

Cycle tour



Natal Bar members who participated in the cycle tour through the Swartberg Pass (see the report in 2003 April Advocate 14). From left to right: Peter Combrinck, John Pammenter SC, Judge P Combrinck, ex-Judge Broome, John Murray (Mooney Ford & Partners), Antonie Troskie and Bruce Bedderson.

Johannesburg

Contributed by Craig Watt-Pringle SC

Farewell to Flemming DJP



Deputy Judge President Fleming at the farewell function of the Johannesburg Bar.

In recognition of many years of dedicated service rendered by Judge HCJ Fleming to the Witwatersrand Local Division, both as judge and deputy judge president, until his retirement last year, the Johannesburg Bar Council held a dinner in his honour. In

keeping with Judge Fleming's wishes, his farewell dinner was a relatively modest affair unaccompanied by fanfare. The dinner was held at the home of Lotter Wepener SC, and attended by a number of judges, members of the Bar, and members of the Johannesburg Bar Council and their partners. Despite Judge Fleming's express 'instructions' to the contrary, there were speeches in his honour, by Fanie Cilliers SC and the current chairman of the Bar Council, Hilton Epstein SC. Despite perhaps being taken by surprise in this regard, Judge Fleming demonstrated his advocacy skills of old, in reply. Judge Fleming was presented with a limited edition leather bound copy of *The Johannesburg Bar : 100 Years in Pursuit of Excellence* and a painting by Pierre de Villiers which now has pride of place in his home. The Johannesburg Bar wishes Judge Fleming many years of good health and happiness in his retirement.

Judicial and acting appointments

The Johannesburg Bar is proud of the most recent judicial appointments, in-

volving former members of this Bar and judges of the Witwatersrand Local Division Bench. Judge Jonathan Heher's permanent appointment to the Supreme Court of Appeal was announced on 10 April 2003 (see page 30 of this issue), following hot on the heels of the permanent appointments to that court of Judges Tom Cloete and Carole Lewis, which were made on 1 January 2003 (see 2003 April Advocate 26). We congratulate them and wish them well in their elevated positions.

The following members of the Johannesburg Bar have acted in the WLD during the first and second terms of this year: Pandya SC, Maleka SC, Slomowitz SC, Pretorius SC, Sutherland SC, Van der Riet SC, Wepener SC, Kuny SC, Beckerling SC, Cassim SC, Trengove SC, Marcus SC, Bashall SC, J P Coetzee SC, Selvan SC, Reyneke SC, Rosenberg SC, Meyer SC, Ruth Kuper SC, Weiner SC, Michael Kuper SC, Beasley SC, Fevrier SC, Bashall SC, Semenya SC, Wessels SC, Z F Joubert SC, E du Toit SC, Foulkes-Jones SC, Subel SC, Hoffman SC, Woodward SC, Horwitz SC, Richard Solomon SC, Rubens SC, Fine SC, Mogagabe, Burman SC, Browde SC and Shakenovskiy SC.

Bar Council and transformation

Immediately following the council elections last year, several members elected to the Bar Council chose to resign en masse, leaving the Bar Council virtually all white, predominantly male and with few juniors. This action was based principally on the objection that, although the constitution of the society ensures black and female representivity on the Bar Council, voting patterns did not reflect adequate support for this form of transformation.

Those who resigned from the Bar Council simultaneously expressed their continued support and willingness to work with the Bar Council, particularly on matters of transformation. A Transformation Committee was established following upon an indaba held on 1 December last year, and that committee continues with its work in close cooperation with the Bar Council under leadership of the convener, Ishmael

Semenya SC. The Bar Council has appointed a full-time secretary, Ms Terry Bald, to assist him for a period of six months.

The Transformation Committee is concentrating on particular issues such as briefing patterns, the library (which now has a presence both in town and in Sandton) and accommodation for new members. An initiative currently in the pipeline is the formation of a pioneer new group which is expected to take up chambers in Sandown Village under leadership of Patric Mtshaulana. In order to redress imbalances in briefing patterns, a pilot project is being formulated involving the introduction of junior members from previously disadvantaged (PDI) groups to attorneys, on the basis that these junior members will have mentors appointed from the ranks of more established counsel. In addition many senior counsel have adopted the Bar Council policy of bringing young juniors into matters at no extra cost to the client, but with the fee being deducted from the silk's fee. This has resulted in young PDI juniors being given work, exposure and the transfer of skills from senior members.

In order to deal with the workload of the Bar Council, several members were co-opted to serve on the council and this year, several of those who resigned last year, have now taken up their seats on the Bar Council.

See also 'Update on transformation' by the Johannesburg chair, Hilton Epstein SC, below.

Advocacy training

In addition to the compulsory pupil workshops conducted by the other Bars in

SA, the Johannesburg Bar has embarked upon conducting continuing practical skills training after pupillage for juniors and once again conducted an advocacy skills workshop for juniors in May 2003. The juniors who attend have found the workshops to be of enormous benefit as appears from articles that have been published in *Advocate*.

Johannesburg Bar cycle challenge

Several members of the Johannesburg Bar attempt to counteract their sedentary working conditions by taking up the sport of cycling. A fair number of them participate in amongst other races, the Argus and 94.7 cycle races. In future, this contingent will enter teams under the name of the Johannesburg Bar and other Bars are invited to do the same. Interested participants are requested to contact Hennie Smith (011 290 4000 – hsmith@counsel.co.za) or Dana du Plessis (011 290 4000 – dana@counsel.co.za) in this regard.

Nedbank Prize

The Nedbank Prize of R30 000 for the pupil who achieved the best results at the Johannesburg Bar in the National Bar Examination was awarded to Ms Dheshni Pillay. The prize was handed over to Dheshni at a function at the Nedbank Head Office on 10 April 2003. In his address Hilton Epstein SC, chair of the Johannesburg Bar, said, inter alia: 'The prize which Nedbank gives serves to alleviate the plight of pupils, a plight which is not well known or appreciated outside Bar circles. Pupils emerge from a five-month pupillage period during which they have earned no money. Moreover, there is no money available immediately after pupillage. Newly admitted members must first be briefed and there are certainly no briefs waiting for them on their first day as admitted members of the Bar. Even after being briefed, the norm is that they will only be paid some three months later.'

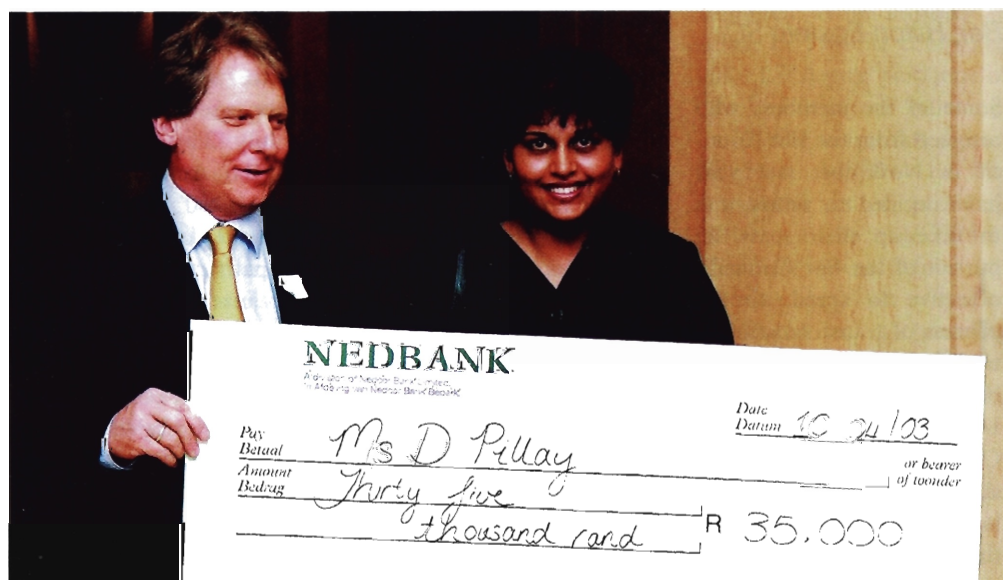
The Johannesburg Bar is a bastion of our society which

espouses justice, fairness and equality. By supporting the Johannesburg Bar, Nedbank's real reward is its contribution to developing our society as we strive to achieve the objects of the Constitution.'

Judge F Blackie

The Johannesburg Bar hosted a tea for former Zimbabwean Judge F Blackie on 9 May 2003. In his address Hilton Epstein SC, chair of the Johannesburg Bar, said that conditions in Zimbabwe were shocking and untenable. 'The policies and laws of the present (Zimbabwean) government, some of which are draconian, have not only caused economic hardship but also violations of human rights.'

Judge Blackie has been charged in Zimbabwe with defeating the ends of justice. We do not comment on the merits of the case against him. That the courts will deal with. We do however speak out on the high-handed manner by which members of the judiciary in Zimbabwe have been treated and whose dignity, and therefore that of



The chair of the Johannesburg Bar, Hilton Epstein SC, handing over the Nedbank Prize to Ms Dheshni Pillay.

the courts, the regime in Zimbabwe has sought to demean.'

Presentation to WLD judges

The chair of the Johannesburg Bar Council, Hilton Epstein SC, presented copies of the Johannesburg Bar's centenary book *The Johannesburg Bar: 100 Years in Pursuit of Excellence* to each of the judges of the Witwatersrand Local Division on 11 March 2003 (see the report and photo in 2003 April *Advocate* 22). In his speech Hilton Epstein referred to the role of the Johannesburg Bar, not only in SA's legal history and in defending the rule of law, but also in the negotiations that led to the adoption of the interim Constitution, and more recently, in protesting the erosion of the rule of law in Zimbabwe and Swaziland.

Update on transformation

Contributed by the chair of the Johannesburg Bar, Hilton Epstein SC

Some of the members who resigned from the Bar Council in November last year have decided to return and to take up their seats. In pursuit of the Bar Council's objective to speed up the process of transformation, a number of initiatives have been implemented.

The Johannesburg Bar Council resolved that newly admitted members would not have to pay subscriptions in their first year as members of the Bar. Those members who are still within their first year will be relieved of their

obligation to pay further subscriptions for the remainder of their respective first year period.

The Johannesburg Bar Council resolved to embark upon an initiative to identify, after discussion with the Transformation Committee, 15-20 black members of less than two years experience who show the ability to establish successful practices. The Bar Council will request groups to integrate these juniors into their groups and to undertake active steps to ensure that the juniors receive proper mentoring and transfer of skills. If necessary, the Bar Council will consider subsidising the groups to give effect to the project, subject to requisite authority.

The Johannesburg Bar Council implemented a Group Pupillage Tutorship Programme which involved the various groups assisting pupils with their examinations. Funding was offered by the Bar Council for this initiative and was granted where sought.


Discussions have been held with David Barnes from the Institute of Clerks in London who indicated an interest in investigating the possibility of introducing aspects of the clerking system at the Johannesburg Bar. The plan is to provide work for members who do not have exposure to attorneys and clients. While this idea is still in its embryonic stage, it is an avenue worth pursuing and will ultimately be dealt with by the Briefing Patterns Sub-committee.

The Johannesburg Bar Council has supported the report of the GCB Pupillage 2003 Committee concerning the implementation of one year's Bar pupillage from January 2004. The Bar Council has, however, resolved

that a programme of funding for pupils should be implemented simultaneously with the commencement of pupillage next year. The nature and basis of funding pupils is being investigated and it is intended that the Bar Council will produce a report by July 2003 in time for the GCB annual general meeting in Cape Town, which will take place at the end of July 2003.

The Johannesburg Bar Council continues to seek ways of effecting transformation. We have made much progress since the end of last year, and what is pleasing is that members of the Bar have devoted more attention to transformation than in the past.

Ben Ford served as an acting judge during the second term.

The high court building has been a hive of activity this term, necessitating the transfer of criminal trials to the magistrates' court buildings in Grahamstown and Port Alfred. Much-needed renovations are finally occurring, while improvements, such as one-way glass access to the child-witness room in one of the criminal courts, are being installed. An exploration of the basement by Judge Eric Leach revealed that the flooring of Civil Court A, which dates from the original court building, is made of yellowwood, and at the time of going to press, efforts were being made to remove the linoleum covering and to bring the court room back to its original glory. 

Grahamstown

Contributed by Izak Smuts SC

Of members and facilities ...

The Grahamstown Bar looks set to increase its numbers beyond the carrying capacity of St George's Chambers. Mark Euijen, who has headed up the local office of the Legal Resources Centre for a number of years, is set to join chambers in July. Two pupils passed the Bar examination, and commenced practice at the beginning of July – Nicola Redpath, whose membership marks the first father and daughter combination at the Grahamstown Bar, and Lauren Conlyn. In addition, enquiries have been received from practising counsel elsewhere as to the availability of chambers, and a further two pupillage applications have been received for the second half year.

June 2003 National Bar Examinations

The following candidates completed pupillage at the various constituent Bars of the GCB and passed the June 2003 National Bar Examinations:

Conlyn L (Ms) (Grahamstown)
Redpath N (Grahamstown)
Ballem N (Cape)
Bhoopchand A (Cape)
Botha TJ (Cape)
Burt KG (Cape)
De Villiers EH (Cape)
Engela RB (Cape)
Kilian WJ (Cape)
Masuku T (Cape)
Moller TJ (Cape)
Nyman RM (Cape)
Steenkamp JP (Cape)
Thompson LF (Cape)
Tsegarie DC (Cape)
WyndhamMellor CD (Cape)
Matiwane JM (Transkei)
Dawood N (Natal)
Lalla N (Natal)
Moodley A (Natal)
Moosa N (Natal)
Mthembu MM (Natal)