

Johannesburg

From 5 to 10 August 2006, 5 700 swimmers representing 72 countries participated in the biannual Masters Swimming World Championships at Stanford University, San Francisco. South Africa was represented by 35 swimmers who came back with quite a handful of medals, including a few gold's. The Duma Nokwe Group of Advocates of the Johannesburg Bar was represented by Carel van Heerden, who swam qualifying times and participated in the 50

and 200 metres free style and the 50, 100 and 200 metres breast stroke in his particular age group. No less than 80 swimmers participated in each of the events he swam and in each he managed to finish in the top 50% – in one of which, he just missed the top 20. He said that it was a special experience to swim with a SA flag on your swim-cap competing against the best of the world. To finish in the top 20, one has to finish among ex-Olympian swimmers. 'This is a goal I will attain in 2008 in Perth and in 2010, I will be going for a medal,' says Carel. Well done! 



Carel van Heerden

On diversity management

Sesi Baloyi, Johannesburg Bar

On 10 September 2006, I attended a workshop on diversity management. The workshop was presented by a team of two obviously experienced people from the firm, Mandate Molefi.

The participants comprised mainly senior members of the Johannesburg Bar (silks and members with significant experience at the Bar). I was the most junior participant.

The structure of the workshop was as follows: firstly presentations by Mandate Molefi to the 'plenary'. This was followed by conduct of specific exercises by the participants who had been divided into smaller teams. It is perhaps the latter format that was most useful. The team exercises required teams to look at various scenarios and to comment

thereon. They also required change of roles and comment thereon. We were informed that these scenarios, with adaptations, were derived from interviews conducted with various members of the Bar.

The scenarios required an introspection as well as a frank and honest interrogation of one's standpoint on issues of transformation before one could offer meaningful comment. My sense of most of the participants at the workshop was of people who were willing to face this challenge. I believe that from such introspection, each one of us was enlightened about how they understood transformation, how they understood what it demands or requires of them and what one is prepared to do for the transformation of the Bar. The issue of change in briefing patterns and the challenges confronting women at the Bar are two examples that were used for this exercise. These scenarios required one to reflect on the following: (i) how much and what are we prepared to do as individuals to achieve the necessary changes while

considering our individual interests; (ii) how much and what are we each prepared to do to improve the position of women; (iii) what are we as individuals prepared to put at stake to change the culture of the Bar. In answering these questions we were forced to reflect on the power of our attorneys, clients and senior members of the Bar. I formed the view that there must be an overall change of culture of the Bar for any discussion on transformation to be meaningful. As a new member at the Bar, the overall impression I took with me from the workshop is that the structure of the Bar, namely, absence of an organisational enforcement mechanisms makes realising transformation much more challenging than it appears at first. I believe that this reality must be promptly addressed so that discussion on transformation does not become a waste of what I am quickly learning is a precious commodity, Time. 

Gender and race sensitivity seminar

Report back by Terrence Ossin, Johannesburg Bar

I believe that I get on well with my fellow Bar members, be they black, white, male, female, junior, senior, Muslim, Christian, able-bodied, disabled, heterosexual, gay... (you get the idea). Hence my initial frustration at being asked to give up a precious Sunday to attend one of the Johannesburg Bar's latest initiatives. This initiative, which was sold to me as a 'gender and race sensitivity seminar', was more neutrally labelled by the presenters of the seminar as a 'diversity-training workshop with special emphasis on gender and race'.

The presenters told us that diversity-training workshops are presented daily to business-

es and organisations across South Africa. Surveys (we were also told) have shown that some of the most profitable global businesses place a strong emphasis on diversity training within their organisation. Diversity training for these businesses, in short appears, to affect their bottom line.

It seems to me that the emphasis nowadays on practising as an advocate is, to a large degree, informed by the profit motive. Many aspiring advocates seem no longer to cite the idea that the profession is an honourable calling as their first reason for coming to the Bar. The Bar as an association, being somewhat *sui generis* in its make-up, is not informed by the profit motive and retains the ideal that the practice of advocacy is first and foremost an honourable profession.

As an individual I may ask how diversity training will benefit my practice. It is unlikely that it is going to affect my bottom line. But practising at the Bar is still much more

than just a business. Practice at the Bar is supposed to also be a pleasant social experience. Practice also brings us into contact with people very different from ourselves, whether they be colleagues, judges, attorneys, or clients. We are required, as part of our professional duties, to set aside our preconceived notions and prejudices towards such individuals. There are therefore many laudable reasons for examining and exploring our prejudices towards persons different from ourselves. Remember that other people may hold prejudices against ourselves.

The diversity workshop took us through some interesting exercises. I was required for example to explore whether, if I was a gay male, I would still have been able to fulfil my listed achievements. Others were required to ask the same question but in the context of a gender change and race change. The exercises forced us to confront issues which we may not otherwise consider. All