T
he Executive Meeting of the General Council of the Bar (GCB) was held in Johannesburg on 21 January 1995. A number of important developments were dealt with of which the most notable were the development of policy towards the system of judicial appointments, the initiation of a system of comprehensive advocacy training, and preparations for the third National Bar Conference to be held on 6–8 October 1995 at Sun City.

Judicial Service Commission

The methods adopted by the Judicial Service Commission are of great significance in establishing a credible process of selection for judicial office. The GCB, having at its July 1994 Annual General Meeting, already decided that the appropriate role of the GCB was to serve as a resource for the process by way of gathering relevant information about candidates for judicial office for the use of the Commission, further developed that policy. The data hitherto gathered has been provided only to the GCB delegates on the Judicial Service Commission but in future will be made available to all members of the Commission. There was also consensus that individual Bars, who will be keenly monitoring appointments within their own jurisdiction, will adopt a policy of supporting the best possible candidate for the job and will not be constrained by parochial instincts. Some reservations were expressed concerning the interviewing procedure which it was felt, tended to discourage suitable candidates from making themselves available for consideration. It was recognised that some form of interview was appropriate to the selection process, but there was a sense of unease that the current procedure was superficial and was unlikely to serve as a source of insight into the character and skills of the candidate being interviewed. All these matters will be taken up in discussions with the Chief Justice, who is Chairman of the Judicial Service Commission.

Pupillage system

The pupillage system is now 21 years of age. The system has been constantly a subject of debate throughout that period and has never been free from criticism. Wallis SC, the Chairman of the GCB, who had attended the Conference of the International Bar Association in Australia returned with a number of important and useful insights into the training which is offered by the Australian Bar to its members. Pursuant to a proposal made by Wallis SC, the GCB has resolved to appoint a committee consisting of Wallis SC, Gauntlett SC and Findlay SC to prepare for consideration at the July 1995 Annual General Meeting of the GCB to be held in Cape Town, a plan for the introduction of systematic advocacy training for both pupils and members of the South African Bar. What Wallis reported to the meeting is of some significance. (See the relevant parts of the “Chairman’s Report on the IBA Conference” elsewhere in this issue. – Editor)

The development of such advocacy training is of enormous importance, not only to the Bar but to the whole of the legal profession, and will require the support of many members throughout the Bar. It is hoped that such support will be enthusiastically forthcoming.

National Bar Conference

Following on the successful Bar Conferences held in Cape Town and in Durban in previous years, it had been decided that a National Conference be held in April 1994. Owing to the preparations for the first democratic election in South Africa during that month, the plans for the holding of such a conference were deferred until 1995. The responsibility for arranging the conference has been assigned jointly to the Pretoria and Johannesburg Bars. The venue chosen, Sun City, offers a wide range of accommodation to suit everyone’s taste, together with opportunities for recreation outside of the formal conference agenda. It was decided that the theme of the Conference would be a blend of Contemporary Constitutional Law and Legal Education. Efforts are being pursued to obtain the attendance of distinguished speakers from the international community in order to address members of the Bar on topics of current importance in these two fields. A National Conference is one of the few opportunities when it is possible to gather together large numbers of members of the Bar from all around the country and for that reason is a rare chance for colleagues to share their views and their visions of the Bar and how it can best serve the South African society.

“Associate” status of certain Bars

As a result of the reintegration of the former Homelands into South Africa, the “associate” status of the Bars of Transkei, Ciskei and of Bophuthatswana (now the North-West Bar Association) in relation to the GCB, has come up for review. Mouton SC of the Eastern Cape Bar has undertaken an inquiry into appropriate amendments to the Constitution of the GCB if that should prove necessary, in order to afford the appropriate recognition to all Bars in the country. It is envisaged that by the time
of the July 1995 Annual General Meeting this question will be resolved.

A number of members who had served the General Council of the Bar with distinction in past years were elected to the Bench. Marais J, who had for many years been a member of the National Examinations Board was appointed to the Appellate Division. Labe SC, who was convenor of the National Examinations Board, has been appointed a judge of the Transvaal Provincial Division. Claassen SC who had served the GCB in the capacity of Honorary Secretary for a number of years was also elevated to the Transvaal Bench. Appreciation for their efforts on behalf of the GCB was expressed by the Chairman. Findlay SC was appointed as convenor of the National Examinations Board in the place of Labe SC, and Sutherland was elected as Honorary Secretary to succeed Claassen SC.

Liberty and the independent Bar

I will for ever, at all hazards, assert the dignity, independence and integrity of the English Bar, without which impartial justice, the most valuable part of the English Constitution, can have no existence. From the moment that any advocate can be permitted to say that he will or will not stand between the Crown and the subject in the Court in which he daily sits to practise, from that moment the liberties of England are at an end. If the advocate refuses to defend from what he may think of the charge or of the defence, he assumes the character of the Judge; nay, he assumes it before the hour of judgment ...

Thomas Erskine (1750-1823)