Die 47ste jaarlikse Algemene Jaarvergadering van die Algemene Balieraad van Suid-Afrika is op 24 Julie 1992 by die Balalaika Hotel in Johannesburg gehou. Dit was die eerste keer in jare dat die vergadering binne een dag afgehandel is. Voorwaar 'n rekord, en alle eer hiervoor moet gaan aan Milton Seligson SC wat in sy swane-debuut as voorsitter die vergadering weer eens op kenmerkende wyse met 'n streng hand beheer het. Daar was altesaam 26 verteenwoordigers van die verskillende Balies teenwoordig.

Baliekonferensie

Daar is voorlopig besluit dat Sun City gebruik sal word as die vergaderplek vir die derde Baliekonferensie wat gedurende 1994 gehou sal word. 'n Gesamentlike subkomitee van die Pretorise en Johannesburgse Balies is besig om te werk aan die voorbereiding vir hierdie konferensie. Weens die publisiteit wat onlangs in die pers verskyn het aangaande advokate se fooie, is daar ook besluit om die uitslag van alle appelle oor advokaatsfooie wat na die Balieraad verwys is, aan lede van Balies te versprei.

Commission of enquiry

The relationship between the Association of Law Societies and the General Council of the Bar came up again for discussion. The meeting once again resolved to adhere to its original position of calling for a commission of enquiry into the legal profession at large. The appointment of black practitioners to the Bench was also discussed but no firm resolution was taken and the Chairman suggested that each Bar act as it thinks best in this regard.

IBA venue

South Africa is going to be proposed at the next Bi-Annual General Meeting of the International Bar Association as the venue for its meeting scheduled for the year 2000. For this purpose a portfolio is being prepared of what Cape Town can offer with regard to conference facilities for presentation to the IBA meeting in Cannes during September 1992.

National Bar Examinations

With regard to the National Bar Examinations, a resolution was taken requesting Van Dijkhorst, Marais and Boosyen JJ to conduct a comprehensive investigation into the Bar Examinations and Pupillage System with a view to attempting a move away from emphasis on written examinations to a system which examines the skills of advocacy in subjects such as legal writing and the conduct of cases in court.

Contingency fees

The professional committee has finally proposed an amendment to Rule 7.3.3 of the Rules with regard to taking briefs on a contingency basis. The Rule now reads as follows:

7.3.3 In appropriate cases but only with the permission of the Bar Council first obtained in each particular case, counsel may accept a brief to act in any matter on a basis that he will charge fees only if his client is successful provided that:

7.3.3.1 each application is fully motivated by the member concerned, including an explanation why the litigant does not qualify for legal aid, or cannot proceed in the Small Claims Court;

7.3.3.2 the granting or refusal of permission is solely within the discretion of the Bar Council;

7.3.3.3 if the Bar Council so requires the member concerned shall at the conclusion of the litigation, report fully to the Bar Council about the result and also, if applicable, about the extent of his fee.

7.3.4 Counsel who has been given permission to act in any matter referred to in 7.3.3 shall:

7.3.4.1 mark fees on his brief whenever he renders any service in such matter, in accordance with the provisions of Rule 7.2.1 and thereafter the provisions of Rule 7.2.2, 7.2.3 and 7.2.4 shall apply;

7.3.4.2 charge only his 'usual fees' for any service rendered by him on such brief and it shall constitute improper conduct for counsel to increase his fees or charge any special additional fee by virtue of the fact that fees are being charged on the basis that they will only be recoverable in the event of the claim being successful.

Nuwe Voorsitter

Brian Southwood SC van Pretoria is eenparig voorgestel en verkies as die nuwe Voorsitter van die Algemene Balieraad en Wim Trengove SC van Johannesburg as Visevoorsitter. Neels Claassen SC van Johannesburg is weer eens as die Eresekretaris verkies.

Afsluiting

Die vergadering is die aand afgesluit met 'n jolige dans en formele ete in die Balalaika Hotel. Ons dank aan die Reelingskomitee van die Johannesburgse Balie vir die uitmuntende reelings wat betref huisvesting vir al die afgevaardigdes asook die ete en dans. Schalk Burger en sy manne verdien lof.
Delegates: Annual General Meeting of the General Council of the Bar of South Africa