



A few thoughts



By Rashid Vahed SC, chair of the General Council of the Bar of South Africa

For my first contribution as chairman I considered it appropriate to share a few thoughts with you...

Advanced Advocacy Training

For many years now I have regarded the GCB's advocacy training and pupillage training efforts as its single major contribution to transforming the Bar. Of those efforts the annual Advocacy Teacher Training Workshop must rank as the flagship event. Many exacting hours of painstaking work are devoted by members of the Bar and by a few dedicated judges. In addition, we are blessed annually by our foreign friends who travel to the Drakensberg (at their own expense) to work with us.

In January 2011, the GCB will be taking a brave and bold step forward in advocacy training. A week-long course will be presented

in advanced advocacy at the Wallenberg Centre in Stellenbosch. The course is modelled on the advanced course presented by the Bar of England and Wales at Keble College and is aimed at juniors of between five and 12 years standing.

The course is being presented by the GCB's advocacy training stalwarts headed up by Tim Bruinders SC. The efforts put in by Tim and his team thus far have been tremendous and I have no doubt that the event will be a resounding success. As expected, an impressive team of overseas trainers will be joining us. For this we are very grateful.

The GCB is committed to promoting the rule of law and the independence of the legal profession, to improving the administration of justice, to the maintenance of high professional and ethical standards, to training young advocates and to the delivery of competent legal services. I have no doubt that this inaugural advanced advocacy course will go a long way to achieving these noble objectives.

The Middle Temple South Africa Conference

On another note readers of this journal will note that much of this issue deals with some of the papers presented at the Middle Temple South Africa Conference held in Cape Town over the weekend 24-26 September 2010. South African advocates and judges featured prominently as contributors and speakers and this is testimony to the fact that more than just a handful of us are able to hold our own amongst the leading lawyers in the world.

The Legal Practice Bill

If you read nothing else in this issue, I urge members of the Bar to take the time to read Jeremy Gauntlett's contribution to the Middle Temple South Africa Conference. For far too long now only a handful of our members have been involved in tackling issues surrounding the Legal Practice Bill. In my view the time has arrived for each one of us to look more closely at the Bill and join in the debate surrounding how

we are to be governed and regulated. Each of our constituent Bar Councils has (or ought to have) a team (or a person) tasked specifically with collating views and comments on the Bill. I urge members to get involved in the debates and to make their views known. The task is huge and time is limited but if the Bar desires an outcome that is designed for an independent referral profession more of us need to get involved.

The International Bar Association Annual Conference

Although this piece is written at the end of September, by the time it is published the IBA would have held its 2010 annual conference during the week of 4 October 2010. For members' information, the GCB is a long standing member of the IBA and has benefitted significantly from that membership, forging lasting friendships with lawyers from other jurisdictions. The GCB was a founding member of the Forum for Barristers and Advocates. The Forum for Barristers and Advocates represents those who practise as independent referral practitioners in jurisdictions where the legal profession is divided. It was formed by the bar leaders in these jurisdictions to give a voice within the IBA to the principles of independent advocacy. The Forum has played a particular role in addressing the importance to the rule of law of the independence of advocates and the judiciary, the need for ethical conduct and training and education. In October 2009 in Madrid I was elected vice chairman of the Forum. Former chairmen of the GCB who held office in the Forum include Malcolm Wallis and Jeremy Gauntlett.

This year, a *showcase session* entitled *The future of legal aid: and justice for all?* will be presented by the Public and Professional Interest Division's Bar Issues Commission, the Forum for Barristers and Advocates and the Pro Bono and Access to Justice Committee. Session co-chairs will include Chantal-Aimée Doerries QC, Atkin Chambers, London, England; the current chair of the Forum. Our session is described in the conference handbook as follows:

'Access to justice is on the brink of becoming a major victim of the global recession: governments across the world have no alternative other than to slash their budgets and face tough choices. 'Front line services', specifically health and education, are seen as political no-go areas, resulting in potentially deeper cuts in other areas, including the justice system and, in particular, legal aid programmes. Where does access to justice fit, in practice, in the hierarchy of human rights and what can be done to protect it? Is it generally appreciated that reductions in legal aid budgets not only impact disproportionately on the poorest and most vulnerable but also



Rashid Vahed SC of the Kwazulu-Natal Bar was appointed as chair of the General Council of the Bar South Africa at the annual general meeting in Bloemfontein on 24 July 2010. See page 16 of this issue for a brief profile of the new chair.

significantly increase the potential for miscarriage of justice as well as producing expensive inefficiencies in the system? This showcase session will explore the nature and extent of the threat in a range of jurisdictions and attempt to identify both what must realistically be regarded as 'non-negotiable' and where the profession should most usefully focus its energy. Suitable targets may be lobbying, public education, the expansion of pro bono programmes and a continuing dialogue with governments and state agencies on how access to justice can be improved for the benefit of all, including taxpayers who fund the justice systems.'

The speakers include Bertrand Debosque (Conseil National des Barreaux, Lille, France), Nicholas Green QC (the General Council of the Bar of England and Wales, London, England), Dmitry Shabelnikov (Public Interest Law Institute, Moscow, Russian Federation), Rodney Snow (Canadian Bar Association, Ottawa, Ontario, Canada) and Futoshi Toyama (Japan Federation of Bar Associations, Tokyo, Japan). The speaking list also included Justice Dunstan Mlambo (Legal Aid Board of South Africa, Braamfontein, South Africa) who unfortunately had to withdraw at the eleventh hour due to a clash of dates with the sitting of the Judicial Service Commission. It is intended, at the time of writing, that his paper will be delivered on his behalf. 

Stop press

Jeremy Gauntlett SC elected as Honorary Bencher

Jeremy Gauntlett SC has been elected an Honorary Bencher of the Middle Temple, London.

Benchers are the leaders of the Inns of Court. Other South Africans who have been made Benchers are Sir Sydney Kentridge QC and Justice Edwin Cameron.

Jeremy Gauntlett was a Beit Scholar at the University of Stellenbosch and a Rhodes Scholar at New College, Oxford. He was also awarded a Harvard Graduate Fellowship.

He has served as chairman of the Cape Bar, chairman of the GCB, and as a judge of appeal of Lesotho. He is a former commissioner of the Law Reform Commission and council member of the International Bar Association. 

