

I am mindful of the great honour which my colleagues have bestowed on me by electing me as Chairman of the General Council of the Bar. I take the helm at a time when there are great challenges facing our profession. There are many important areas in the South African system of justice which require improvement or reform. As we approach the last decade of the present century, I believe that the Bar must take the initiative in promoting necessary innovation while striving to preserve those aspects of our system which experience has shown best serve the needs of our complex society. We must also increase public understanding of our primary role in the administration of justice.

At its recent Annual General Meeting the GCB demonstrated its active concern to foster improvements in the law and the administration of justice, as well as in the delivery of legal services to the public. It resolved to request the SA Law Commission to conduct a comprehensive investigation, as a matter of urgency, into all aspects of the death penalty in South Africa. That request has already been conveyed to the Law Commission. The GCB further unanimously supported the introduction of a Bill of Rights as the best means of promoting the Rule of Law. It also resolved to press for reform of the *pro Deo* system by its inclusion under Legal Aid, with attorneys being appointed to instruct and assist counsel in the usual way, together with panels of experts to render assistance when required. An investigation is currently under way to assess the financial implications of this proposal and to quantify the cost involved, for the purposes of a fully motivated presentation to the Government by the Bar. Ways and means are also being explored to expand other *pro bono* services provided by members of the Bar in an endeavour to make justice more accessible to all levels of our population.

My own experience as a legal practitioner in the USA, which has a fused profession, and as an advocate in this country, has convinced me that the division of the profession into advocates and attorneys best serves the interests of the public. However, the radical

From the Chairman of the GCB

Milton Seligson SC



The fact that Milton Seligson SC, the new Chairman of the General Council of the Bar of South Africa, was born and bred in the Orange Free State (Bethlehem) and attended St Andrew's School in Bloemfontein, where he matriculated in 1949, is presumably the reason why it makes little difference to him whether he speaks Afrikaans or English.

Milton's academic record is impressive: BA at UCT in 1952, with distinction in Political Philosophy; LLB, also at UCT, in 1954; Fellowship for study in graduate programme at Harvard Law School, USA, 1964-65; LLM degree with 'A' aggregate at Harvard in 1965. He also has wide lecturing experience: Part-time lecturer, Rhodes University, 1956-64; Associate Professor, Wayne State University Law School, Detroit, USA, 1965-66; Part-time lecturer at UCT, 1967-75; Professor of Law, University of Hawaii School of Law, Honolulu, 1977-81.

On a practical level Milton also has vast experience: Public Prosecutor, 1955; Practising advocate in the Eastern Cape Division, 1955-64; Practising advocate in the Cape Provincial Division, 1966-77; Partner in a law firm in Honolulu, 1981-82; Practising in the Cape Provincial Division, 1982 up to the present; Acting Judge of the Supreme Court of South Africa in 1984, 1986, 1988 and 1989. He took Silk in April 1974.

In the professional field Milton has also been active for many years: Member and Chairman of the Cape Bar Parliamentary, Pupillage and Library Committees, 1985-88; Member of Cape Bar Council, 1985 up to the present and President thereof during 1985-87; Vice-Chairman of the General Council of the Bar in 1988 and Chairman in 1989.

proposals for change in the structure of the legal profession in the United Kingdom which were published in a White Paper during July 1989 are likely to have significant repercussions in this country. The White Paper includes proposals:

- to widen rights of audience in the higher courts and enabling solicitors to qualify for rights of audience in all courts and to become eligible for appointment as Queen's Counsel;
- allowing suitably qualified solicitors to be appointed as High Court and appellate judges;
- for the removal of statutory restrictions preventing solicitors from forming multi-disciplinary and multi-national practices;
- for the introduction of speculative fee litigation along the lines of the Scottish speculative action with the possibility of a percentage of costs as a bonus;
- for an improved complaints procedure,

including the establishment of a new Legal Services Ombudsman who can recommend compensation and changes to unsatisfactory complaints procedures.

The expected implementation of these proposals in Great Britain will undoubtedly focus attention on the structure of the profession in our own country and stimulate proposals for similar changes here. We should be well prepared to deal with such proposals and to make the case for the Bar's special role and its vital contribution in maintaining high standards in our legal system.

Die regsweese en ons beroep se aandeel daarby is uiters belangrik om die vreedsame oplossing van allerlei probleme in ons samelewing te bewerkstellig. Die gewigtige rol van die reg by die bereiking van daardie doel, word soms onderskat. Die ABR glo vas aan die oppergesag van die reg en die behoud daarvan. Behoorlike eerbied vir die reg en die regspleging onder die breë publiek is daarvan afhanklik. Ons

moet, myns insiens, alles in ons vermoë doen om hierdie beginsels te verstewig.

Dit sal miskien paslik wees om ter afsluiting die doelwitte wat ek vir my ampstermyn gestel het, uiteen te sit:

- om die publiek se begrip van die regsweese en die advokatuur se rol daarby te bevorder;
- om die Balie aan die spits te plaas van hervorming en verbetering van die regspleging, in samewerking met die Prokureursordes;
- om stappe te doen om die advokatuur meer verteenwoordigend van ons bevolking te maak;
- om deur middel van ons lidmaatskap van die International Bar Association die beeld van die Balie na buite uit te bou.

Ek het geen twyfel nie dat, met die nodige ondersteuning van u, my kollegas by die Balie, hierdie doelstellings verwesenlik kan word.

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