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## **Legal Practitioners**

### **ATTORNEYS & ADVOCATES**

Lawyers, Attorneys and Advocates, what are they all? Do I go to an attorney or advocate. Does an attorney costs more that an advocate and can I go directly to an advocate? These are a few questions that are posed on a regular bases regarding attorneys and advocates whether you reside in Cape Town, Pretoria, Bloemfontein or the Limpopo Province.

The reason for me inserting this page onto my website is due to many get confused as to what is an advocate or attorney and who do they go to with their legal problem. Practising in Cape Town, I experience this a lot. I shall in this page attempt to explain, in an easy way, what are the differences between attorneys, advocates paralegals whether they are practising in Cape Town or Port Elisabeth. I shall start with the term Lawyer. Kindly note that this article is written for the lay person and is not in any way a full outline on attorneys and advocates. Some attorneys and advocates may disagree with that I have to say, in the same manner other advocate and attorneys would agree. I guess it depends on your experiences in the legal profession. This view is from a Cape Town advocate.

### **The Lawyer**

In my view, whoever studied law and practises any aspect thereof are lawyers. Therefore all advocate, attorneys, judges, magistrate, state prosecutors, legal advisors etc. are all lawyers. I makes sense as they all studied law and uses it to earn a living. But not all lawyers do the same work or uses the law in a specific manner. That is were the differentiation comes in between attorneys, advocates etc.

### **The Attorney**

Unless the attorney is a specialist, specialising in a specific field of law, he or she would be a general practitioner and assist the public with general legal matters. This general legal assistance would include criminal matters in the magistrate's courts, suing and defending matters in the magistrates court and general legal advise and assistance. Even if the matter is a High Court matter, the attorney, unless he or she has High Court rights of appearance, would Many attorneys are conveyancers and notaries. Conveyancers are attorneys who have specialised training and knowledge to deal with the transfer of property and matters relating to them. A notary, or a notary public,

deals notarising documents, authenticating them etc. Therefore, a general practising attorney would deal with day to day legal matters for clients as they arise. Therefore, if you have a legal problem, you would head off to the attorney's office and he or she would advise you accordingly. The attorney would then analyse your matter and usually be able to sort out your problem without the assistance of an advocate. The attorney might send out a letter of demand, issue summons and even represent you at court. However if the matter becomes too complicated, or more assistance is needed on the matter, then an advocate may be briefed. Even if the attorney instructs the advocate, his hourly rate may be more than that of the advocate depending on his experience and years of practice.

### **The Advocate**

Now that we have dealt with the attorney, I shall deal with the advocate. If you want the assistance of an advocate, you would need to first approach an attorney. However, an attorney would be able to advise you if you require the assistance of an advocate. Advocates usually do court work or litigation and further, if the matter requires specialised skill and knowledge. Therefore, if it is a matter dealing with fraudulent misrepresentation, and your attorney has limited knowledge thereof, then it would make sense that the matter be referred to an advocate who has the time, knowledge and skill to attend to the matter. If however your matter needs to be heard in the High Court due to the amount involved or the nature of the matter. Advocates further provide legal opinions and some of them sit in as acting judges. Advocates will however never do work which is specific for attorneys and further, without a referral from an attorney. Therefore, even if you email me for advice, I would always refer you to an attorney. With regard to the experience of the Advocate, his hourly rate may be more than that of the attorney.

Kind regards,

### **Advocate Muhammad Abduroaf | Cape Town | Western Cape**

You find advocates in all provinces in South Africa. There are many in Cape Town and Advocate Muhammad Abduroaf is one of them. If your legal problem is in Cape Town, Western Cape, your attorney is welcome to instruct Advocate Muhammad Abduroaf whose office is in Strand Street, Cape Town. If your attorney is out of Cape Town but your matter is in the Cape, your attorney is still welcome to instruct Advocate Muhammad Abduroaf.

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