

Noord-Kaap

Bygedra deur JJ Schreuder, Kimberley

Regbank

Regter-President Kriek het die onvermydelike so lank as moontlik uitgestel, maar uiteindelik tog aan die einde van Oktober 1999 afgestree. By lede van die Vereniging was "Ou Judge" 'n geliefde en gerespekteerde regter en regter-president. Tydens 'n baie genotvolle funksie het die Vereniging op informele wyse van hom afskeid geneem.

Regter Steenkamp is die nuwe regter-president van dié Afdeling. Hy is op 3 Desember 1999 tydens 'n luisterryke geleentheid, waar appèlregter P Olivier en regter-president E Lichtenberg ook aanwesig was, ingehuldig. Die Vereniging as sodanig het tydens sy jaarlikse dinee regter Steenkamp verwelkom as die nuwe regter-president.

Waarnemende aanstellings

Gedurende die laaste termyn van 1999 het Basson R (reeds afgestree) en WH Olivier SC waargeneem as regters in die Noord-Kaap.

Lede

Gedurende die afgelope tyd het Van Vuuren en Erasmus die Vereniging finaal, so wil dit lyk, verlaat. Daar is met groot spyt van beide afskeid geneem.

Die Kaapse Wetsgenootskap het Bester (wat steeds deel is en bly van die Balie) aangewys as die beste student tydens die eksamens van Augustus 1999.

Cape Town

Contributed by Sean Rosenberg, Cape Town

Acting appointments

Since the last issue appeared, the

following members of the Cape Bar held acting appointments in the Cape Provincial Division: P Hodes SC, E Steyn SC, N Erasmus and D Jacobs.

New silks

The following took silk in September 1999: JG Dickerson SC, OL Rogers SC and E Steyn SC.

Pupils and new members

There were 28 pupils in the second intake of 1999, and the following members joined the Bar upon the successful completion of their pupillage: P Arendse, C Bischhoff, TE Bluff, MP Braude, PJ Burgers, AA da Silva Moreira, B David, JP du Toit, PS du Toit, P Engelbrecht, EL Grobler, D Hutchison, R Jacobs, M Lizani, JJ Meiring, R Paschke, M Salie, MC Solomon, SL van der Walt and SG Walther.

Resignations

Since August 1999 the following members have resigned: SW Burger, MLC Chin, W Fisher, FA Lange, R le Roux, ST Ryke, M Soltynski and LJ van Tonder.

There are at present 335 members at the Cape Bar.

The press

In an endeavour to contribute towards removing any problems in connection with newspaper coverage of legal proceedings, a number of well-attended seminars have been arranged and conducted for reporters by TD Potgieter, Butler and Sholto-Douglas.

Johannesburg

Contributed by Marius van Wyk, Johannesburg

Aaron Mendelow QC

On 6 November 1999 Aaron Mendelow QC, presently the oldest and most senior member of

the Johannesburg Bar, celebrated his 90th birthday. In celebration of his birthday, the Johannesburg Bar held a birthday party for Mendelow QC on 9 November 1999 in the Bar's Common Room.

The party was attended by various members of Mendelow QC's family; retired and active judges and members of the Johannesburg Bar. The then chair of the Johannesburg Bar Council, Roland Sutherland SC, presented Mendelow QC with an illuminated address on behalf of the Johannesburg Bar.

1999-2000 Bar Council

The members of the 1999-2000 Bar Council are N Cassim SC (chair), WHG van der Linde SC (vice-chair), M Brassey SC, H Epstein SC, AP Joubert SC, CDA Loxton SC, PJ Pretorius SC, Ms S Weiner SC, T Bruinders, Ms H Constantinides, Ms F Dippenaar, C Lamont, GM Malindi, D Mpofu, P Pauw and Ms M Victor.

The honorary secretaries are P Mtshaulana and Ms F Kathree, and the administrative officer is Ms I Mundell.

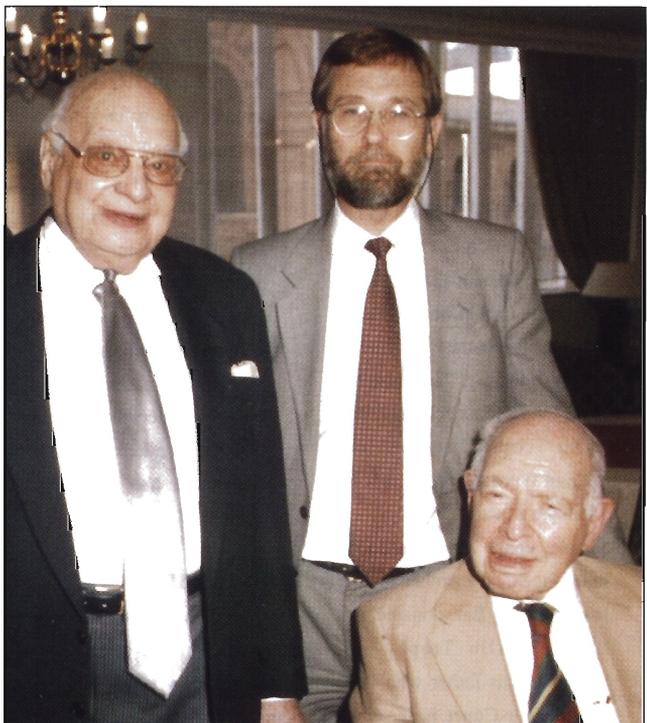
New silks

The following eight members of the Johannesburg Bar have been conferred silk by the President in 1999: S Joseph SC, K Foulkes-Jones SC, O Cook SC, W Vermeulen SC, F Odendaal SC, H van der Riet SC, G Pretorius SC and A Subel SC. See "New silks" on p 16 of this issue.

Briefs from Natal Law Society attorneys

At a meeting of the Johannesburg Bar Council on 26 October 1999, it was resolved that all members of the Johannesburg Bar be informed as follows:

"Every member of the Johannesburg Bar, when receiving a brief from any attorney, shall do so only on the basis of the long standing custom and practice that the attorney is per-



At the 90th birthday party held by the Johannesburg Bar for Aaron Mendelow QC, from left to right: Aaron Mendelow QC, Roland Sutherland SC, chair of the Johannesburg Bar 1998-99, and Judge Cecil Margo.

sonally liable to counsel for the payment of the fees debited in respect thereof. No member of the Johannesburg Bar, for any reason, accepts a brief from any attorney on any other basis.

Members are cautioned that when receiving briefs from firms of attorneys from KwaZulu-Natal that it may be prudent to make this quite clear when accepting the brief so as to avoid any debate at a later time."

This decision was taken in reaction to the following resolution which had been adopted at a meeting of the Natal Law Society on 15 October 1999:

"IT IS HEREBY RESOLVED that with effect from 1 January 2000 the convention whereby an attorney who briefs an advocate is personally liable for the advocate's fees and VAT thereon shall be of no force and effect and such convention shall stand repudiated and abrogated.

FURTHER RESOLVED that as from the said date the relationship between an attorney who briefs an advocate on behalf of a client or clients shall be governed by the common law principles of agency provided that nothing shall preclude any attorney who wishes to bind himself liable as co-principal debtor and joint obligator or as principal debtor to an advocate from doing so.

AND FURTHER RESOLVED that the Chief Executive Officer of this Society shall communicate this decision to the Society of Advocates, to all members of the Natal Law Society and to any other interested parties."

The decision by the Natal Law Society was taken without prior notice to the Johannesburg Bar and without consultation in regard thereto.

Juniors engaged by silks

On 28 September 1999 the Johannesburg Bar Council approved a new rule which authorises silks to engage at their own cost and at Legal Aid rates a junior of not more than three years' standing to serve as a second junior in a matter. This must take place with the consent of the instructing attorney. The objective of this rule is to facilitate early exposure to work by newcomers and to offer one means of accelerated career development.

The Edeling striking off

Since the decision of the Transvaal Provincial Division to strike off Chris Edeling from the roll of advocates, several applications to various courts have taken place. A petition to the Supreme Court of Appeal has been refused. Edeling then applied to the High Court for direct access to the Constitutional Court. This application, as well as a petition to the president of the Constitutional Court was refused. That means that Edeling has now exhausted all possible remedies and consequently his striking off has now been brought to an end.

New members

The following members commenced practice at the Johannesburg Bar during December 1999 to January 2000:

DL Wood, T Ossin, T Dix (Ms), DJ Vetten, MJ Tulwana, NL Skibi, PM Maake, TP Seneker, WR Mokhari, EJ Ferreira, SPS Mkalipe, Y Ismail, A Lamprecht, KE Masoga, MH Mokalé, Ms A Willcock, A Jacobs, T Mpanza, K Molemoeng, Ms G Goedhart, EM Mogolane, Ms T Thirumudu, SWWJ van der Sandt, G M Ameer, S Ebrahim, BR Anderson, Ms EL Botha and AA Costa.

Amendment of Constitution

At a special general meeting of the Johannesburg Bar held on 14 October 1999 the Constitution of the Society was amended at the instance of the Bar Council to provide for a Bar Council of 16 members. The following clauses of the Constitution were amended: Clauses 12.3; 12.4; 13(f); 21(a).

The effect of the amendments was essentially the following:

- First, the limitation of the number of votes which members have at their disposal was eliminated, enabling members to vote for as few or as many candidates as they choose, limited obviously, by the number of positions to be filled. This was achieved by the amendments to Clause 14(f).
- Secondly, the number of members of the Bar Council were reduced from twenty to sixteen, comprising an equal number of seniors and juniors, adapting the ratios of black and women members on the Bar Council from the previous 20% to 25% respectively, in relation to a 50% proportion of white males.
- Thirdly, the amendments are to be implemented over a five-year period (1998 to 2002).

The background to these amendments is that in 1998 the Johannesburg Bar at a special general

meeting approved changes to the structure and composition of the Bar Council. The purpose of those changes was to guarantee a diverse leadership for the Johannesburg Bar. The effect was to guarantee a minimum of four black members and four women members on the Bar Council of twenty members. Furthermore, the number of votes which a member could cast for candidates was limited to a maximum of six seniors and six juniors.

These changes were implemented for an initial period of one year in order to evaluate their efficacy. That time elapsed in 1999 and the 1998-99 Johannesburg Bar Council were of the view that the model has successfully yielded a strong Bar Council leadership which has enjoyed a wider credibility than it might otherwise have achieved, and by reason of the diverse inputs, has been empowered to more ably chart the course ahead for the Johannesburg Bar and for the broader profession.

Move of secretariat

On 30 November 1999 the Bar secretariat moved from the first floor of Schreiner Chambers to the second floor in Innes Chambers. The move has not affected the telephone and fax numbers of the secretariat. The secretariat occupies one wing of the second floor while the remaining wing is occupied by some seven members of the Johannesburg Bar. 

Stop press

A National Bar Conference will be hosted by the General Council of the Bar in Cape Town from 11 to 21 April 2001. Theme: "e-law@capetown.za" with local and overseas speakers.

More information will appear in the next issue of *Advocate*.