

Des (SK) Parmanand, Warren Shapiro, Michael Sibisi, Malcolm Stewart, Khaye Thango and Noel Winfred joined the Durban Bar after completing pupillage during the first half of the year. We wish them every success.

### Comings and goings

Sandra Govender has left the Bar, whilst Roshnee PUNCHOO is away on sabbatical.

## North-West

### Retirement of Judge JAM Khumalo



*Contributed by John Stander, North-West Bar*

Judge JAM Khumalo, popularly known as 'Oom Jam,' retired after 15 years on the high court Bench at the end of October 2001. Joshua Alpheus Mdadula Khumalo was born on 22 December 1929. He attended school at Nigel Primary School and matriculated at Nigel Secondary School in 1949. He obtained the Public Service Law Certificate in 1968 and was appointed the first black magistrate for Durban and Umlazi in Natal. He left South Africa in 1970 and worked for the Swaziland Government until October 1982. During this time he was a senior magistrate and

acting judge of the high court of Swaziland. He obtained the degrees BJuris (1975) LLB (1985) LLM (1998), and was a judge of the high court in the North West since March 1986.

He is presently reading for the PhD degree at the University of Natal. He is a member of the International Rutegee Law Judges Association based in the Netherlands. Judge Khumalo is a pianist and a lover of classical music. He reads, speaks and writes German. He is married to Virginia with six children and sixteen grandchildren some of whom are accomplished musicians.

He is well travelled and has been a guest of many countries. He is the author of several publications, inter alia, on customary courts, practice, maintenance and divorce.

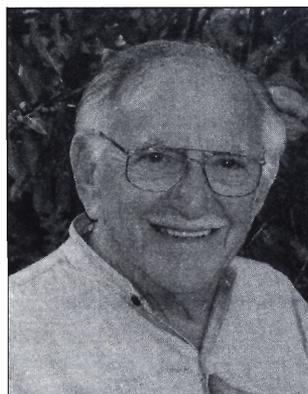
## Johannesburg

*Contributed by Pieter Pauw SC, Johannesburg*

### Constitution

In accordance with the GCB resolution of July 2001 to provide for black representivity the constitution of the Johannesburg Bar Council has been amended to provide for an enlarged Bar council of 24 members – 12 seniors and 12 juniors – 50% of whom must be black. Six members must be women. As at 15 October more than 50 nominations had been received.

### Honorary membership: Jules Browde SC



The biennial Bar dinner on 13 October also served as a special meeting to confer honorary membership on Jules Browde SC. Chris Loxton SC spoke in support of the motion to confer honorary membership on Jules. What follows is an extract from the motivation:

'Jules was born on 21 May 1919. He was educated at King Edward VII School, Johannesburg, and graduated with a BA from the University of the Witwatersrand in 1939. When the Second World War broke out, he joined the South African Artillery and saw service in East and North Africa, Madagascar and Italy. After the war he returned to Wits to study law, obtaining his LLB degree in 1947. Jules was admitted to the Society in 1948 and took silk in 1969. He was chairman of the Bar Council in 1983 and 1985 and has taken an acting appointment on several occasions. In 1990 he was appointed a judge of the Court of Appeal of Lesotho and in 1992 a judge of the Court of Appeal in Swaziland.

Jules was one of the founding members of Lawyers for Human Rights when it was established and [in 1984] became its national chairman, a position which he held for ten years. In the

mid-1980s Jules was asked to chair the National Convention Movement, and in that capacity undertook one of the earliest trips to Lusaka to meet with ANC leaders. His warm and long-standing relationship with Oliver Tambo amongst others and his stature as a leading human rights lawyer played an important part in facilitating crucial decisions – by the ANC to adopt the path of constitutionalism and with it the protection of human rights. The fact that Jules had also moved the application for the admission as an attorney of his old classmate Nelson Mandela, and that he had also acted for the firm of Mandela & Tambo in an application to establish their right to continue to practise in the city also helped matters immeasurably.

[What] has made Jules a great lawyer is what makes him a great person. He has a genuine interest in people. He has an unerring instinct for what is right and for what is good. He brings out the best in those around him even if, for the moment, they are his opponents ... [He] is the embodiment of what a member of this Bar should strive to be. He is scrupulously honest and fair in his dealings with his colleagues. He enjoys the complete trust of both his opponents and the court. He has an instinct for and understanding of the values which underlie a constitutional democracy and had that instinct and that understanding at a time when few others did.'

### Criminal appeals

The Bar Council co-operated with the Deputy Judge President and the Director of Public Prosecutions (Witwatersrand) in organising spe-

cial sessions of criminal courts to assist in clearing the criminal appeals backlog. The seniors who were appointed did so without remuneration. They are, in alphabetical order: Cassie Badenhorst, Dan Bregman, Hilton Epstein, André Gautschi, Mike Hellens, Guy Hoffmann, Altus Joubert, Dennis Kuny, Ralph Meyer, Gerrit Pretorius, Barry Roux, and Ronnie Selvan.

### Sandton

The move to Sandton has gone very well. The Bar Library has been divided between chambers in the CBD and those in Sandton. It was quite difficult to decide on the distribution of the books. Ultimately it was resolved that the CBD library would consist of foreign sources and hard copy versions of South African sources, including old authorities, text books and law reports. The library would also retain the electronic

library, which would be staffed with an appropriately skilled person. The Willem Muller library (which had been donated to the Bar by Mrs Muller) would form the basic South African source of the Sandton library. To the Sandton library would be added the more esoteric and less frequently accessed hard copies of foreign sources presently housed in the CBD.

### Pupillage: FNB Corporate – Johannesburg Bar Council project

FNB Corporate has submitted to the Johannesburg Bar Council a proposal to facilitate and promote the success of deserving and potentially successful candidates entering the advocates' profession.

It has been decided to conduct a pilot programme to enable the bank to assess whether the project adequately meets the requirements of the candidates. The aim is to effectively set the

candidates up for success and retain them in the legal fraternity.

The pilot programme will cater for three candidates per year:

- two candidates who have successfully completed their period of pupillage and the examination;
- one candidate who intends entering into pupillage.

The successful candidates will receive loan packages at advantageous interest rates to cater for the requirements inherent in establishing a practice. Each loan will be for a maximum of R200 000. Repayment will be structured over a period of five years.

All candidates will be selected by a panel in accordance with selection criteria aimed, inter alia, at ensuring that those with the necessary potential but who are in financial need are given the opportunity to succeed and stay in the profession.

The first loans will be made available during November 2001.

### Johannesburg Bar's two professors

*Hiram Stomowitz SC* has been appointed visiting professor of law at the University of the Witwatersrand. He lectures in insolvency law for LLB students. Hiram holds the degrees BComm and LLB from Wits University and also has a Higher Diploma in Tax Law. He has been practising at the Johannesburg Bar since 1965 and took silk in 1978.

*Altus Joubert SC* has been appointed visiting professor of law at the University of Stellenbosch. He lectures in customs and excise law for post-graduate students in International Trade Law. Altus holds the degrees BA LLB (Stell) MBA (UCT) and LLM cum laude (PU). He has been practising at the Johannesburg Bar since 1981 and took silk in 1993. He is at present the chair of the Johannesburg Bar Council. 

## GCB reports

### Rules Committee

*Report by Pieter Pauw SC, Johannesburg*

The year under consideration was uneventful. Chronologically the following issues were dealt with:

- Increase in travelling allowance – sheriffs.
- Repeal of rules 14 and 14A of the Magistrate's Court Rules. The committee was in disagreement with the proposal. The rule has not been repealed.
- Proposed amendment to rule 18(10) of the High

Court Rules. The committee proposed an amendment to include not only damages, but any other unliquidated amount.

- Proposed amendment to rule 57(5) of the High Court Rules. The committee proposed that a section 57(5A) be included, which should read as follows:

- “(a) When –
- (i) a patient is mentally or physically disabled;
  - (ii) has left a last will and testament; and
  - (iii) unless such will could be destroyed or lost if not safely guarded; the cura-

tor shall make recommendations as to the safekeeping of such will.

- (b) if authorised by the court, and on terms and conditions imposed by the court, the curator may disclose the contents of the will.”
- The eviction of unauthorised tenants. A proposal was made that in order to prevent tenants who had been evicted to move back to the premises, the rule be amended empowering the sheriff to take charge of the property. The committee was against it. It was of the view that it was a matter for legislation. The effect of the proposed rule would be that a defendant

would be unlawfully deprived of his/her property. Even legislation may be unconstitutional.

- Identity numbers or company registration numbers on summonses. The committee resolved that it was in the public interest to require the identity number of a person and the registration number of a company or close corporation to be inserted in a summons. It suggested that rule 17(4)(a) of the Uniform Rules be amended accordingly.
- Proposed amendment of the Magistrate's Court Rules for the calculation of sheriff's fees. There was a proposal which was rejected in that it was vague and unenforceable. 