

Port Elizabeth

Contributed by Peter Kroon

Acting appointments

Several of our members have held acting appointments as judges during the past months. Hendrik van der Linde SC has acted in Graaff-Reinet and Grahamstown and, at the time of writing this article, was acting in Port Elizabeth. Glenn Goosen SC has an acting appointment in Grahamstown from 13 to 31 October 2008.

Pupils

At the date of this contribution the pupils

were anxiously awaiting their results.

New premises

The Bar has begun, in earnest, exploring the avenues open to it when it comes to securing new premises as our lease expires in two years time. At the time of going to the press, there were two competing proposals on the table.

Firstly, there is a proposal that the Bar relocate to the old Port Elizabeth Club which has in its favour the fact that the club is a beautiful old building and moreover is in

walking distance from the High Court.

The second proposal is that the Bar move to the beachfront. The advantages of this move will include beautiful sea views, a modern custom-designed building and the proximity of numerous restaurants in a 'good area.'

Our irrepressible and long-suffering chairman has been saddled with the unenviable task of shepherding the strong-minded, some would say opinionated, members of his flock to a common geographical destiny. **a**

Impressions of a conference



David Smith of the Port Elizabeth Bar attended the World Bar Conference in Dublin. He comments as follows:



'Clearly the junior Bar is doing very well for itself,' said a silk from my Bar in a wry voice, while he raised his one eyebrow to mock chide me and looked at me over the brim of his spectacles. This was after I announced that I, too, would be joining their group at the World Bar Conference (the 'Conference' - sorry, I just couldn't resist the opportunity to do that!) in Ireland and Northern Ireland.

After completing my first uneventful year in practice, I decided to leap from the frying pan into the fire and get myself *properly* into debt. Perhaps the attraction was the European Summer, meeting other members of the junior Bars, or the expected visit to the Jamieson's distillery. After paying for my biggest business expense since my Bar fees, I was looking forward to becoming an *'unconventional conventionalist'* at the conference.

This story begins in our local cafeteria at Chambers after a member, who slavishly submits

articles to this publication regarding newsworthy events at the PE Bar, requested that I submit an article focusing on a 'Junior perspective in Ireland' (and by that, please read 'social perspective'). I eagerly accepted the invitation (my first mistake) and the deadline (my second mistake). It suppose I accepted the challenge because of some misguided sense of duty to prove that other events occur at the PE Bar besides *'Goosen SC and Mouton SC acted during the first and second terms respectively.'*

I met up with my travelling partner in Johannesburg who, as I later found out while we animatedly spoke in the queue to board the plane, was having problems using her wi-fi connection in the travellers' lounge to send Trial Particulars to an attorney, which were overdue. (Candice Mey was my mentor during my pupilage and I like to blame her for any bad habits I may have adopted.)

We arrived in Dublin in time for the first leg of the plenary sessions, and attended the opening gala function at the National Gallery of Ireland. Once there, we received a personal tour of the portraits in the national archive. I watched bemused while Gauntlett SC and Mouton SC verbally jostled with each other over their impressive knowledge of 18th and 19th century painters.

The Irish were prone to taking South Africans under their wings, and soon after the proceedings we were all marched into the street to find the nearest pub for a pint (I still am not used to the idea of going for a night out on the town and having to take sunglasses with you!). Luckily, if one threw a stone in any direction, one would hit about 15 pubs, so we didn't have far to walk.

The Irish silks wasted no time in sponsoring us with Guinness. Apparently the Irish government supplies pregnant women with Guinness - this is because it has essential nourishment for the baby *in utero*, or so I am told. The Australians, true to form, also came along and provided enormous entertainment!

I will always remember going to a Jazz Café where a nameless Australian demanded a Bass cellist to play Bon Jovi, failing which, a bit of U2 or 'Walzing Matilda.' This scene was made even funnier by the fact that they were serious!



At the World Bar Conference: Glenn Goosen SC, Candice Mey and David Smith of the PE Bar.

Members of the Eastern Cape Contingent.



The following members were part of the large EC contingent: Front (left to right): Margo Beard (honorary secretary), Glenn Goosen SC (deputy chair), Nicola Redpath, Izak Smuts SC (chair), Lauren Conlyn. Back: Chris Mouton SC, David Smith, Candice Mey, Jannie Eksteen SC (past GCB chair), and Ben Ford SC.

A running joke throughout the conference was that the Irish are hospitable to the point of penury. This we found to be a reality and not merely a tale. A phalanx of barristers and advocates, arriving in dinner jackets and evening dress with cheerful name tags, strode into a pub, where many thirsty Dubliners enquired with great interest and concern where we had travelled from and whether we were enjoying their country.

Growing up in Port Elizabeth, I've grown accustomed to constantly explaining exactly where PE is located 'No it's not Cape Town, but it is in the Cape (Province).' And having to explain to wealthy Joburgers:

'It's in-between St Francis Bay and Port Alfred.' However, the novelty was lost with the British and Australians we met, as they answered: 'Oh yes, the Eastern Cape, we went there when we stayed at Shamwari.' I even met a British silk who knew that PE was close to Graaff-Reinet. It certainly does appear that we live in the global village.

The next morning, while wearing dark glasses and sipping strong coffee, we registered for the first plenary session. This first session, in my view, proved to be the most stimulating. Amongst other things, it considered how the criminal justice system was adapting in response to (the now ubiquitous term) 'terrorism.'

Despite the sombre topic, it was presented in a vivid and humorous manner by Justice Hardiman of the Dublin Supreme Court. He managed to lampoon Hillary Clinton and gave impressive anecdotes of interchanges between the Bench and Bar.

Justice O' Regan from our own Constitutional Court told of how our Constitution enjoins courts to imbue the common law with the rights and values reflected in it; in some instances, to hold some parts of the common law as being inconsistent with fundamental rights.

After the Dublin session, we travelled the Emerald Isle to Belfast, Northern Ireland. Parallels could be drawn between the conflict in Northern Ireland, which they casually refer to as the 'troubles,' and our own society, divided too by ideological dogma.

The Belfast Bar kindly showed us around their chambers. At my Bar, the vehicle *de jour* seems to be a muddy 4X4 (if Frost's ML is anything to go by); in Belfast, it's a black TVR Sagaris, S8's and drop-top Maseratis. A Pajero would just never cut it (apologies to Jooste and Mouton SC's now expired Pajero, but a Sagaris just *looks way cooler*).

They called 'Chambers' the 'Library', which consisted of some individual chambers or offices, with the majority of the floors comprising of booths or workstations, much like one would see in a university law library. Here, the rank juniors and senior-juniors would rent 'desk-space' and pay Bar fees for shared amenities.

It was interesting to hear that in a majority, if not all, of the Commonwealth jurisdictions, it was roundly felt that there was too much executive interference with the judiciary - whether it be in attempting to restrictively modulate the profession, or when stridently criticising the judiciary in its functioning and self-regulation.

During a particular session, the US Deputy Assistant Secretary of Defence for Detainee Affairs tried earnestly to convince the delegates that the USA adheres to the Geneva Convention and doesn't administer 'water-boarding' at Guantanamo Bay. This was about as effective as hitting a beehive with a stick. If it were a cartoon, a tomato and a boot would have been thrown onstage.

The conference was held during Mr Mugabe's inauguration (again) and much discussion was dedicated to our neighbours to the North. We too, had to answer uncomfortable questions relating to certain politicians' and pseudo-political organizations' actions regarding the respect for the rule of law and the administration of justice at home.

I found attending the conference to be of immeasurable benefit. The following conference is to be held in Sydney and if the barristers there have their way, it promises to be a most auspicious event! 