

Arrivals

The FS Bar continues to expand. Seven new members have joined.

Jannie Lubbe SC, a former chairman of the Bar and a well-known figure in South African rugby circles, is back after 15 years in the outside world. He first took up chambers in 1977 and obtaining senior status on 8 May 1991. Annually, from 1991 to 1998, he acted on the Free State Bench before he left Bloemfontein to become senior legal advisor to the Special Investigations Unit in the Eastern Cape. In 2001, he joined KPMG in Bloemfontein, and, on 1 August 2013, he returned to the FS Bar.

Marissa Jacobs (née Naude) left the Pretoria Bar to marry an Excelsior farmer. On 1 October 2013, she joined the FS Bar.

On 2 January 2014, five pupils from the 2013 intake, Charmaine van der Merwe, Nkaiseng Khooe, Rico van der Merwe, PC Ploos van Amstel and Aubrey Lechwano, took up chambers.

Departures

The Bar has also taken leave of two other members:

- After 27 years at the FS Bar, Jimmy (James Younger) Claasen SC has exchanged the Free State for the greener valleys of the Southern Cape where he has joined the George Bar. This former professor of law, and more recently Professor *Extraordinarius* at the Law Faculty of the UFS, joined the FS Bar in July 1987. He gained senior status in September 2008, served several terms in the Bar Council and has, on many occasions, acted as a judge in the FS High Court. He is not retiring, he assures us, merely relocating. If it just so happens that he also has more time to relax, to play golf and to enjoy the ocean between matters, we certainly don't begrudge him his new lifestyle.

- Bernard Bantjes has decided to leave the Bar for the bustle of Gauteng and the corporate world. Having graduated from the UFS and having spent several

years in the Department of Justice, in 2001 Bantjes was admitted as an advocate and joined the Free State Bar.

His long-standing involvement in the Boeremag Trial lead in February 2004 to his relocating and joining the Pretoria Bar. On 1 December 2011 he returned to the Free State Bar where he had a predominantly criminal-law practice and where, over the past two years, he has been actively involved in the pupillage programme as tutor in Criminal Procedure.

On 1 April 2014, he is joining Alma Juris in Pretoria as a director.

Acting appointments

During the last term of 2013 and the first term of 2014, Louis Pohl, Sehapi Motloung and Celeste Reinders acted in the Free State High Court. **A**

Memorial

It is with great sadness that the FS Bar laid to rest one of its members, Craig (Cornelius Alfred) Human, who had nineteen years' standing. After a courageous year-long battle with cancer, on Boxing Day, Craig passed away at the age of 46.

In 1985, Human matriculated from St Andrews in Bloemfontein, where he excelled academically and as a talented sportsman. He represented St Andrews in its first rugby and cricket teams, and was included in the FS schools cricket team and later in the FS u/20 rugby team.

Fittingly, his memorial service on 16 January 2014 was held at the chapel of St Andrew's, and was attended by many of his old school friends and team mates as well as colleagues from the Bar.

Human obtained the degrees BJuris and LLB from the University of the Free State, was admitted as an advocate on

19 October 1994 and, on 21 November 1996, took up chambers at the Free State Bar. He was a dedicated and meticulous advocate, a formidable opponent in court. He was also a force in the Bar's rugby and cricket A-team matches. Friends, family and colleagues remember him as quiet and intellectual, committed and uncompromising, with an indomitable spirit. He bore with fortitude the pain of the past year and to the end remained hopeful he would still be able to return to the Bar.

Friends and colleagues of 15 years remember him as:

'Always well-prepared: books and law reports, many borrowed, would be spread over his office floor, whence more than once one had to re-borrow one's own. Despite his pride, once convinced, he willingly accepted that he was and could be wrong. When he



apologised, it was sincere. With the shadows of illness descending upon him, he wrestled with fundamental questions of life, hope and forgiveness. He deeply loved Chantelle and his children and their photograph never left his desk. And even when the shadows were at their darkest, Craig refused to give up and believed that his life would continue, even though on a much diminished scale.'

Sadly, it was not to be. **A**

Welcoming two recent appointees to the Free State High Court Bench

On 27 February 2014, the FS Bar held a special reception to welcome the two recent appointees to the Free State High Court Bench, Acting Judge President Nathan Erasmus and Judge Soma Naidoo. On behalf of the Bar, Paul Zietsman SC extended a warm welcome to both judges and wished them a happy stay in Bloemfontein.



Acting Judge President Nathan Erasmus

Judge Nathan Erasmus was appointed to the Free State Bench as Acting Judge President from

1 January 2014 to 30 April 2014 to introduce and oversee among other things the implementation of the Judicial Case Flow Management System and the Efficiency Enhancement Programme in this Division.

During his ten years in the Department of Justice as regional control and senior prosecutor and as magistrate in the district and regional courts, Judge Erasmus gained extensive experience in the management of the criminal-justice system. After serving his pupillage with Siraj Desai (as he then was), from 1994, he practised at the Cape Bar. In January 2001, he was appointed as judge of the Cape High Court Bench and the Equality Court. From 1 June 2012 to 31 May 2013, he acted in the Supreme Court of Appeal.

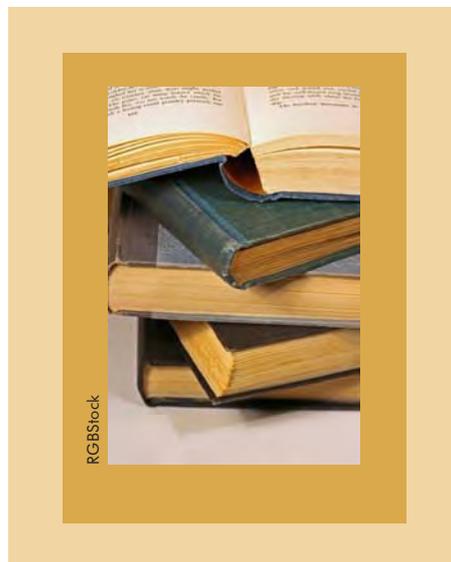
Judge Erasmus' special interest in criminal and especially juvenile justice is apparent from his involvement in the International Corrections and Prisons Association, the International Penal and Penitentiary Foundation, the African Chapter of the International Association of Refugee Law Judges, the Expert Group advising the United Nations Office on Drugs and Crime, the Intersectoral Committee on Child Justice, and his chairmanship of the National Institute for Crime Prevention and the Reintegration of Offenders (NICRO).

Since 1994, he has been an LSSA trainer in criminal procedure. Also, under the aegis of the Judicial Services Commission and the South African Judicial Education Institute, he trains newly appointed judges, as well as aspirant judges in the LEAD programme.

What is more, Judge Erasmus also found the time to serve as patron of the Boland Sports Council and of the Ithemba Community Trust, as well as to be actively involved in many other community and welfare projects.

In fulfilment of his formidable task as convenor of the National Operations Committee of National Efficiency Enhancement for courts in South Africa, during his term as Acting Judge President on the FS Bench, Judge Erasmus has established a Provincial Efficiency Enhancement Committee to determine ways in which to enhance the efficiency of the justice system in the Free State. He has also initiated a knowledge-sharing forum which offers information and training sessions on many important topics to a range of role-players in the legal system and has challenged the national and provincial government departments to improve service delivery so as to enhance the efficient dispensing of justice. Moreover, he has encouraged more effective co-operation between role-players and has effected extensive changes to the court system to streamline case management.

These were but a few of his achievements while in Bloemfontein. **A**



Judge Soma Naidoo

On 1 January 2014, Judge Soma Naidoo was appointed to the Free State High Court Bench. Judge Naidoo has already

proved herself an asset to the FS Bench. She has extensive experience of the judicial system. After, in 1979, obtaining the degrees BA and LLB, she practised as an attorney for ten years. For three years, she served as a legal advisor to the Small Business Development Corporation, whereafter, for seven years, she was a prosecutor in the Department of Justice.

In 1998, in Durban, she was appointed as a magistrate in the criminal courts and, in 2002, as senior magistrate. She headed the Civil Courts Division of the Durban Magistrates' Court for two years, the Family Courts for six years and the Criminal Courts Division for a year. From August 2011, she served as the Deputy Head of Court of the Durban Magistrates' Court until her appointment, in 2014, to the FS High Court. Judge Naidoo completed the 2007–2008 Aspirant Women Judges training programme, and, for two years, served as provincial chairperson of Judicial Officers' Association of South Africa (KZN-JOASA). From 2004 to 2008, she was Vice President of Programmes of the SA Chapter of the International Association of Women Judges (IAWJ) and, since 2010, she has served as Deputy President of SA-IAWJ, where she actively promotes the rights of women and children. She has also acted as trainer/facilitator for the Law, Race and Gender Research Unit of the University of Cape Town, has, since 1999, served as a trainer and mentor to magistrates, and, under the auspices of the KZN Judicial Education and Training Committee, she has been extensively involved in peer learning and training initiatives for magistrates.

Annually, from 2005 to 2010, she acted as judge in the Kwazulu-Natal High Court. In 2011 to 2013, she acted in the FS High Court and, in 2013, in the North and South Gauteng High Court. **A**

The speech that should have been

Aubrey Lechwano LLB LLM (Labour Law) (UFS), Free State Bar

As the most junior pupil member of our Bar last year I had the unenviable honour of giving a speech at our year end function held on 22 November 2013. I had been informed by some of my peers before the event that it is tradition at the Bar for the honour to be sprung-up on an unsuspecting most-junior member on the day of the event. I was therefore not too surprised when I was called upon by the MC to deliver my speech. One may think that my prior knowledge of my impending obligation should have resulted in the immaculate delivery of a well-thought-out speech by me, rewarded by a huge applause and standing ovation at the end, and not forgetting the proverbial awesome display of fireworks, of course!

Instead, I barely made it through my intended speech, and the bit I did manage to say was not entirely audible or coherent owing to the persistently malfunctioning sound equipment and severely distracting humorous utterances by Tom Langenhoven and other colleagues who became incited by his antics to unnerve me. Needless to say, I did not receive a standing ovation at the end of my obscure speech, and the applause I did receive was unenthusiastic and given by a few sympathetic attendees who I imagine felt obligated to applaud. My only consolation after this was the thought that the evening could have turned out much worse if the stunning date I had invited to the event had not let me down at the last minute.

I had been told that the primary aim of my speech should be to give thanks on behalf of all pupils to all those who contributed to our training during the course of our pupillage. Although I might have covered this somewhat in what was supposed to be a brilliant 'impromptu' speech, I feel that I did not represent my fellow-pupils in the best way that I could, as I was unable – owing to the mentioned adverse forces – to appropriately articulate our heartfelt gratitude to all those deserving it. I thought I had lost forever the opportunity of thanking the

relevant persons in a fitting manner, until I saw the *Advocate's* Circular No 1 of 2014, in which the editor invited members of the respective Bars to write for the publication on a fairly wide range of topics, which include 'humorous and other anecdotes.' It is my wish, therefore, to share – as I do below – the adapted version of 'the speech that should have been', in honour of the persons who are deserving of such an honour.

Firstly, I must thank my fellow-pupils for making the inherently challenging year-long course of pupillage so much more bearable and – in some instances – quite delightful. Our group comprised the perfect blend of personalities. Allow me to introduce each one according to seniority:

- 1 *Charmaine van der Merwe*. She was the group's 'voice of reason,' particularly when certain mischievous elements in the group were on peak performance. I learnt through her exceptional culinary skills that it is absolutely normal and delicious to add biltong to a green salad!
- 2 And then we have *Moeketsi Sebe*, who always looked dapper in his impressive suits. Like Charmaine, he is quiet-natured, except when he burst out with his contagious laugh.
- 3 Next we have *Nkaiseng Khooe*, who was spontaneously nicknamed 'Sussy' by Bernard Bantjies during one of our Criminal Procedure classes. She gets along well with most, and is adored by many; she loves to laugh, and is relentless in her efforts to succeed in everything she does – a quality for which I respect and admire her
- 4 Then there is PC *Ploos van Amstel*. He deserves much of the credit for the label 'mischievous element.' He is the wittiest of the group. The legend about how he and another mischievous element in the group successfully copped-out of presenting arguments against one another in mock motion court by handing-up a one

line settlement agreement to the judge will no doubt occupy the pupil tea room for some time to come.

- 5 Next on the list is *Rico van der Merwe*, who was inadvertently christened 'Rikus' by Fischer SC during a legal writing class. He was our saviour, as he on a number of occasions saved some of us in the 'Civil Procedure class from the embarrassment of answering wrongly to David Grewar's questions pertaining to the Uniform Rules.
- 6 And then there's me – the awesome one!
Enough said... haha!

Secondly, I must give a special thanks to *Henriette Murray* – our pupil coordinator. Relative to the 'tough-love' to which we had fast become accustomed, her kindness and genuine interest in our progress was always something to look forward to in our Friday afternoon classes with her. She sacrificed a lot of her time – even whilst she was an acting judge – to ensure our success in our pupillage, and for that we deeply thank her.

Thirdly, a special word of thanks must go to the senior counsel and our erstwhile course mentors who sacrificed their highly valuable time to share with us their wisdom in the aim of helping us become astute counsel through an in-depth understanding of the rules of court, and achievement of impeccable drafting and practice habits, thus guaranteeing happy clients, who would be even happier to pay our fees.

Fourthly, to *Juanita*, thank you very much for always willing to assist with a smile on your face whenever we needed your help, even with the most trivial of matters. We appreciate you.

Lastly, but certainly not least, to my mentor, *Stefan Grobler* – I feel that the words 'thank you' could never be enough to express my deepest gratitude for your guidance and support. Your unreserved confidence in my potential to do well at the Bar remains my truest motivation each day. **A**