


which the forum regarded the contribution that could be made by the GCB's Human Rights Committee was evidenced by its co-option of Laurance Hodes to a subcommittee concerned with addressing Parole Board issues.

The Forum meets on a regular basis and its next meeting is scheduled for 20 July 2006. By that stage we hope to have provided a report back regarding the extent of commitment by the Bar.

Any member who wishes to become involved in these initiatives is welcome to liaise directly with Laurance Hodes (tel (011) 535-1800), who heads our Human Rights Correctional Services Subcommittee. 

Advocacy training, Gray's Inn

Terri-Lee Dix, Johannesburg Bar

On Thursday 11 May 2006, I set off to London to join the Gray's Inn New Practitioners' Advocacy and Ethics Weekend. My heads of argument ('skeleton heads') had been emailed to my opponents earlier in the week, my bags were packed and I was all set. I had some difficulty leaving Johannesburg, however, as an airport 'official' decided that as my son had never travelled to the UK before and had a South African passport, this was very very suspicious. Once I explained that at four months old he was highly unlikely to be looking to compete in the job market, we were off. My son stayed with my sisters in London and I joined the other practitioners and trainers on a coach off to Highgate House, a majestic old home converted into a hotel, in Northampton, a few hours out of London. The traffic on the journey to the hotel was a reminder that London is not a place people choose to stay in over weekends.

Six groups attended the course – three civil and three criminal. There were six practitioners in each group, two trainers and, of course, a judge. In addition, each group had a solicitor who joined in all discussions. I was surprised to realise that there was only one other practising barrister in my group, a practitioner who had travelled from Newcastle. Our group included an Oxford professor – a gentleman who had been with the Home Office for twenty-odd years and was now looking for pupillage – and a stranger to our profession in South Africa, a solicitor-barrister.

The reason for this motley assortment soon became apparent. During the Friday dinner (held in sumptuous dining rooms with stuffed heads on the wall lest you should enjoy your steak), I was accosted by a rather inebriated new practitioner who asked me if it was true that I was not required to do the course 'for points' and that I had volunteered to submit myself to this torture. I had to confess that yes, training for admitted barristers in South Africa was voluntary. I was reminded many times over the weekend that English practitioners are required to obtain a certain number of points in order to keep their practising certificates. Various courses are held for both new and established practitioners. Practitioners can choose what to attend. The practitioners pay for the weekend but, at £150, it must be heavily subsidised.


The course began with a short and interesting talk from a solicitor about what it is that solicitors want from counsel. The course itself involved three different aspects. The first was an interlocutory application for the enforcement of a restrictive covenant. Thereafter one had to assume that the state of the lists was such that a trial could be held in the same matter. The second aspect was a three-Bench appeal against a costs order made *de bonis propriis* against counsel. Thirdly, throughout the weekend, there were several involved discussions on ethical problems.

The restraint of trade trial was interesting and foreign to me, as written witness statements were relied on which were made available to the other side. It seems that in practice, witness statements are often not led in court as statements are handed in and the cross-examination begins.

The course was very detailed and very intense. The involvement of solicitors was an interesting aspect. Although I found the opening talk useful, I think that practitioners may find it

intimidating to have the people that they are trying to get work from sitting in the groups with them and critically assessing them, while they are learning from their mistakes. The written heads of argument which had to be submitted beforehand were an extremely useful tool as not only did it ensure that you had addressed the work long before you arrived at the course, but discussions were held with the trainers on the content and style of the heads.

I fully support the idea of on-going compulsory training for practitioners. It seems to me that we can all benefit from a good dose of training at regular intervals in our career as advocates. On one level, continuing training will expose and attempt to remedy any bad habits that may have crept in to one's style of advocacy. There is, however, a more crucial benefit, that of transfer of skills. The advocacy training programme that we have in place offers excellent training on two levels. There is a programme of compulsory basic training for pupils. Advanced training is available to advocates who are already in practice. This included workshops devoted to leading and cross-examining expert witnesses such as medical practitioners and accountants. These workshops are often poorly attended and also attended by the same practitioners time and again. They are likely to remain so unless attendance is made compulsory.

The most fundamental goal of transformation of the Bar must be to create a Bar where every practitioner has an equal opportunity to work. The key to this, in my view, is to ensure that everyone at the Bar is properly skilled to take on the work that is available. Compulsory continuing training will ensure that we are able to acquire new skills and competencies appropriate to our needs at various stages of our careers. 

Appointment to Appellate Body of WTO

David Unterhalter SC of the Johannesburg Bar has just been appointed to the Appellate Body of the World Trade Organisation (WTO). The Appellate Body consists of seven members, selected after a strict process in which nominees from member states of the WTO compete for the positions. David's appointment is to fill the vacancy left by the passing away of a sitting member. He won the appointment above eight other nominees. The Appellate Body is the appellate level of the

WTO's adjudicative branch and sits in panels of three members that hear oral argument after submission of written argument. The appeals lie from WTO panels that sit as tribunals of first instance, hearing disputes between WTO member states.

The seat of the Appellate Body is in Geneva. The appointment will entail that David will be in Geneva often; the challenge to him is to marry that commitment with his already extraordinarily busy competition law practice locally.

David holds degrees from Trinity College Cambridge, University of the Witwatersrand and University College Oxford. He joined the Bar in 1990 and took silk in 2001. He was a lecturer at the University College Oxford and is a Professor of Law at the University of the Witwatersrand.

David's appointment is a great honour not only to him and the country but also to the Bar. Our heartiest congratulations extend to him. 