

Move into growing areas of practice with powerful online resource

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In April 2020 the Legal Practice Council recorded a profound and direct effect on the sustainability and viability of law practices in its assessment of the Covid-19 Lockdown on legal practitioners' practices.¹



In its assessment of the combined effect on financial, operational, technological, and human resource areas it concluded that both the advocates' and attorneys' professions could take months if not years for full recovery.¹ Financially, revenue declined, while rental and expenses remained unchanged, and IT costs for laptops, equipment, and data packages increased to meet the need for remote working. From a human resource point of view, pre-existing challenges such as inter alia a lack of transformation, skewed briefing patterns, and a weak economy have been compounded by the lockdown.

In a consideration of the risks affecting the sustainability and viability of law firms,² Thomas Harban suggested a number of options a technically and financially insolvent practice could pursue in mitigating the risk of continuing in its current form - or at all. Whatever the effects, the legal fraternity remains strongly entrepreneurial. Some of the options he suggests firms consider include:

- Cutting the past losses and closing or selling the firm;
- Investigating whether or not a merger with another firm is viable;
- Downsizing;
- Exploring new areas of practice; or
- Upskilling oneself to be better equipped to meet the challenges of practice.

In this article, we explore new areas of practice, with reference to the practice area of [Dispute Resolution](#) found in the Lexis Practical Guidance Practice module. With the Covid-19 pandemic, and the new Mediation Rule 41A of the High Court, Dispute Resolution is an area of the law which has moved very much to the centre of our legal system.³ It is also an area which prepares the ground for litigants to mediate, before they go to court. Video conferencing technology like Zoom and the growing acceptance of virtual or remote court operations, has created an environment ripe for Online Dispute Resolution (ODR)⁴ in particular, and Dispute Resolution in general.

The Lexis Practical Guidance Dispute Resolution practice area, discusses the different forms of Alternative Dispute Resolution (ADR) available to parties involved in a dispute including arbitration, conciliation, mediation, and adjudication. Individual guidance notes provide descriptions and comparisons of each type of ADR available, together with detailed information and guidance on the dispute resolution processes.

With reference to the relevant legislation, rules and guidelines, the online resource module provides practitioners with the information they need to effectively participate in ADR proceedings by bridging the gap between knowledge and the practical application of the law.

The following topics are covered:

- Understanding dispute resolution
 - Introduction
- Court annexed mediation
 - Court proceedings
 - Mediation in family law
- Adjudication
 - Understanding adjudication
- Alternative dispute resolution
 - Understanding ADR
- Arbitration
 - General arbitration principles
 - Functions of arbitrators and umpire
 - The arbitration agreement
 - How arbitration proceedings are conducted
 - Requirements for arbitration awards
 - Costs
 - Types of arbitration matters
 - International arbitration
- Mediation
 - Understanding mediation
 - The mediator
 - The attorney's role in mediation
 - Conducting mediation proceedings
 - Mediation agreements
 - Settlement
 - Costs
- Conciliation
 - Understanding conciliation

The comprehensive module also provides links to some 118 resources such as forms and precedents (including downloadable, editable templates), checklists and links to international and local websites giving guidance, rules and practice notes to provide further context – and a valuable resource with which to start exploring a new area of practice.

Explore [Alternative Dispute Resolution](#) as a new area of practice. [Click here for a demo.](#)

References:

¹Draft LPC Response <http://www.ghostdigest.com/resources/19580>

²Draft LPC Response at 2.

³The risks affecting the sustainability and viability of law firms, de Rebus, February 2019, <http://www.derebus.org.za/the-risks-affecting-the-sustainability-and-viability-of-law-firms/>

⁴Mediation Rule 41A of the High Court <https://www.lexisnexis.co.za/news-and-insights/covid-19-resource-centre/practice-areas/mediation-and-arbitration/mediation-rule-41a-of-the-high-court>

⁵Online dispute resolution <https://www.lexisnexis.co.za/news-and-insights/covid-19-resource-centre/practice-areas/mediation-and-arbitration/online-dispute-resolution>

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