

# Notes on the Executive Committee Meeting of the General Council of the Bar of South Africa

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**T**he General Council of the Bar of South Africa held its Executive Committee meeting on the 27 January 1990 at Johannesburg. All the constituent and associate Bars were represented. The Chairman, Milton Seligson SC of Cape Town, congratulated Brian O'Linn SC and Ben du Plessis SC upon their elevation to the Bench.

## 'Hit Squads'

The meeting covered a wide range of topics of public interest as well as matters of concern to the Bar in general. Of particular public interest was the discussion regarding the so-called 'Hit Squads'. A resolution was taken that the State President and the Minister of Justice should be requested to appoint a Judicial Commission of Inquiry regarding their activities. The State President's announcement to appoint such a Judicial Commission of Inquiry soon after was therefore a welcome event in the proper administration of justice.

## Competition Board

At the meeting the Chairman reported that Mr Stef Naudé of the Competition Board intimated that a fresh look will be taken at the rules of practice of advocates. It was resolved that this matter was to be taken up with Mr Naudé on behalf of the GCB.

## Opdragte aan Staatsadvokate

'n Nuwe item op die sakelys het verband gehou met beweerde opdragte aan staatsprokureurs om in siviele

aangeleenthede lede van die prokureur-generaal se kantoor opdrag te gee. Die vergadering het sy teenkanting uitgespreek teen enige sodanige beweerde opdragte as synde nie in die belang van die publiek nie.

## Potchefstroom

Die aansoek van die Potchefstroomse Balie om verwante lidmaatskap is nie toegestaan nie. Die gevoel van die vergadering was dat daar eerder gesoek moet word na verwantskap tussen die Potchefstroomse Balie en die Pretoriase Balie.

## Industrial Courts

A discussion ensued regarding the functioning of the Industrial Courts and concern was expressed as to the present state of affairs in particular to the fees payable to assessors sitting in Industrial Court matters.

## Alternative dispute resolution

The question of alternative dispute resolution was also discussed. A report on such procedures in the United States of America was tabled for discussion and it was then decided to discuss this matter with the Minister of Justice stressing the point that the inquisitorial system should not be utilized in courts other than the Small Claims Court.

## Court delays

The question of delays in civil and criminal trials was also addressed. A

question was raised whether a rule should not be formulated regarding the advocate's ethical duty when a client requests a postponement purely for purposes of causing a delay in the trial. The Parliamentary Subcommittee of the Cape Bar was asked to look into this matter.

## Conferences

Finally, future conferences were discussed, in particular the second Bar Conference scheduled for April 1991 in Durban. Keith McCall SC reported that the arrangements were well in hand and requested the Bars to submit provisional numbers of delegates who would be attending the Conference. The Chairman, Milton Seligson SC, also mentioned the future IBA meeting to be held in Kenya and requested individual Bars to let him know the names of any possible speakers at this Conference, in particular the names of black members who might wish to act as speakers.

## Host

The Johannesburg Bar hosted the delegates to the Executive Committee meeting and laid on a sumptuous spread in the Common Room on the First floor of Innes Chambers.

## Next meeting

The next AGM of the General Council of the Bar of South Africa will be held in July 1990 and the next Executive Committee meeting in January 1991. ■