

A toast to the Bar

I've always been quite keen to play my part,
To drain the cup of Cicero's high art,
And that was why I read only so far,
Before I started service at the Bar.

Now, being young and fancying the game,
With starry eyes I entered upon same.
Tradition's castle opened up her door
And bad me add some new to older lore.

But mark, it seemed that things were not all well,
For all I saw did doom appear to spell –
First came that we were scattered far and wide
When quick we sought from city's hell to hide.

Then came the worst that yet was to befall
(For so say all the oldest of them all)
Our band of brothers (sisters interspersed) –
The pow'rs that be decreed that we were cursed.

Now, being young, I quickly must confess
I am not well acquainted with this mess;
I am not versed with all the reasons why
The pow'rs that be decreed that we should die.

But what I saw, I humbly must express,
With reasons wholly failed me to impress.
I've never known the fact that things were bad
To be a reason further ill to add.

The jails are full, and bursting are the tides,
The prosecutor gets it from all sides;
The inmates disappear, and so do files
While everywhere lie unattended piles.

It seems that funding less and less becomes
And horror lies in working out the sums:
The siege of Justice daily gains more weight
While poverty and war knock at the gate.

Am I then mad 'midst all this to opine
That, give or take, the Bar was doing fine,
That Fortress Justice had, as her last wall
The Bar of old, upon whom she could call?

It seems, now, independence is not good,
That only those with might should say what should,
And if it seems the judges are too free –
Well, shut them up, and tell them what shall be!

Now I am young, as I have said before
And I don't know if there will still be more
Of that fine institution that we know,
Or something else, if that one were to go.

But we will live (or most of us, I'd say)
And some will leave, and some of us will stay,
And on the world will wend, as always, on its way,
And some things will be fun, and other things will pay.

But should it be, for reasons best they know
Before I've played, they close down the whole show,
Then let us raise our glasses with the best
And bid the Bar in gentle peace to rest."

Frank Snyckers
Johannesburg Bar
22 April 2001.

Public losing faith in justice system

A public loss of confidence in the justice system would adversely affect business and investment, and would ultimately threaten democracy and the constitution, president of the Constitutional Court Arthur Chaskalson has told parliament. Addressing parliament's two justice committees, which have been holding hearings on the budget allocation for the department of justice, Chaskalson warned of the dire consequences for the country if respect for the courts and judiciary was allowed to erode and be devalued.

He said it was critical that the conditions be created where skilled people of integrity were attracted to the bench, otherwise respect for the courts would be lost. Central to attracting high calibre individuals was an improvement in salaries and working conditions for judges and magistrates. 'My concern is that if the court system is not efficient; if judicial officers are not competent; if the situation was to develop that

they lacked integrity; the consequences for our country would be incalculable.'

'It will encourage the public to take the law into their own hands, it will lead ultimately to corruption and I think it will undermine our constitution and our democracy,' Chaskalson said.

He read to the committee a letter he had sent to justice minister Penuell Maduna late last year at the request of the Judicial Service Commission which expressed concern over the working conditions of magistrates and judges and expressed the view that this had an adverse impact on the administration of justice.

The commission was concerned that the salaries and working conditions of magistrates and judges were such that leading members of the profession (legal) are reluctant to put their names forward for appointment to the Bench.

'If this persists the quality of jurisprudence in our courts is likely to decline and

the reputation of the courts will be harmed. It is important that the public should have confidence in the courts. Everything possible should be done to ensure that the courts function efficiently and that people of integrity and ability should remain willing to accept appointment as judges.'

'The commission is greatly concerned about conditions in the magistrates' courts where there is inadequate infrastructure, poor facilities and in many instances working conditions which are deplorable. It lowers the morale of magistrates and court officials and reduces the status of the courts in the eyes of the public,' the letter read.

The letter called for an investigation leading to corrective steps. Chaskalson told the committees that the response of the department had been positive. He stressed that there were restructuring initiatives in the department of justice which could lead to an improved report to parliament in a year's time."

Wyndham Hartley in *Business Day*, 28 May 2001.

