

## **THE REQUIREMENT OF BEING A "FIT AND PROPER" PERSON FOR THE LEGAL PROFESSION**

**M Slabbert\***

### **SUMMARY**

An important requirement for admission as an attorney or advocate is to be a "fit and proper" person. Lawyers are also struck from the respective rolls of advocates or attorneys if they cease to be "fit and proper". This requirement of being a "fit and proper" person is not defined or described in legislation. It is left to the subjective interpretation of and application by seniors in the profession and ultimately the court. In the *apartheid* years this requirement was applied arbitrarily but today the question may be asked why some lawyers who have been found to be "fit and proper" do not act as such. The pre-admission character screening of lawyers seems not to be effective any more. Post- admission moral development is imperative.

**KEYWORDS:** Admission lawyers; "Fit and proper" test; Law Societies; Struck from the roll; Good moral character; Unprofessional conduct; Double briefing; Adversarial system; Lawlessness; Professionals; Continuous Professional development.

---

\* Magda Slabbert. BA (Hons) HED B Proc LLB LLD (UFS) Professor Department of Jurisprudence, University of South Africa (slabbm@unisa.ac.za).