, the maximum possible score of 4.
19. The resultant scores are captured in a spread sheet.

### Aptitude and motivation to be an advocate category

20. As noted above, the points allocated for these two categories are determined during the interview process. Each interviewer is required during the interview to assess each applicant with reference to each of the criteria described in the selection policy and on the interview scoring sheet.
21. Each interviewer is required during or immediately after each interview to score the applicant out of 10 for each of the sub-categories and to enter those scores on a copy of the applicant's interview scoring sheet.

### Scoring method during interviews

22. Each member of the interview panel scores every applicant independently. After each interview, the panellists compare their respective scores for each of the four sub-categories and, if the scores of different interviewers for any sub-category diverge by more than 2 points, the panellists confer and discuss the reasons for the difference. After the discussion, interviewers may choose to modify their score, but need not do so if they are satisfied with their original score.

### Post-interview analysis

23. The results for all the applicants are recorded and analysed on a spread sheet. The points for academic achievements and previous relevant experience are entered as described above. In addition, the panellists' scores in respect of each of the four sub-categories scored at the interviews are captured. The panellists' scores in respect of each sub-category are averaged.
24. The averaged scores for each category are weighted as described in the selection policy. The applicants are ranked on the basis of the resultant merit score.
25. The members of the interview panel will generally then meet in order to discuss and make recommendations to the full pupillage committee as to the HDI preference to be given to non-qualifying candidates.

## **PHASE 2: FINAL RANKING (INCLUDING HDI STATUS)**

26. The full committee will then meet in order to decide HDI preference in accordance with the selection policy.
  
27. This process happens in three steps.
  - 27.1 First, based on their respective merit ranking from phase 1, the strongest, non-qualifying, Black applicants (male or female) are compared with the weakest, qualifying, white applicants (male or female). The Pupillage Committee would tend to give preference to a black applicant who has the potential to succeed over a white applicant who is good but not excellent. The Pupillage Committee would tend not to give preference to a black applicant who is unlikely to succeed over a white applicant who is excellent or where the difference between the two applicants is disproportionate. Similar consideration is given to the identity and ranking of applicants on the reserve list of candidates, who fall just below the cut-off line. A place may be offered to an applicant on the reserve list should a vacancy in the programme arise.
  
  - 27.2 Second, the Pupillage Committee considers the resultant proportion of women applicants in qualifying positions. Where this proportion is below 50%, the Pupillage Committee considers promoting non-qualifying white women in place of qualifying white men, by conducting a similar balancing exercise described in the previous sub-paragraph.
  
  - 27.3 Third, the Pupillage Committee considers promoting any disabled candidates in non-qualifying positions.