

The delegates who attended the Bar conference in September 1946



Back row: Senator FB Adler (Johannesburg), VA von Gerard (Natal), BA Ettliger KC (Johannesburg), Q de Wet KC (Pretoria), PMB Wiese (Griqualand), NJ Grobler (Free State), TE Dönges KC (Cape), DB Molteno (Cape) and A Suzman (Hon General Secretary).

Front row: CP Brink KC (Free State), A Davis KC (Pretoria), HG Lawrence KC (Minister of Justice), FAW Lucas KC (Chairman, Johannesburg), DM Buchanan KC (Cape), FG Reynolds KC (Eastern Districts) and FR Shaw KC (Natal).

General Council of the Bar: 50th anniversary

BELATEDLY (for it went by largely unnoticed) the General Council of the Bar must be congratulated on its 50th anniversary on 21 September 1996.

It all started on 17 and 18 January 1910 when, on the invitation of the then Transvaal Bar, a conference of delegates of all the Bars in South Africa and the then Southern Rhodesia was held in Pretoria. A "Society of Advocates of South Africa" was established. However, the Bars of the Cape, Natal and Griqualand West decided not to become members of that body.

Thirty six years later at a conference of all the Bars in South Africa held in Johannesburg on 21 September 1946 it was resolved that a General Council of the Bar of South Africa be constituted as from that day.

It is interesting to note the minutes of the first meeting:

"It was unanimously agreed that the Hon EF Watermeyer, Chief Justice of the Union, be invited to become the first Hon President. FAW Lucas KC,

was unanimously elected Chairman and A Suzman of the Johannesburg Bar as Hon General Secretary.

After the Council had been formally brought into existence the Hon HG Lawrence, KC, MP attended the first meeting and representations on several matters were made to him. He listened most sympathetically and promised his attention to all the matters raised. The Council thereupon considered several important matters which had for years been awaiting the attention of such a body. It affirmed the unanimous opinion of the Bar that appointments to the Bench, including acting appointments, should be made only from practising members of the Bar. It asked the Minister to take immediate steps for the introduction of uniform Rules of Procedure in all Divisions of the Court. It urged the establishment of a Court of Criminal Appeal and of a Law Revision Committee on the lines of one existing in England. It pointed out the difficulties which both laymen and lawyers suffered under because of the annual Finance Bill being used as an 'Omnibus' measure. It urged the

Obiter...

by *Spectator*

raising of Judges' salaries and pensions. It also took certain steps which it hopes will facilitate the acquisition of complete sets of law reports by members, and it asked the Minister to remove certain anomalies arising out of the recently passed Admission of Advocates Act; and, finally, it took steps towards improving and making uniform the methods of granting silk.

Perhaps the most notable part of these last two conferences was the remarkable spirit of co-operation and brotherhood that existed. This long-awaited body has started on its career under the happiest of auspices, an indication that the long-felt want is to be well filled."

FB Adler in 1946 *SALJ* 476-483

Accountants moving into legal practice

Indications are that the big six accountancy firms are moving into legal work. If these rumours are to be believed, the United Kingdom legal market is set for one of the biggest shake-ups in its history, with talks about close tie-ups between law and accountancy firms.

There are obstacles to overcome, however. Partners of accountancy firms are still restrained by law society rules that prohibit accountants from profit sharing with lawyers, and the rules of the New York Securities and Exchange Commission which do not allow the same organisation to audit and to do the legal work for New York-listed firms.

In Europe, however, one of the large accountancy firms is continuing its march into Europe with 350 lawyers in 29 offices, representing law practices in 17 European countries. The Dutch Bar is already beleaguered in court battles on problems relating to multi-disciplinary partnerships.

Most of the big six accountancy firms already operate law firms in Europe. *The Lawyer* 12 November 1996 >

Video links

The signs are that the tide is turning regarding the use of new technology especially the video conferencing equipment which the Bar Council of England and Wales has made available to its members. This service, which is available 24 hours a day, is increasingly being used for Bar-related work, mostly pre-trial conferences.

The main advantage of using video conferencing is cost, because video is cheaper than bringing to the United Kingdom a witness who lives in the Far East of Australasia. The typical overseas link-up costs £500 an hour and most witnesses do not spend more than 2 hours giving evidence.

From February 1997 lawyers have been using a new pilot scheme allowing lawyers to make applications to Queen's Bench Masters by video conference. If successful, the service may be extended nationwide. It is envisaged that this service could also be made available in remand prisons, so criminal barristers can "see" their clients more easily.

The Lawyer 28 January 1997

German law firms change

The German legal market is in a state of flux. Firms are gearing up for further domestic mergers, while foreign lawyers and accountants are aggressively building up their German offices.

The burning question is how to keep market share in a sluggish economy. "Every major German firm is talking about how they should meet the next 10 years," notes one foreign lawyer in Frankfurt.

Ten years ago the German legal profession harked back to the days of the Kaiser – regionally fragmented, bound by archaic regulations, academic rather than business-minded and insular rather than international.

In a decade, small, poorly-managed practices have given way to strong national partnerships. The turning point was at the end of the 1980s, when the bar scrapped rules preventing associations between lawyers from different localities.

The Lawyer 4 February 1997

The judiciary and political bias

In England a law lord has called for the removal of the Lord Chancellor as the head of the judiciary because the position was too politically biased.

Lord Steyn said: "The proposition that a cabinet minister must be head of our judiciary in England is no longer sustainable on either constitutional or pragmatic grounds." He also called for the removal of the office of attorney-general who supervises criminal proceedings, from the political arena.

In a controversial address to the Administrative Law Bar Association, Lord Steyn said that the Lord Chancellor gave the appearance of speaking neutrally and impartially as head of the judiciary. But the senior judge went on: "The truth is different. Under governments of all complexions, the Lord Chancellor is always a spokesman for the Government in the furtherance of its party-political agenda."

He went on to call for similar reforms in respect of the office of attorney-general. That office should be removed from the political arena and made an independent office outside government, Lord Steyn said. Alternatively, he should hand over his role in supervising criminal proceedings and in occasionally instituting civil proceedings.

Frances Gibb in *The Times* 28 November 1996

Groot firmas

Die VSA-maandblad *The American Lawyer* publiseer jaarliks 'n spesiale oorsig bekend as die "AmLaw 100", waarin volledig verslag gedoen word van die omvang, grootte en inkomste van die 100 grootste regsfirmas in die VSA. Die feite is duiselingwekkend! Die grootste twee firmas in 1996 was Skadden, Arps, Slate, Meagher & Flom (New York) en Baker & McKenzie (Chicago) met respektiewelik 1 001 regsgeleerdes (236 vennote) en 1 776 regsgeleerdes (505 vennote). Albei firmas se bruto omset was rondom \$600 miljoen.

The American Lawyer July/August 1996

Complaints system

The Bar of England and Wales has introduced a new complaints system, due to start operating in April 1997.

The complaints commissioner will be the first port of call for all complaints lodged with the Bar Council and will report to the new complaints committee. He or she will oversee the investigation of complaints and be an important link between profession and public.

The interviewing panel will include lay representation.

Counsel September/October 1996

Transformation of the Bar

The chairman of the Bar of England and Wales, David Penry-Davey, catalogued examples of the profession's ability to transform itself in response to changing needs at the Bar's 1996 conference:

- Extending availability of the Bar vocation course by validating institutions outside London and the Inns of Court School of Law.
- A computerised clearing house system for applicants for pupillage and vocational training.
- A reformed complaints system, headed by a lay commissioner, providing compensation for inadequate professional services.
- Improvements to pupillage to ensure consistently high standards.
- A "trail-blazing" equality code for barristers.
- Management guidelines for chambers.
- The introduction of new technology, including video conferencing and on-line networks.
- Changes to the old two-counsel rule.
- Relaxation of the rules governing barristers' contact with witnesses before a trial.

He stressed, however, that the Bar is not complacent. "Much remains to be done, but we believe that a strong independent Bar will continue to play a vital role. It is profoundly in the public interest that it should," he concluded.

Counsel September/October 1996 