

Vrystaat

Bygedra deur Germa Wright, Bloemfontein

Regbank

Gedurende die laaste termyn van 2001 het Barnard Knoetze, Jimmy Claassen, Peter Fisher en Corné van Zyl waargeneem as regters. Majake Mabasale, vroeër verbonde aan die Universiteit van die Noorde en tans in privaat praktyk, het ook gedurende die tydperk waargeneem.

Die Vrystaatse regbank is weer voltallig. Regter Albert Kruger is in November 2001 as sulks aangestel. Hy was vroeër lid van die Johannesburg Balie. Hy word hartlik verwelkom. (Sien ook bl 22)

Lede

Die Balie in Bloemfontein bars al weer uit sy nate. Tom Langenhoven, vroeër lid van die Pretoria Balie, het in Februarie by ons aangesluit. Vir die laaste paar jaar het hy in die omgewing van Hobhouse geboer. Dit bring die getal advokaat-boere op tien te staan – ongeveer 'n kwart van die Balie.

Corrie Ploos van Amstel SC is na 'n afwesigheid van 'n paar jaar weer terug by ons. Skielik is daar weer humoristiese boodskappe op die kennisgewingbord en word daar al weer met groot opgewondenheid gepraat oor die volgende meultreinrit. Baliefunksies sal nooit weer dieselfde wees nie.

Een persoon het met pupilskap begin. Beide hy en sy mentor, Craig Human, word sterkte toegewens vir die steil pad na die Balie-eksamen later vanjaar.

North-West

Contributed by John Stander, Mafikeng

The leader of our Bar, Lukie Maree SC was involved in a horrendous motor vehicle accident late last year. Fortunately he survived the crash and he is now nearly restored to full health.

Johann Pistor, our senior junior, is at present acting on the Bench of the Bophuthatswana Provincial Division for the first term of 2002.

Two of our members of staff, Elize Erasmus and Hendrien van der Merwe, will this month have served eighteen years and thirteen years respectively with our association. In view of the trying circumstances under which they often work, we can only wish them well and say thank you for all their efforts.

We have only one pupil for this term, Jackson Kgakane. We trust that he will do well in his pupillage which he is serving under Cecile Zwiegeelaar. He has been admonished not to rely on the *Motion Court Manual!*

Johannesburg

The following are extracts from the address of the then chairman of the Johannesburg Bar, WHG van der Linde SC, at the memorial service for the late W H R Schreiner SC on 8 June 2001:

"William Hilson Reitz Schreiner was born on 21 March 1922 to Edna and Oliver Schreiner. He was educated at St Catherine's Preparatory School, Parktown West, and St John's

Preparatory School, Houghton. He matriculated at St John's College in 1938.

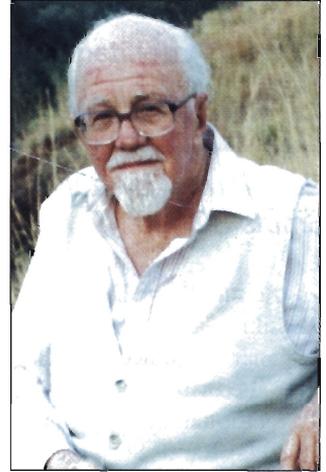
In 1939 he entered Wits University with the intention of following a BA degree with an LLB. War, however, intervened, and in 1942 Bill entered the army as a signaller. He was sent to Madagascar and after a year or so he returned to South Africa and joined the 6th SA Division. After a short while he became attached to the 10th /65th Battery in the 4th /42nd. He then followed the path of the 6th Division from South Africa to Egypt for a year and went to Italy until the war in Europe ended.

Along with other South Africans proceeding to further studies, Bill and his brother Denys were formally discharged from the army in Brighton in the United Kingdom and went on to Cambridge University, where Bill began his Law Tripos. In 1949 Bill left Cambridge for London to read in chambers in the Inner Temple and thereafter returned to Johannesburg in 1950.

Upon his return, Bill joined the Johannesburg Bar on 2 February 1950. In 1954 he met and married Patricia Maude Schreiner (née Walsh). They had one son, William Geoffrey.

As an intellectual, Bill had a depth of analysis possessed by few. In argument before the courts, and in professional interaction with colleagues, he contributed unfailingly his trademark intellectual soundness and sophistication. It was, of course, especially in the field of intellectual property law that Bill left his mark. Many aspire to expertise in this very complex field of the law; few attain it, and even fewer retain it. Bill belonged to this latter band. As a young

silk, he became one of the two or three leading intellectual property lawyers, and he retained that position throughout his career.



The late W H R Schreiner SC

Over the next 40 years Advocate W H R Schreiner is reported in the law reports no less than 136 times. The first patent case in which he was reported was in 1952. In the first ten years of his practice, he was led by names such as Issie Maisels, Walter Pollak, Bram Fischer, Oscar Rat-house and Bill Trollip. Although initially his practice was varied, it gravitated inevitably to tax and intellectual property. He took silk in 1968.

There is little doubt that Bill Schreiner was one of the great advocates of the South African Bar in the second half of the previous century. Against this background, Bill's decision not to go to the Bench in this country, understandable as it was given the treatment of his father, was a sad loss for that institution, but a rich gain for the Bar. He did however serve on the Appeal Courts of Lesotho, Botswana and Swaziland.

But it was at the Bar that he gave selflessly of his compassion and his commitment. He served on the Bar Council; and led the Johan-

nesburg Bar on four occasions, in 1972, 1974, 1979 and 1984.

Bill died on the 7th of May 2001, at the age of 79, while on holiday in Cape Town. His ashes were scattered at a number of his favourite places, including Oliphantsbos, Kirstenbosch and Silvermine. A plaque will be placed alongside that of other family members in Woltemade in Maitland. He is survived by his wife Pat and his son Geoff."

Cape

Contributed by Patsi Weyer

Membership

Recent newcomers to the Cape Bar are: M Blumberg, DP Borgström, AG Caiger, TA Carter, JE Losh, KS Saller. The Bar has also welcomed back N Goso, GR Papier and DP van Tonder. At present there are 21 pupil advocates preparing for the forthcoming Bar examination. The ratio of male to female candidates this year is 11 : 10.

Membership at the Cape Bar has fallen over the past three years. At present there are 313 members. Figures for the same period in previous years are: 2001: 328; 2000: 331; 1999: 319; 1998: 297. Members who have left the Bar in the past year and whom we wish every success in their future endeavours are:

GJ Badenhorst, MA Baynham, RS Black, MP Braude, C Cross, T Du Plessis, JP Du Toit, R Garland, M Goedvolk, JF Joubert, A Lange, MJ Lizani, AJ Musikanth, V Ngalwana, MR Ramabulana, R Scalabrino, JC Swanepoel, MA Thompson, SL Van der Walt, PR van

Zyl, AH Veldhuizen SC, P Volmink, D Welgemoed, M Wilker.

Referendum: 25 October 2001

The discussions which have been on-going between the Cape Bar Council and Advocates for Transformation (AFT) culminated with the holding of a referendum of members of the Cape Bar Council held on 25 October 2001. The quorum of members present voted unanimously to approve the amendment of the Cape Bar Council's Constitution to provide for half of the members of the Bar Council to be black members, as also to create the new position of vice-chairperson.

The following members have been appointed to the newly constituted Cape Bar Council:

Treurnicht SC (chairperson); Albertus SC (vice-chairperson); De Swardt SC, RT Williams, I Jamie, A Sholto-Douglas, C Williams, L Fichardt, A Schippers, HL Du Toit (Secretary), N Bawa, T Golden and M Janisch (assistant secretary/treasurer).

The chairman of the CBC reports that the council is hard at work and that there has been a successful transition to the functioning of the newly constituted council. Unofficial reports from a number of the council members canvassed would support the view that the council is operating very well and that the levels of co-operation between the members is excellent. It is gratifying to report that the protracted discussions in this regard which have spanned a number of years, have finally come to fruition with the full support of all members of the Cape Bar. This is further

underscored by the fact that in the past year approximately 80 members of the Bar have availed their services to the greater good of the various standing committees which assist in carrying out various sub-committee functions. The Bar Council has expressed its profound appreciation to all these members and other members of the Bar who so readily and unselfishly gave up their time to assist the Bar Council in discharging its many and varied functions.

An extract from the chairman's report for 2002 dealing with the issue of governance summarises the position as follows:

"Although there is wide agreement that reference to race should not become entrenched in the Bar's Constitution, members have unanimously approved the proposed amendments at a Special General Meeting of 25 October 2001. These amendments will lapse at the time of the Annual General Meeting of 2004.

The Special General Meeting of October 2001 was called after the decision of the newly elected Bar Council to initiate and support the amendments in an endeavour to end an unfortunate state of affairs threatening a division of the Bar along racial lines. It is pleasing to report that

the amendments have had the desired effect. The present Bar Council, with half of its members co-opted for the remainder of its term, is functioning as efficiently and as well as could have been hoped for. All its members have displayed complete independence during debates regarding all aspects of the Bar and loyalty towards the Bar and the interests of all its members.

There is every reason to believe that the present spirit and sense of duty will endure and the duration of the interim arrangement will be sufficient to ensure the building of mutual trust to such an extent that any reference to racial quotas thereafter will be unwarranted."

Visit by the new Chief Justice

Chief Justice A Chaskalson paid a visit to the Cape Bar on 11 February 2002. He was welcomed at an informal meeting which was held with members of the Bar and the attorneys' profession. This meeting also invited members of both Bar and the attorneys' profession to air their views in regard to the functioning of or shortcomings in the judicial system and to submit their proposals to the newly appointed Chief Justice. 

Land Claims Court Practice Direction No 6

*Issued by the Acting Judge
President of the Land Claims
Court*

In terms of section 9(3) of the Extension of Security of Tenure Act 62 of 1997 a court hearing in a case for the eviction of an occupier must request a probation officer to submit a report within a reasonable time on certain

matters affecting the eviction as set out in the section. In order to ensure that such a report has been requested timeously, the plaintiff/applicant in the case must, as soon as possible after the commencement of the action/application, file a request, based on form 15, with the Court to request the report from the relevant probation officer. In such request, the particulars of the parties and/or their representatives, if any, must be furnished to enable the probation officer to contact them.