

Transkei Bar

By Vusi Msiwa, Mthatha

The Transkei Bar is growing day by day to the extent that it has 31 members and three ladies. Xoliswa Vakalisa from the Johannesburg Bar commenced her practice as a member in the Transkei Bar in 2012. Her chambers are at No 3 Frere Road, Mthatha. The Transkei Bar in addition has three pupils who have their mentors and pupillage program under the supervision of the Pupillage Committee convenor, MN Hinana, the deputy chair of the Society. Since the establishment of this committee there is an improvement in the results of our pupils. Admittedly there is a dire need of improvement. We are lagging behind compared with other Bars in respect of training of our pupils.

In this regard our neighbouring Bars namely, Eastern Cape and KZN, assist us in many ways. Our heartfelt gratitude is extended for their kind and unwavering support to the Transkei Bar.

The Transkei Bar is making some strides on its own and surely will get there. Time will tell but for instance there are a number of committees which perform excellent functions headed by experienced advocates of impeccable calibre, and to name a few: MM Matyumza is heading the Legal Practice Bill (LPB) Committee; PHS Zilwa is heading the Ethics Committee; NR Mtshabe is heading the Entertainment Committee. The latter is not new to extra-mural activities; for the past three years he has been participating in both the Comrades Marathon in KZN and the Two Oceans in Cape Town.

Other advocates have their interest in rugby, soccer and golf. Advocates' social teams are ready to challenge other Bars on those sporting codes (for the oldies). The Transkei Bar believes that sporting activities can unite people in the profession in court and outside for that matter.

During this term Shylock Ndengezi is acting in the Mthatha High Court. He is on a special Criminal Court to reduce a backlog in Mthatha.

Advocates are implored to volunteer in assisting with the dispensation of justice in the most disadvantaged area, the erstwhile Transkei. As a result thereof some advocates such as Kunju and Melane are the commissioners in the Small Claims Court which has recently been established

in Transkei. We are proud that those courts have been established in this region of the Eastern Cape after long overdue appeal to the Ministry of Justice. Advocates are contributing enormously to the dispensation of justice for the benefit of our community without any payment. We believe it is our primary responsibility to plough back into our poverty stricken community. We are who we are because of opportunity in the same area.

We are proud of our community and do not regret that we are born and bred here. PV Msiwa is the chairperson of the Advisory Board to the Minister of Justice for the Small Claims Court. He has so far managed to harness a good working relationship with various members of the legal fraternity, namely attorneys in private practice and Legal Aid officers.

The amount of work in the Small Claims Court is increasingly shocking and this is a demonstrative proof that people are in dire need of the dispensation of justice at convenient times and at no cost.

The two courts sit at Mthatha three times a week with speedy judgments, but nevertheless the work accumulates day by day.

In addition to the above committees there are others, namely, the Disciplinary Committee and a committee which deals with the briefing and fair distribution of State work to all the members which is chaired by the chairperson of the Society of Advocates.

In realisation of a need for training in particular of junior advocates, approaches have been made to Legal Aid and to the National Director of Prosecutions to brief the juniors to gain exposure and develop their skills in criminal litigation and for senior juniors at least to conduct appeals on behalf of the State, if the National Director of Public Prosecution agrees.

Of course, cooperation amongst the Bar, the Legal Aid and National Director of Public Prosecutions is a *sine quo non* for this initiative to garner fruits and those institutions will probably not see an enrichment of the members of the Bar, but will serve only as a means of forging a working relationship which will best benefit litigants at the ultimate result of dispensing justice.

The Transkei Bar will make its contribution to assist both the courts and litigants at all costs without being selfish throughout in its endeavour to ensure that people are served.

Farewell: Judge Selwyn Miller

On 14 September 2012 the Transkei Society of Advocates bid farewell to Judge Selwyn Miller who took early retirement from the Bench.

Judge Miller started practising as an advocate in 1972 in Durban and later joined the Transkei Bar in 1978. He also was once a Professor of Law at the now Walter Sisulu University. Among those who paid congratulatory and best wishes to Judge Miller was the Premier, Ms Kiviet. The following are extracts from her speech:

“Man’s goodness is a flame that can be hidden but never extinguished.” I am citing *utat’ UMandela* in order to illustrate how Judge Miller is regarded by the community of this province in particular. We therefore acknowledge and also bid farewell to an outstanding South African, whose life was dedicated to serving the people and improving the quality of life for all. Any reflection on his life and career cannot be complete without having regard to his contribution to the people of this country and particularly this region.

Judge Miller is a compatriot who has dedicated his entire life to serving in the legal fraternity and the judicial arm of government, from the early difficult days of our democratic dispensation to when he heeded the call of the nation and served in the Truth and Reconciliation Commission.

‘The fact that he spent the better part of his life defending and protecting the rights of the poor in this part of our province sums up his character. It is his positive attitude, dedication and commitment to his work that is lacking in today’s professionals. Surely his dedication to serving the poor can be ascribed to a belief system that says *Umntu ngumntu ngabantu* which we are sure he still subscribes to.

‘His judgments such as the one he delivered in 2005 on the ‘holiday homes’ are the reason that our people continue to have trust and faith in the judiciary. He leaves the judiciary at a critical period, when radical transformation of the judiciary is required. We strongly believe the judiciary must not only reflect the demographics of our society, but must represent the ideals outlined in our Constitution, of a democratic, non-racial, non-sexist and prosperous South Africa, and by inference the Eastern Cape.

'We do acknowledge that significant strides were made since the early 1990s, when the judiciary had the first ever black judge, Justice Mahomed, who was joined by two more black judges and a white female judge on the Bench by 1994. The fact that we now have 67 female judges compared to their 170 male counterparts demonstrates that there is a long road ahead to a fully transformed judiciary in South Africa.

'We cannot agree more with Judge Fikile Mokgohloa's call to female law students "to make sure that they take the initiative and become future judges." I am glad that Chief Justice Mogoeng Mogoeng is also sharing and championing this view.'

The current chairperson PV Msiwa on behalf of the Society of Advocates praised Judge Miller for his sterling contribution in dispensing justice to the disadvantaged community of Transkei. He described Judge Miller as a man who had an illustrious career as an advocate and as a judge in the following manner:

'The Transkei Society of Advocates salutes and applauds Judge Miller for the

sterling contribution in developing legal jurisprudence in this court in so many ways through reported and unreported judgments.

'As if not enough, he served the Bar with excellence. He has been a mentor, a legal icon to all of us who admired his ability as our teacher both at Unitra, as an advocate and when he was a judge of this Division. As an advocate of a fine caliber his prowess in courts was legendary and feared. As a judge his well-researched judgments could ruin careers of lazy advocates and demolish the vaunted reputations.

'I exhort the government to nurture other Sewlyn Millers in the legal profession so that we stop decrying about the alarming paucity of competent and skillful black practitioners or, and for that matter, the so-called brain drainage in South Africa. The Transkei Society of Advocates has produced quality advocates and judges like the ones in attendance today, for example Justice Maya, a Supreme Court of Appeal judge.

'This eventuality can best be excelled by affording disadvantaged legal practitioners opportunities to litigate on be-

half of the government through distribution of provincial government work to them. This is a giant step the pre-1994 government embarked on to create its nursery of competent and renowned skillful judges: employ at minimum amount advocates' services as chairpersons of disciplinary hearings in the departments, and utilise them in commissions and departmental audit committees. By doing so, the government will be manufacturing its own nursery of competent judges and disadvantaged practitioners. Experience is manufactured and there is nothing to beat it.

'The Transkei Society of Advocates will not allow the wisdom bestowed upon you to decimate while it starves for your experience, your knowledge and expertise. I talk without fear of any contradiction that a convenor of pupillage and advocacy training, Apla Bodlani, is here and will soon bother you for assisting our pupils in both lecturing and conducting the advocacy training.'

In turn Judge Selwyn Miller expressed his hearty gratitude to the Society of Advocates of Transkei for this gesture. **A**

Pretoria Bar

Deur Thys Snyman

Waarnemende aanstellings

Die volgende lede het waargeneem as regters in die Noord-Gauteng Hoë Hof:

Sam Maritz SC:

(1 September – 14 September 2012).

Louis Vorster SC:

(23 Julie – 21 September 2012).

Bert Bam SC:

(23 Julie – 21 September 2012).

Regent Tokota SC:

(3 Julie – 27 Julie 2012).

Jan Hiemstra SC:

(23 Julie – 21 September 2012).

André Bosman SC:

(23 Julie – 10 Augustus 2012).

Simmy Lebala SC:

(23 Julie – 27 Julie 2012).

Louis de Klerk SC:

(3 September – 21 September 2012).

Andrew Mabena SC:

(6 Augustus – 21 September 2012).

Nicoline Janse van Nieuwenhuizen SC:

(27 Augustus – 31 Augustus 2012).

Andrew Laka SC:

(27 Augustus – 31 Augustus 2012).

Piet de Jager SC, skrywer en rolprentmaker

Piet de Jager SC se Afrikaanse vertaling uit die Frans van Albert Camus se roman *La Peste* is onlangs bekend gestel. Hy het tien jaar gelede met hierdie vertaalprojek begin. Hy het nie die Franse taal geken nie en het dit met selfstudie aangeleer; in die proses van die vertaling het hy dan ook gebruik gemaak van die Nederlandse en Engelse vertalings van die gemelde roman.

Wat aanvanklik as 'n persoonlike projek begin is, is nou gepubliseer as *Die Pes*

en op die oomblik is dit een van die beste verkopers in die land. Sy vertaling is dan ook in die September 2012 uitgawe van die tydskrif *Rooi Rose* as boek van die maand aangewys. Die Pretoria-balie wens hom geluk met hierdie uitsonderlike prestasie en ook met die rolprent *Verraaiers* wat hy vervaardig het en wat in Februarie 2013 te siene sal wees.

Abraham Louw SC's son is an Olympics star

Gideon, the only son of Abraham Louw SC and Sandra Louw, was a member of the South African swimming team in the London 2012 Olympics where he swam in the 4 x 100 m freestyle relay, the 50 m freestyle and the 100 m freestyle events. It was his second Olympics. The South African