

negotiations on behalf of clients, mediation and alternative dispute resolution generally.

Personal Management Skills

by Stephen Maysom

(Renate de Klerk: South African editor)

There is much in this book for the young practitioner (particularly one who did not have the benefit of a planned and focused practical training programme during articles) to learn about establishing orderly and productive working habits.

Legal Research

by Victor Tunkel

(A de W Horak: South African editor)

This is an uncomplicated, basic textbook in which the author runs through the fundamentals of legal research in South African legal sources, with suggestions on how to go about finding the legal principles which apply in any given problem. Practical in its focus (there's not much on finding one's way around the old Roman-Dutch authorities), it includes a section on building up and keeping up to date a personal library, a section on online research and, at the end of most chapters, a series of exercises on research in the sources discussed in the relevant chapter.

Client Care

by James Alexander

(Renate de Klerk: South African editor)

Managing the Law Firm

by Alan Pannett

(Renate de Klerk: South African editor)

Lyn Ploos van Amstel

Advocacy Training Co-ordinator



Legal Drafting: Civil Proceedings

by Peter van Blerk SC

Juta & Co (1998)

xvi & 110pp

Soft cover R98 (VAT incl)

This book should be welcomed on a wide front. It will assist particularly those preparing for the Bar's examination on Legal Writing, a formidable paper because failure to negotiate that

eight-hour practical closes the door to a viva, the last possible exit to a pass. What most students, and doubtless some practitioners, search for is a precedent in pleading which is right on point. Legal drafting calls for personal resourcefulness possibly more than any other subject in the syllabus.

The author gives wise advice on how to go about draftsmanship, emphasising the need for unremitting vigilance of thought and clarity in its exposition. He sets out instructive examples of particulars of claim, plea, replication, application by way of motion, founding, answering and replying affidavits. His lucidity on notices to third parties is a boon to all who wilt at the knotty rule on joinder.

To the tyro the book's handling of practical aspects is especially helpful. It shows how one should deal with paragraphing, referencing and cross-referencing when counterclaims are involved.

Could this book be made better? The more precedents and forms that the author feels he could add, the more welcome, I am sure, the next edition would be. How often have we not gone to the estimable Beck, only to wish for more examples. The present work is admirable enough to make one hope that there will be a further edition, building on its laudable strength of showing a sensitive regard for the needs of budding and young lawyers.

Finally, some notes towards that next edition: a book which so stresses clarity, concision, and accuracy in language, should be exemplary in its own. Can it rest happy with the following? [Emphases in italics are mine.]

The trite: 'The drafting of legal documents is a skill that requires the use of language'.

Faulty syntax: '*Before suggesting a method that can be used to draft court documents there are certain matters which the reader should consider*' (unrelated participle risks implying the reader as subject instead of the author) [p 1].

Broken concord: 'It is important that the pleadings as amended reads sensibly' [p 44].

Tautology: (On the limitations of precedents) 'they tend to restrict the development of skill in drafting style; their use can stifle drafting skills' [p 1].

Homer nodding? 'The essential ingredients must appear in the founding affidavit. If not, a respondent would be entitled to argue on a preliminary basis that the right to relief has been established and obtain a dismissal of the application.' [pp 52-53] Per contra, surely the respondent would be better employed arguing that the right to relief had not been established.

Gordon Hartford

Emeritus professor



Presumption of Innocence

PJ Schwikkard

Juta & Co (1999)

xix & 185 pp

“Until clear principles are laid down for ascertaining when infringements of the presumption of innocence are constitutionally tolerable the normative value of the presumption of innocence, ..., remains uncertain.” This is the authoress' final conclusion at p 174, on the present status of this fundamental principle of our criminal law. On the preceding pages she discusses the history, development, content and application of the principle, especially in light of the relevant provisions of the interim and final Constitution.

The book is well researched with extensive case references, bibliography and to-the-point index. Where argument pertains to contentious constitutional issues, informative comparisons are made to Canadian law.

I found the book to be sensibly narrated and academic in nature, but not a quick solution reference too (such as eg Du Toit's *Commentary*). It provides a sound basis for research purposes as well as to bring one up to date on the present application of this principle by our courts. It would be of benefit to pupils and young practitioners who do not have experience in criminal law and useful to experienced practitioners who wish to update their knowledge of the subject.

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