

## Executive meeting of the GCB

*Report by Halima Saldulkar, assistant honorary secretary, on the executive meeting held on 17 April 1999*

The second executive meeting of the GCB for 1999 was held at the Cullinan Hotel in Sandown on 17 April 1999. The honorary secretary of the GCB, Timothy Bruinders, enlightened the delegates as to the cost implications of introducing the GCB on the Internet and into the next millennium. It is hoped that the GCB Homepage will be finalised before the year 2000!

The Chairman reported that he was invited to attend the second regional conference of the IBA which was held in Accra, Ghana. Hodes SC informed the delegates that the difficulties encountered in the South African legal system paled into insignificance when compared to the legal systems in the rest of Africa. He said that the GCB should provide assistance, particularly with advocacy training in Nigeria and Botswana. Application in this regard for funding may have to be made to the IBA.

Doubts were expressed about the fact that lectures for pupils are not being held at the various Bars. The Johannesburg, Cape, Natal and Pretoria Bars reported that formal lectures were held for their pupils. However, the various Eastern Cape Bars reported that the pupils at their Bars receive training from their masters and were involved in informal discussion periods, but received no formal lectures like their counterparts did at the other Bars. The Kimberley Bar reported that at the present moment there were no pupils who were doing pupillage at that Bar. Masters at the Free State and the Transkei Bars supervised their pupils and lectured to them on an informal basis. The North West Bar reported that formal lectures for the pupils were the responsibility of those members delegated with the task of training pupils. Sutherland SC, chairman of the Johannesburg Bar Council, postulated whether the GCB should not consider training pupil

masters for pupillage training.

Great concern was expressed about the view of the Natal and Pretoria Bars that the increase in the number of pupils caused an enormous strain on the resources of their Bars to train pupils and suggestions of restricting the intake of pupils were met with great trepidation. This aspect concerned the future of the profession and was postponed for further discussion in the light of the report which the task team on pupillage and the National Bar Examination, headed by Findlay SC, is to submit for consideration at the AGM in July.

The financial woes of some of the pupils have been alleviated as those pupils that have been receiving aid from the USAID Placement and Subsidy Scheme will be receiving payment electronically as from the end of April 1999.

The formulation of the proposed amendment for the expansion of the GCB executive to add a vice-chair in addition to a chair and deputy chair was approved and will be submitted to the AGM for formal adoption.

Rule 4.27 which deals with the courts and tribunals before which counsel are required to robe, was considered. Debate centred around whether counsel should robe in the family courts. Delegates agreed that the rule be redrafted and referred to the AGM in July for consideration and adoption.

The practice with regard to consultations being held at attorneys' offices was discussed. A uniform rule would be drafted in order to be proposed for adoption at the AGM by all constituent Bars. Various matters regarding striking off applications were discussed.

Rose-Innes SC of the Cape Bar reported that in regard to the field of continuing legal education, a forum had been established by the junior Bar. It was informal but flourishing.

The Johannesburg, Pretoria and Cape Bars reported that constitutional amendments to guarantee representivity had taken place at their Bars while the Natal Bar had arrived at an informal arrangement, all in the Bar's quest to transform itself.

It was resolved that the chairman, deputy chair and vice-chair attend the conference to be held in Maputo on 7 August

1999 for the establishment of an association of Bars/Law Societies from the SADC countries and that two GCB delegates attend the 12th Commonwealth Law Conference in Malaysia in September 1999.

Much discussion centered around the future of the legal profession especially with regard to the mooted single Legal Practitioners' Act. The Chairman reported on his meeting with the Minister of Justice. The proposals that members of the Bar be briefed to prosecute in the High Court and that members accept positions as acting regional court magistrates were considered and discussed.

The GCB's representative on the Legal Aid Board, Kuny SC, reported to the delegates on matters concerning legal aid and the Legal Aid Board. He assured the delegates that the policy of the Legal Aid Board to move away from judicare work was not an immediate threat for the Bar. The Legal Aid Board had resolved to establish five new justice centres but was still considering whether there was sufficient funding for them. The Board faced an enormous case load and the infrastructure was inadequate and the funding from the government was perhaps insufficient to cope with the case load. The new Board faced an abysmal state of administration, a chaotic computer system from which the financial affairs of the Board are still being unravelled. The Board is grossly understaffed and new posts have been advertised including a new post of CEO of the Board, and it is envisaged that these will be filled shortly. In March of this year Kuny SC and Judge Navsa addressed the parliamentary standing committee on public accounts and brought this committee up to date with regard to the finances of the Board. Kuny SC reiterated that the Legal Aid Board must be seen as an institution for the poor and it is not there to serve the legal profession as such. There will always be a continued co-operation between the Bar and the Legal Aid Board.

The GCB confirmed its view that attorneys sitting as acting judges should not hear matters in which their firms are the attorneys or correspondent attorneys.

The AGM of the GCB will be held on 23 and 24 July 1999 at the Michelangelo Hotel, Sandton. This year the Johannesburg Bar will be hosting this event. 