

Why www.commonroom.com?



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Www.commonroom.co.za is an on-line application designed to build a community of advocates. It has been created to inform, innovate and inspire the Bar. As our logo symbolises, this is an application to bridge divides² and build bonds.

I was going to start my pupillage on 1 February 1990. However, on 2 February I was still busy in the offices of my ex-boss, attorney Raymond Tucker. On the radio, FW de Klerk's speech was being broadcast. We listened with amazement and elation to the unbanning of the African National Congress, the unbanning of the Pan African Congress, the release of political prisoners, including Nelson Mandela. And so it was that I arrived at the Bar on what I believed to be the first day of the post-apartheid era.

The Johannesburg Bar was housed in Innes and Schreiner Chambers. The two buildings stood like sentries at the entrance to the Witwatersrand Local Division of the Supreme Court of South Africa. We got together for tea in the Common Room every day. We would chat, read the paper and check the Bar Notice Board. We would pick up useful information, a new practice directive, a good restaurant in Bloemfontein, a judge in Pretoria to watch out for.

Following the political changes, the central business district around the High Court filled up with hawkers. The population pressure on the city centre was intense. Coffee shops and cinemas closed down, urban decay was plain to see. The Johannesburg Stock Exchange moved to Sandton. Bankers moved too. It was a migration as dramatic as the wildebeest migration across the Serengeti³. Sensing the departure of the prey species, the lions of the Bar urged us all to move. We were told that the wildebeest were no longer prepared to come into town. The lions had to move to where the wildebeest were, or face lean times. The lure of work from the newly created Arbitration Foundation swung hyenas and jackals to support the move. Some wild dogs, notably Mike Hellens SC, resisted. A short-lived compromise was struck. Consultation facilities in the Sandton area were permitted, but one had to keep permanent chambers in town. The trickle became a flood and soon most of the Bar was housed in Sandton, but in many different buildings.

Groups, always a powerful force at the Johannesburg Bar, have almost become separate Bars in themselves. When Bar Council elections come around, many of the Groups encourage their members to vote en bloc. The members of the Group vote for particular candidates only. The merits of other candidates who hail from other Groups are largely ignored.

Broadening these fissures, for the past few years the Johannesburg Bar Council has been a divided entity. Advocates for Transformation (AFT) is an interest group created to promote transformation at the Bar. The Bar Council was divided into pro-and anti-AFT camps.

AFT withdrew in protest on certain issues of principle. Extraordinary resolutions were passed to keep the Bar administratively functional. Herculean efforts were made by many to bridge the divide. That we again have a united Bar Council is a major achievement for all concerned, one largely unsung, but deserving of high praise. Many of us have never understood why the objectives of AFT should not simply be incorporated into the GCB constitution, for we are all advocates for transformation. None of us can begin to think of leaving things unchanged. Justice is administered in a community. The better that community functions, the better the administration of justice is likely to be. By improving the functioning of our community, we improve the quality of justice dispensed to the South African public.

The divide in the Bar reached up into the ranks of the local judiciary. Due to the split in the Bar Council the judges declined to comment on the 2008 silk applicants. The divide caused a delay in the State President issuing letters patent to last year's successful silk applicants. Adding to the divisive effects of the Sandton move, of Group insularity and of the divisions in the Bar Council, there has been a trend for Bar affairs to be debated in the public media. These publications have often caused internal uproar in the Bar, but the issues raised have not been talked through thoroughly. The public media does not lend itself to the sorts of discussions we need to have. The Bar's divisions have been exposed in the public eye, and widened as a result. Rationality, powers of analysis and articulation are our professional strengths. Yet we so rarely use them on our own affairs. Rather, we retreat into small whispering groups and demonise the others, though we know little of them, or their reasons for acting as they do.

These past trends of insularity are to be discouraged. The unity of the present Bar Council is to be welcomed. Our ability to function together as members of the profession is an ability that will serve the Bench well. But it is not enough that the Bar Council should be healed. As President Obama is calling on Americans to do, we should be reuniting around our common challenges, values and commitments. In this community of the Bar we are advocates first, and here everything else is secondary. Against this background it will be clear that the need for collegial conversation is great. This is the purpose of The Common Room website. In an advocates-only community we can build bridges of communication. Safe from the distortions of the public platform we can express ourselves strongly and openly, secure in the knowledge that we are all committed to the values of our constitutions, both professional and national.

Through this community-building webpage (a sort of more serious and professional Facebook⁴ or Twitter⁵ for advocates, - with real business benefits) we can get to know one another. We can make our professional records and educational materials available to our membership. We can share unreported judgments. We can exchange tips on good places to dine whilst in Bloemfontein, where wildebeest fillet is a particular delicacy. We can be reminded that ours is an honourable profession populated by people of intelligence, humour and learning. By participating in the community life of the Bar on www.commonroom.co.za we can reduce our isolation and build a better Bar.

ENDNOTES

¹ The Common Room (Pty) Ltd is a private company. The author is a director and shareholder of the company.

Access to the inner pages of www.commonroom.co.za is for authenticated advocates of members of GCB Bars only.

Access to the beta version of www.commonroom.co.za is presently restricted to members of the Johannesburg Bar only.

² President Obama calls them "fissures". See his speech at: <http://www.youtube.com/watch?v=pWe7wTVbLUU>

³ Watch footage of the real thing at: <http://www.youtube.com/watch?v=BSNJX-ZZbSM>

⁴ www.facebook.com/

⁵ <http://twitter.com/>

