

The Johannesburg Bar at His Majesty's Building and Innes Chambers: The middle years

RL Selvan SC, Johannesburg Bar

In 1961 when I became a member of the Johannesburg Society of Advocates, five floors in His Majesty's Building in Commissioner Street were taken up by groups of advocates, the library and the common room. There was no basement parking in the building. Instead there was His Majesty's Cellar, an up-market restaurant. Opposite His Majesty's Building was the Carlton Hotel in which I W Schlesinger had a suite of rooms. His companies owned the Carlton as well as His Majesty's Building.

Most advocates came to the city by public transport. The lifts were operated by lift attendants all of whom were white males. There was an occasion when the Bar Council was concerned because of reports of churlish behaviour by the operators towards black lift passengers.

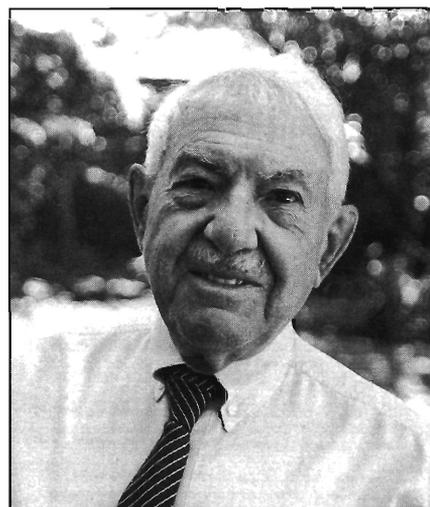
There were no reception rooms on the floors in His Majesty's and anyone could stroll down one of the long corridors and knock at the door of an advocate. While attorneys who did that were not unwelcome this was not necessarily so when an advocate engaged in drawing a difficult pleading was importuned by a collector for some or other charity.

The Bar had moved into His Majesty's Building in 1941. In the 1950's accommodation became a problem. By 1960 the accommodation problem had become acute. This was largely because few silks were being appointed to the Bench. There was also a complaint about the longevity of some of the advocates by younger men in need of chambers.

On the fourth floor of the building there was housed a number of advocates who had not been able to join a group. These included such out of the ordinary men as John Vorster who was to become in turn Deputy Minister of Justice, Minister of Justice, Prime Minister, and State President, and Korsen, an

eccentric conformist who had so little regard for financial obligations that at the suit of the landlords a warrant of execution was issued against his property followed by a sale in execution. In addition to Korsen's property, law reports belonging to John Vorster were also sold at the sale in execution.

There were five women at the Bar when I joined it. One of them was Bertha Solomon who is entitled to credit for some of the laws that redressed the disabilities to which women had traditionally been subject in a masculine society. Bertha Solomon had an arrangement with Group 720 that if someone could be found to share her room and pay group fees she would be free of that obligation except when parliament was in recess, when she would share the room and the costs with the then incumbent. By this means a number of advocates became members of Group 720 and I was probably the last who obtained membership in that way. Bertha Solomon's room was probably the smallest in His Majesty's Building and the rental was £6 per month. In contrast to her own always elegant appearance her room was drab and the furniture shabby. There was a rug probably acquired second-hand at an auction some 40 years before and a table of similar age. On the bookshelf there was a copy of Jones and Buckle *The Civil Practice of the Magistrates' Courts* (1917), some volumes of an old edition of Maasdorp and one or two other textbooks of similar antiquity. However, there was a complete series of Hansard, which Bertha, as an MP, would have obtained free. Probably the only reason that she kept the room was so that she would retain her status as an advocate and would have an address of similar import. When in occupation of the room she would dictate personal correspondence.



Ronny Selvan SC joined the Johannesburg Bar in 1960 after practising for some years as an attorney. He took silk in 1979.

Learning by experience

In those days the entry of a newly admitted advocate to the profession was not eased by pupillage and training for the Bar examination. One learned by experience, sometimes bitter, and by conversations with one's contemporaries and variable help from one's seniors. A new member had to introduce himself or herself to all the other members of the society, a formidable task even then when the Johannesburg Bar consisted of about 140 advocates. The insistence by Bar tradition on one becoming known to one's colleagues was valuable for the Bar itself in that it inculcated a feeling of belonging and for the newly arrived advocate who in addition to being the recipient of much hackneyed advice was able to make the acquaintance of seasoned advocates. Some of those were such giants in the profession that it was awkward for the newly arrived advocate to address them by their surnames in accordance with Bar tradition. Some silks had extensive libraries (in particular Arthur Suzman QC). Most advocates in addition to the few standard textbooks then written had the law reports of the Transvaal Provincial Division and the Witwatersrand Local Division. Some in addition had the AD reports. For me and other newcomers to the Bar the library was a marvellous resource.

Our librarian then was Miss Furze, who in addition to running the library, attended to the administration of the

Bar in her spare time. She continued to perform those tasks after the Bar moved to Innes Chambers.

In addition to text books in those days there was in the Bar Library all the South African Law Reports and journals and many of the old authorities. We did not have the wealth of foreign material subsequently acquired nor the services of a professional librarian.

Nevertheless, without the library I would not have been able to conduct my practice and I spent hours there, as also did Ismail Mahomed with whom sometimes I engaged in conversations ranging from current affairs to anecdotes and complaints about judges. Ismail Mahomed, later to become Chief Justice, then suffered with extraordinary patience the indignity of being deprived of the legal right to occupy chambers because of the Group Areas Act, albeit his colleagues did their best to remedy the deficiency

Personalities

The members of Group 720 were diverse in their personalities, political convictions and backgrounds. One of the silks was George Munnik SClater to become chief justice of the Transkei and judge president of the Cape Provincial Division; also, Lewis Pinshaw, an eloquent — perhaps over-eloquent — advocate, fluent in both official languages who had a large junior practice, but as a silk was not fully engaged. It was unkindly said of him that while he could argue persuasively (and at length) he did not know whether the propositions he was putting forward were good or bad. Among the juniors there was Leslie Lawrence, always enthusiastic on behalf of his clients, Dennis Levy, solid and reliable but lacking Leslie's volatility. There was William Kantor, of good presence, a sound lawyer who never obtained his deserts at the Bar, largely I think because of his pernicketiness and his tendency on this account to discourage attorneys from briefing him.

Another advocate, who kept very much to himself had written a text book. When I, confident of the assistance of a colleague, asked his advice about a problem to do with his speciality, he responded by advising me to buy his

book. The same advocate when he was my opponent in an appeal from the decision of a magistrate produced to the judges heads of argument, but did not give me a copy. On my protesting he explained that when typing them the night before he had only two sheets of carbon paper. This went one better than Arthur Suzman QC who would hand up to the judge and to his opponent his heads of argument one page at a time. There was also Benny Merber, a pleasant and experienced advocate who, after he was awarded silk, had no practice and left the Bar for the attorneys' profession. There was Quinlan who was junior counsel for the state in the trial of Daisy de Melker. By the time I arrived at the Bar he had practically no work and was hardly ever in chambers. Another member of Group 720 when I came to the Bar was Louis Oscar Miller, no longer quite the formidable advocate he had been but still a man of singular idiosyncrasies. He specialised in defences in provisional sentence actions and when against him counsel for the plaintiff had to be careful of pitfalls. He kept a list of those to whom he would give advance notice of his points and those to whom he would not. He never took silk. His personal life was disreputable. In retrospect he was an anarchist. Yet if asked for assistance by a colleague he would spend hours looking up cases on the point.

Two stories illustrate his personality: the one was when appearing before Ludorf J in the motion court, he asked the judge to allow his matter to stand down so that his senior would be available to argue a question of costs. Upon the judge, who had been a member of Group 720, remarking that with his wealth of experience Miller was surely capable of arguing the matter himself, he replied, 'My Lord, flattery vil get your Lordship novere.' The other occasion was when, speaking for himself and Miller who was his junior, Shacksnovis QC informed an attorney and his client that for ethical reasons they declined to act further in the matter, adding in reply to the attorney's enquiry that they would make no charge for the consultation. When they had left his chambers, Shacksnovis invited Miller's concurrence with his actions, whereupon Miller, looking out of the window

is reported to have said, 'You know vat I am thinking? Vat I am thinking is 2/3ds of notting is notting.'

Louis Miller was an avid collector of stamps and other objects. He would walk into my room and if anything there attracted his eye he would ask what I wanted for it. He collected a set of law reports by buying odd lots and single volumes.

Most of those who were my contemporaries are still alive so that I will not write about them. We became friends and by and large they are still my friends. One of my colleagues who died at an early age was Frank Ninow who was sorely missed.

In those days there was no discrimination among members of Group 720 insofar as concerns their contributions by way of group fees. I was levied in the same way as the most senior silk. Many years later at Innes Chambers after a palace revolution against the group management we changed the system so that the most junior members of the group paid less and the seniors more. However, group fees were moderate at the beginning, in my case less than £15 (R30) per month. The total fees for a divorce (including the declaration, appearance on a restitution order and on the return day) amounted to £16,50 the equivalent of R33. So, if one was briefed in two restitution orders and two return days on a Tuesday, one more or less covered one's rent and group fees.

The common room

Since the year 1950 until recently, second only to the library, the most important institution of the Johannesburg Bar was the common room, where not only were teas with accompaniments such as crumpets, scones, and sandwiches served free, but lunches also were supplied to members at reasonable prices and of a standard which varied between the mediocre and the very good.

The formation of a common room where lunch would be served was discussed at the annual general meeting of the Bar held on 8 December 1950 when a Common Room Committee was constituted consisting of Weinstock, Vieyra QC, Grundlingh, Schaeffer and IC Steyn. The minutes record that

Hanson QC suggested that the proposed luncheon club be opened to friends and wives of members. After discussion this proposal was put to the vote. It was defeated by 60 votes to two. From that day forward, apart from distinguished visitors (including judges who were always welcome), only members of the Bar were allowed or advocates from foreign parts. In the early years members at tea or at lunch would be summoned to the telephone by an attendant who shouted out their names. There had to be a limit to the isolation of members from the public, in particular attorneys.

The common room was a valuable institution because it was a place where one could indulge in conversation on all kinds of topics including the latest gossip and stories from the courts, only 'shop talk' being proscribed. There was a degree of formality. Except for a short period when during the chairmanship of the Bar by GA Coetzee QC, he obtained the sanction of the Bar Council for safari suits being worn, jacket and tie has been the rule. One sat at any table one wished and while a degree of circumspection was required if one wished to avoid someone whose stories one had heard often before, there was nothing to dissuade the most junior member sitting at a table in the company of the leaders of the Bar and, by and large, this happened. The standard of conversation was often of a high order. Anton Mostert SC with justification remarked that the common room was the best club in the country.

According to the minutes of a meeting of the Bar Council held on 20 November 1953 the finances of the common room had fallen into disarray and something had to be done about it. This was largely due to the inefficiency of outside secretaries employed by the Bar. It was ascertained that it had existing liabilities of the order of £281. However, M Lewis reported to the council that in his opinion if the common room could be run efficiently it should make a profit of approximately £50 per month. Weinstein was appointed manager of the common room with Lewis as his deputy. It was agreed that the bank overdraft should be increased to £750. These measures worked.

At Innes Chambers the common room was enlarged, new furniture ac-

quired and a modern kitchen installed. Later on the serving of afternoon teas was discontinued but morning teas with accompaniments were always well attended. The food provided at lunch was of good restaurant standard but at most less than restaurant prices.

From about the middle of the 1990's, albeit the membership of the Bar had increased exponentially, attendance at lunch of members began to fall off and this was of course accelerated when Sandton chambers were opened. Eventually, and with regret, the Bar Council reached a decision that the common room would have to close. One of the reasons was that it was operating at a loss. In the financial year ending 31 August 2001 the loss including a subsidy was nearly R1 million.

Traditionally a lunch attended by judges was held in December. The last one which was provided by outside caterers, took place in December 2001. These luncheons were memorable occasions, lasting to about 3.30 pm, with some die-hards staying until 7.00 pm or later. It seems unlikely that this tradition will continue, in the light of the move of so many members to chambers in the north of the city, far from judges' chambers.

The move to Innes Chambers

The move of the Johannesburg Bar to Innes Chambers took place in 1961. It had been agreed that the architects in designing the accommodation for advocates would act in consultation with representatives of the Bar. As could have been predicted things did not go altogether smoothly. At one stage it was mooted that the Bar should not move. A firm of movers was engaged by the Bar to attend the removal, which, if memory serves me, was effected over one weekend with such efficiency that books were replaced on the shelves at Innes in the same order as they had been in the Chambers at His Majesty's. This was not a formidable task in my case, since I owned perhaps 15 volumes.

At Innes Chambers parking was provided in the basement, albeit at a cost. When all the parking places were used up there was a waiting list. I recall a colleague on the waiting list expressing a

doubt as to whether he would be allocated a parking place before his death, retirement or appointment to the Bench.

Writing in 1965 Leslie Blackwell said, 'On a recent visit to Johannesburg I was somewhat overwhelmed at the Bar's new quarters in Innes Chambers, opposite to the Supreme Court on Von Brandis square. I cannot say that this great new building has a very pleasing elevation, but internally it is magnificent ... Rents, naturally, in this elaborate new building are high, and group charges and subscriptions not inconsiderable, so that it is difficult for a young advocate commencing practice to keep Chambers under a minimum of, say, £30 per month. Seniors and established juniors will, of course, pay more.'

When the Bar first moved into Innes Chambers in the year 1961, although Chambers were much larger than in his Majesty's Building, furnishings and individual libraries were much the same. With the passing of time, wall to wall carpets, conference tables and other such accoutrements became the order of the day as well as extensive libraries. This was due not only to the increasing prosperity of the Bar. High rates of income tax, at one stage approaching 78 cents in the Rand (including a loan levy of six cents) encouraged advocates to incur expenditures that were deductible from their gross income.

These comforts are today taken for granted and one reads Blackwell's comments with a measure of disbelief. Working conditions must have been Dickensian at Sauer's and Corporation Buildings, where the Bar had earlier been located.

The great advantage of the Bar moving to Innes Chambers was that it was opposite the Supreme Court. The disadvantage to some that it was more distant from the Rand Club seemed no longer to matter at a time when one or two notable exceptions counsel and judges would no longer have a drink or two or wine at lunch time. At His Majesty's there were still some members of the Bar who would take off an afternoon to go to the races or to play golf. As time went on this happened less and less often. This was doubtless due to the increase in the work of the Bar and the increase in its membership.

A growing Bar

In the 70's and 80's, the numbers of Johannesburg advocates increased as did the prosperity of the Bar. By 1979 the number of Johannesburg advocates was about 250 and although another two floors in Innes Chambers had been taken over by the Bar, the accommodation was insufficient. Chambers were acquired in National Board House on the opposite corner from Innes Chambers in Pritchard Street, subsequently to be renamed Schreiner Chambers.

It became necessary for a permanent secretariat to be formed to manage the affairs of the Bar. The library was also expanded so that by the year 2000 in addition to the South African material it included most of the English, Irish, Scottish, Australian, New Zealand and Canadian law reports as well as the English specialist reports. In about 1981 a professional legal librarian in the

person of the late Mrs Jaspan was appointed librarian. In 1983 she was succeeded by Mrs Davis also a qualified legal librarian. Such excellence as the Johannesburg Bar aspires to is largely due to Mrs Davis and her assistants.

In the year 1996 the society entered into a lease of Arbitration House and the exodus of advocates to the north began. Looking back the movement of Johannesburg advocates to Sandton must be seen as having been inevitable, given the relocation of big business, the Stock Exchange and large attorneys' firms to the North. What difference this will make to the ethos of the Bar remains to be seen.

Nevertheless, a number of us — about 90 — still remain in Innes Chambers and lately we have negotiated leases with the landlord at market related rentals. Three floors of Innes Chambers are presently occupied, one by the Bridge Group of which I am a member. As its name

betokens our group has members both in the city and at Sandton.

Most of the advocates at Innes are juniors recently arrived at the Bar but there are several silks of the same mind as Stallard KC, who thought that one move in a lifetime at the Bar was excessive.

As for the library — it had to be divided between the city and the Sandton node, so that for those of us remaining in the city much of the foreign material is no longer as easily accessible as it used to be. Come to think of it, it is pretty much as it used to be at His Majesty's Building, augmented however by 40 years of law reports and journals.

A common room? One will presently be established on the fifth floor of Innes where light refreshments will be available. Soon, I expect we shall have a meeting at which it will be proposed that lunch be served there as well.



Letter to the editor

An offer to newly-qualified advocates: Ditch the bursary and get your name in print!

Mark Stranex, Durban Bar

There is a lot to be said for the new bursary scheme being introduced to encourage young black advocates to stay at the Bar. But I think that both Bar Councils and young black advocates are clever enough to know that throwing money at a problem does not always successfully solve the problem. It is a good solution to an overdraft problem, but is it a solution to the dearth of young black advocates at the Bar?

We need to be sure that a bursary does not simply defer an ultimate exit from a Bar which has become a little bit poorer and contributed nothing but the kudos of a bursary award to an advocate snapped up by the demands of commer-

cial employers. To stay at the Bar, what an advocate needs is a brief, not a bursary.

What factors decide whether this or that advocate receives a brief requiring their services to commerce is probably indeterminable. I doubt whether the award of a bursary helps one iota. What probably helps more is being able to give an instructing attorney convincing evidence that he or she can take you seriously. The instructing attorney is more likely to do so if he or she knows that the advocate regularly scrutinises the law reports in order to keep up to date with the latest law.

I began the publication *Current Commercial Cases* in my first year as an advocate, in days when bursaries for advocates were more or less unheard of, and when being white didn't help one iota in getting a brief. (If anyone wants proof of that, I'd be willing to exhibit my fees for my first year at the Bar.) I am willing to incorporate for publication in this commercial law series which I continue to write and edit, *Current*

Commercial Cases, any coherent summary produced in the style of this publication and forwarded to me by any advocate who is a member of one of the constituent Bars of the GCB. The advocate will have his or her name prominently displayed alongside the summary so forwarded, together with his location in the country. There will also be a small royalty payment. By publishing such summaries, the advocate ought to expect some recognition of his worth as a lawyer, ie that he or she can be taken seriously. As this publication is widely read by attorneys, hopefully, in due course, the advocate can also expect a brief.

Briefs aside, for the writer the purpose of publishing the law is more important: it is to ensure, for your own sake, that you know the law, that when it comes to the crunch of having to address a live legal problem you can articulate a useful and sensible response. So that people can take you seriously. They will not necessarily do that if you tell them you were awarded a bursary.

