

# Johannesburg

## Launching of Moorcroft's book on banking law



From left to right: L Raath (accountant), I Mulder (LexisNexis), J Moorcroft (author), L Wepener SC (Jhb Bar chairman), A Daniels (LexisNexis).

Johan Moorcroft, a founding member of Group 21, recently published his first book, *Banking Law and Practice*, through LexisNexis.

Moorcroft noted that banking law is an exciting and dynamic field which has undergone numerous changes in recent years. Recent legislation such as the NCA, FICA and FAIS has drastically altered banking practice and previous publications do not deal with these topics. Many earlier textbooks were also written in the era before electronic banking, ATMs and cellphone banking and do not deal with the central role of the compliance function in modern banking. The publication deals with these modern questions as well as more traditional concerns such as the *in duplum* rule and the Uniform Customs and Practice for Documentary Credits.

The work itself provides a good overview of the field and refers the user to specialist texts on topics where they exist. It has been written to be used by persons without a legal background in addition to lawyers, and should prove to be a useful tool in the arsenal of any person

involved in banking and corporate law.

Lötter Wepener SC, current chairman of the Johannesburg Bar Council, noted at the formal release of the book that the Johannesburg Bar was proud to have one of its members join the ranks of authors of legal texts, and noted that over the years members of the Bar have contributed extensively to South African jurisprudence. These authors include Kairinos who co-authored *Norman's Law of Purchase and Sale in South Africa* with Zulman JA and Van Niekerk, Geyer and Mundell's *Summary Judgment*, to name but a few.

Group 21 is proud to associate itself with Moorcroft and appreciates the contribution that he and other members of the Group have made to the growth of South African law. It wishes Johan well for the future and trusts that his efforts will assist practitioners from around the country in coming to grips with an extensive and often complicated field of law.

The book is published in loose leaf format and will be regularly updated. Moorcroft welcomes comments on the work for consideration in future updates.

## 2008 and 2009 silk conferment

The Johannesburg Bar is proud to disclose the names of the twenty-two advocates who have been awarded senior counsel status in the years of 2008 and 2009. We use this opportunity to congratulate our members on their leadership standing at the Bar and wish them success and prosperity in the way forward knowing well and appreciative that they will continue to clear the way forward for their juniors ensuring a progressive and unified Bar.

Well done to Kiki Bailey SC; Aslam Bava SC; Paolo Beltramo SC; Albertus Bester SC; Jonathan Blou SC; Matthew Chaskalson SC; James Daniels SC; Fiona Dippenaar SC; Denise Fisher SC; Noel Graves SC; Leon Halgryn SC; Laurence Hodes SC; Andrew Kemack SC; Martin Kriegler SC; HB Marais SC; Ivan Miltz SC; Les Morison SC; Shirley Nathan SC; Lindiwe Nkosi-Thomas SC; Jan Rautenbach SC; Kevin Trisk SC; Petrus Venter SC.

## Barwon raises the bar: the Johannesburg Bar at Midmar 2010

By André Gautschi SC

The Johannesburg Bar's Barwon team excelled itself in the 2010 Midmar non-company team event, being placed 5th out of more than 700 teams, thanks to superb swims in adverse conditions by Reenen du Plessis, Emiel van Vuuren and Richard Maxwell.

This year the Johannesburg Bar entered a record number of teams in the non-company team event. Teams are made up mostly of members of the Bar and their immediate family.

The results of those who swam in the team event were (in minutes and seconds):

Barwon	
Reenen du Plessis (son)	00:24:34
Emiel van Vuuren	00:25:17

Richard Maxwell	00:25:37
Michael van den Barselaar	00:29:23
Adrian d'Oliveira	00:32:45
<b>Bartoo</b>	
Andre Gautschi SC	00:35:28
Roelof du Plessis SC	00:39:29
Carel van Heerden	00:42:15
Judge Colin Lamont	01:00:25
<b>Barter</b>	
Deanne Wood	00:34:44
Magnus de Wet (friend)	00:42:49
<b>Barquat</b>	
Elizabeth Kriegler (wife)	00:45:08
Isabella Kriegler (daughter)	00:46:39
Michael Kriegler (son)	00:46:40
Martin Kriegler SC	00:47:19
<b>Barquin</b>	Withdrew
<b>Barsex</b>	
Faye Darby	00:36:03
Amelia van der Merwe	00:44:32

Irene de Vos	00:48:00
Joni Raff	00:50:11
Alan Lamplough	00:50:55
<b>Barsep</b>	
Craig Cothill	00:34:35
Vicki Krause (partner)	00:37:31
Alan Dodson	00:52:10
Farhana Docrat	00:52:39
Ebrahim Docrat (brother)	01:22:53

In the individual events on the Sunday, Emiel was placed 5<sup>th</sup> in the age group 31-40 with a very fast time of 0:23:01, whilst Reenen was placed 63<sup>rd</sup> in the age group 14-30 with an equally impressive time of 0:23:42.

Emiel successfully completed (for the second time) the 8 Mile Challenge, swimming all eight events in two days, which makes his performances as recorded above all the more impressive.



**Midmar speedsters:**  
From left to right (standing):  
Reenen du Plessis, Magnus de Wet, Alan Dodson, André Gautschi SC, Alan Lamplough, Roelof du Plessis SC, Judge Colin Lamont, Liz Kriegler, Isabella Kriegler, Martin Kriegler, Michael Kriegler

From left to right (seated):  
Amelia van der Merwe, Carel van Heerden, Deanne Wood, Joni Raff, Irene de Vos

## In memoriam

### The late Judge Mahomed Jajbhay

*In his tribute to Judge Jajbhay in the South Gauteng High Court on 10 May 2010, the chairman of the Johannesburg Bar, Lötter Wepener, said inter alia:*

'Judge Mahomed Jajbhay, who died at the age of 52, was a respected judge of the High Court in Johannesburg. He obtained the BA degree at the University of Durban-Westville and completed his LLB at the University of the Witwatersrand in 1983. He also obtained an LLM degree in 1996 and a Certificate in Banking Law. During his initial years of practice he became known for his assistance to those in need and he conducted numerous political trials and labour related cases. His career included that of an advocate and commissioner at the Commission for Conciliation, Mediation and Arbitration before gracing the

Bench in Johannesburg. He also served on the Electoral Commission, the CCMA, the Land Claims Court and as a judge in the Labour Court. He was granted silk in 2002 whereafter he was appointed as a High Court judge.

His love for cricket which was developed in his early schooling continued and he became the chairman of the Gauteng Cricket Board and served on the General Council of Cricket South Africa. He proudly served as a patron of the South African Sports Law Organisation.

Judge Jajbhay was responsible for a number of groundbreaking judgments in his all too short a career as a judge. In 2007 he ruled in favour of media freedom in a matter involving a minister of state when he found that there was a pressing need for the public to be informed about controversial information the newspaper had obtained. In *City of Johannesburg v Rand Properties (Pty) Ltd and others* 2007(1) SA 78 (W), he ruled that the City of Johannesburg was obliged to provide

alternative housing to persons being evicted from buildings in the city.

Mahomed Jajbhay remained active in his local community where he served a number of charitable organisations and he will be remembered as a man who has given unselfishly to others. In his application to become a judge he was asked: "What would you regard as the most significant contribution to the law and the pursuit of justice in South Africa?" His reply: "Trying to weave elements of equality, humanity and compassion within the fabric of our conduct and the formal structures of the law". He was indeed such a man and this ideal is reflected in paras 65-66 of his judgment in *The City of Johannesburg case* (supra).

The Bar, the attorneys' profession and the Directorate of Public Prosecutions mourn the loss of a distinguished judge and extend our condolence to Mrs Jajbhay, their children and family.'

## The Johannesburg Bar: yesterdays and tomorrows

By Roland Sutherland SC and Desirée Lundström, members of the Johannesburg Bar

### Opening of the Johannesburg Bar archives and moot court

In 2002, when the Johannesburg Bar marked its centenary, the Bar Council resolved that an archive be established to catalogue its history.

The publication of a commemorative book narrated some notable moments of the Bar's first century. However, this account was largely anecdotal. The inadequacies of the archival record of the Johannesburg Bar was exposed when evidence was assembled in the 1990s for submission to the Truth and Reconciliation Commission about the Bar's role in upholding the rule of law and resistance to apartheid. It was apparent that a comprehensive, systematic project was essential to

do justice to the Bar's history. The purpose of an archive would be to facilitate optimal preservation of, and easy access to, valuable documentation which related the history of the Bar, especially its role in South Africa's legal profession and the public issues of the day.

Dorothy Wheeler was appointed as Bar archivist in 2002 and tackled the mammoth task of cataloguing documents, minutes of Bar Council meetings, other records and photographs to create a comprehensive index spanning, initially, the period 1902-2004. That index, now annually updated, is the means of access to the historical collection. Records are now also being kept of the careers of members of the Johannesburg Bar from the time of their application for pupillage