

Tribute to Ezra Sakinofsky (1920–2014)

Authored by the Sakinofsky family and the Cape Bar

On 4 July 2014, a longstanding member of the Cape Bar passed away. Despite having officially retired from practice almost a decade ago, Ezra Sakinofsky continued to keep chambers on the 12th floor of Huguenot Chambers, and would visit chambers on a daily basis to collect his post, have a cup of tea and keep abreast of the happenings at the Cape Bar.

He is said to have once commented that the reason that he still maintained his chambers even though he was no longer practising was: ‘... because I still present myself as an advocate; and how can one be an advocate if one does not have chambers?’

Ezra was born in 1920 in the City Bowl. He was a lifelong resident of Cape Town and reportedly never lived more than one mile from where he was born, his last abode being close to chambers at St Martini Gardens since the 1960s.

In 1940, having just graduated as a civil engineer from the University of Cape Town, Ezra enlisted as a combat engineer in the engineering corps of the Second World War-time South African Army, and was posted to North Africa and Italy.

When the war ended he returned to Cape Town and worked as an engineer for the Cape Town City Council. This was interrupted when he volunteered to fight in Israel during the War of Independence from 1948 where he was given the rank of Assistant Brigade Engineer – the only one in the Israeli Army at the time. Ezra recalled that the primary function of his unit in Israel was the laying and locating of landmines, a skill that he had known nothing about prior to his arrival in Israel. His whole company consisted of Holocaust survivors.

On his return to Cape Town Ezra decided to pursue a career in law and enrolled at the University of Cape Town to read for his LLB. In January 1954 he was admitted to the Cape Bar and obtained chambers which he maintained until his death 50 years later.

Ezra did not suffer fools easily. This, along with his highly principled acerbic tongue, kept many of the people he encountered, on edge, both professionally and socially. Up to his death Ezra had the memory of an elephant and a mind like a steel trap – he missed nothing and forgot even less. It is not clear if he was ever known to have admitted to errors of judgment. But it is a truth that such admissions, although they would have been well received, were seldom necessitated by errors of fact.

Ezra was fiercely independent. In his later years he declared himself completely self-sufficient. He never lost interest in acquiring knowledge, and along with his persistence and fierce independence, maintained a deep sense of justice and integrity. Until the very end of his life he could always be counted on for good conversation and sage advice.

He epitomised advocacy and will always be remembered for his cheerfulness and willingness to engage in (lengthy) conversations. He is probably one of the longest standing juniors at any bar and we will miss him. **A**

Peter Hodes SC celebrates 50 years at the Bar

Edited by Renata Williams SC and Luke Kelly with contributions from Jeremy Gauntlett SC, Jeremy Muller SC and Murray Bridgeman

The 29th of May 2014 marked 50 years to the day that Peter Hodes SC was called to practice at the Cape Bar.

Peter is one of the Bar’s truly inspirational and iconic members. He is known for his sharp wit, good humour and unrivalled generosity. Those who know him well know that he is happiest when he is holding court in his chambers with a cast of juniors and attorneys, or delivering ‘the script’, dutifully prepared by a junior, with Peter’s customary gravelly gusto. (Junior members take note: if you did not introduce yourself to Peter when joining the Bar it is certain that Peter with his elephantine memory will not let you forget this and your dereliction of duty will forever be a mark on your copybook).

Peter is not one to turn down a brief. He continues to appear in court, before tribunals and in arbitrations, never hesitating to argue the unarguable, if re-

quired – and to do so with great force and often successfully. Peter is also renowned as the ‘go to’ person for those who have failed to adhere to the rules. As he remarks: ‘No other counsel has appeared before the Bar Council as often as I have’. During these appearances he has passionately pleaded the cause of others with utmost dedication and for no reward.

Peter is famed for his quips, both inside and outside of the courtroom. He is reputed to have once said that he would, ‘settle a menu’ if an attorney paid his fee. He is also famously reported to have commented to a client (after delivering argument in court on the client’s behalf), ‘not bad for a man who has not read the papers, was it?’ His explanation to a client on the difference between advocates and judges is particularly apt:

Client to Hodes SC: ‘Meneer, wat is die verskil tussen ‘n regter en ‘n advokaat?’

Hodes SC, deadpan and without skipping a beat: ‘Die een praat ... en die ander hou daarvan om daarna te luister.’

One of Peter’s more memorable witticisms in the courtroom was in response to an opening address made by Phillip Ginsburg SC on behalf of SABMiller in the *Laugh It Off* case (involving the controversial T-shirt poking fun at Black Label (Black Labour?) and reported under the headline: ‘Laughs in court as lawyers get shirty’). Ginsburg SC dramatically gestured to the court, ‘M’Lord, this is the *corpus delicti*’ (pointing to the offending T-shirt), to which Peter, who clearly had difficulty restraining himself remarked out aloud: ‘I know M’Lord, I wear mine every weekend!’

Peter always has time for his colleagues. Many years ago a very junior member of the Cape Bar was in desperate need to unburden herself of a *pro deo* brief in the Eastern Cape but failed to find any takers. An attorney mischievously persuaded her that there was a counsel who had chambers on the 16th floor of Huguenot Chambers and who was struggling for work. This chap, Peter, the attorney convinced her, was rather modest and would deny that he needed the work. A hard-sell was required. The unsuspecting junior is reported to have called Peter and said something along the following lines:

‘Peter, I hear that you’re desperately in need of work. I have a three week

pro deo but correctly handled it could be three months. You'll be paid weekly, plus you'll get subsistence and travelling (accommodation is usually at a B & B but I'm certain the train ticket can be upgraded to a better class). Your financial woes will be taken care of and you'll be able to practice without worrying about where your next penny comes from.'

Peter politely listened to the junior until eventually disclosing that he was in fact a silk with a rather busy practice. This junior has since left the Bar and one can only hope that there was no connection. This story also has many mutations. For example, substitute attorney with Dave Stephens, train ticket with bus ticket etc. Peter, this is your opportunity to assert *audi*.

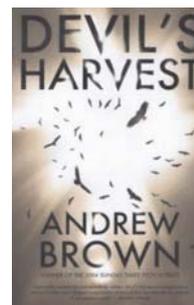
When Peter first started out at the Cape Bar he shared a flat with another junior colleague, retired Judge John Foxcroft. As the late Judge Harold Berman remarked when Peter took silk, this was indeed an unlikely pair. But, he noted, their living arrangements worked well because Peter was out every evening wining and dining attorneys. The late Judge Berman also famously quipped: 'Why would you ever brief Kentridge, when you could get Hodes at just twice the price'.

Peter is a truly remarkable individual and it is completely unsurprising that he reached the 50 year milestone in practice. Even Justice Willis remarked in a judgment that he looked forward to Peter's 'golden jubilee' celebrations. Although not physically in attendance at those celebrations Willis JA need not fret since a framed extract of his judgment was bestowed upon Peter by a colleague.

The Cape Bar has been richly enhanced by the advent of Peter. He went on to lead the Bar and the GCB. He realised almost 20 years ago that '[w]hile the complexion of the Bar is changing and male dominance is diminishing, much has still to be done in this area'. (His contribution to *Consultus* in November 1997.)

Another favourite recollection is the 1999 Bar News when a sartorial looking Hodes reportedly managed to sell no less than 180 ties to colleagues. This is a truly remarkable feat considering that these were not Guccis or some other label (and definitely not black label!) but unremarkable GCB ties.

We have first-hand knowledge of Peter in many different guises: the activist, the saint, the advocate, the stand-up comedian, the peanut gallery, the tie salesman etc. and look forward to his further contribution to making the Bar the special place that it is. **A**



Andrew Brown pens novel: *Devil's Harvest*

Andrew Brown, a member of the Cape Bar and police reservist, has recently published his fifth novel,

Devil's Harvest. His previous works include *Inyezi* (about the Rwandan genocide), and crime novels *Coldsleep Lullaby*, *Refuge and Solace*. In 2006, Andrew won the *Sunday Times* fiction prize for *Coldsleep Lullaby*.

Devil's Harvest is a political thriller set in the United Kingdom and war-torn South Sudan. Although a work of fiction, the book is meticulously researched. Andrew spent time away from practice conducting research for the book in South Sudan.

The book deals with issues confronting South Sudan, such as the ongoing human rights violations that occur in the region, the arms trade, and the plight of those living in long-established refugee camps. It weaves these issues into a gripping narrative that has led critics to heap praise on Andrew's latest work.

Devil's Harvest is published by Zebra Press and is available in most bookstores. **A**

Eastern Cape

PORT ELIZABETH

Mark Euijen and Anusha Rawjee

The biting cold has hit us hard! Fortunately, the timing of the onset of the winter cold coincides with the High Court's July recess, so most members have been enjoying a much needed winter break.

Last term, Nyameko Gqamana, Candice Mey and Wabo Msizi all held acting appointments on the High Court Bench. Their presence on the Bench represents an ongoing commitment to the transformation of the Eastern Cape judiciary by the Bar.

At the other end of the spectrum, two of our junior members, Eric Dyer and Derik Horn, attended the GCB's Future Leaders Symposium on behalf

of the Port Elizabeth Bar from 4-5 July in Johannesburg. The topic of this year's symposium was how the Bar should go about achieving its transformation goals, seen in the light of the Legal Practice Bill. The discussion amongst the delegates was reportedly robust. Judge Willem van der Merwe, Judge Johan Kriegler and GCB chairman, Ishmael Semanya SC, addressed the symposium. Dyer and Horn reported that the presentations were informative and thought provoking.

Our itinerant piper, Patrick Scott SC and his wife Bev are walking the Cotswold Way from Chipping Campden to Bath, a distance of 160km over a period of 10 days. They visit as many pubs as possible along the way to raise funds for the Port Elizabeth branch of the Animal Anti-Cruelty League (AACL).

Their journey can be followed on the Facebook group 'Walking for Paws and Claws.' This is their fifth long walk, the first being the Camino Primitivo in Northern Spain in 2010, followed by Shakespeare's Way (from Stratford-Upon-Avon to London), the Saxon Shore Way in Kent and East Sussex, and the Ebor Way and Dales Way in Yorkshire. They have walked over 1 000 km in the last four years, and raised money for AACL. All the money raised goes towards the spaying of animals in indigent areas.

Given our location in Port Elizabeth, with its easy access to sea, mountains and game parks, many of our members are still away pursuing various activities as part of their winter break. We trust that they will all return safely and refreshed for the new term. **A**