

Editor
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editor.advocate@mweb.co.za

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Correspondence and enquiries relating to contents, contributions and advertising:
The Editor, Advocate,
PO Box 786878,
SANDTON 2146
082 927 5536
Fax: +27 (011) 784 0182
editor.advocate@mweb.co.za

Street address: Sandown Village,
2nd Floor, Duma Nokwe West
86 Maude Street,
SANDTON 2146

Subscriptions
Annual subscriptions R360 (VAT incl.)
Advocate, PO Box 786878,
SANDTON 2146
Tel: +27 (011) 784 0175
Fax: +27 (011) 784 0182
E-mail: consult@mweb.co.za

Website: <http://www.sabar.co.za>

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Dzhenala ya dzangano la vhaadivokati vha Afrika Tshipembe
Die Suid-Afrikaanse Balietydskrif ■ The South African Bar Journal
Kgatisobaka ya boadifokata ya Afrika-Borwa
Jenali ya magwetha ya vaavanyisi van Afrika-Dzonga



FROM THE EDITOR

This edition of Advocate has been a tough one to put together. Apart from the usual headaches (late submissions, bad quality pictures), as I write, the Legal Practice Council – which will change the way the legal profession is regulated – is beginning its work. Much is uncertain.

One of the areas that is unclear is the role to be played by the General Council of the Bar in the new dispensation. In this edition, chairman Craig Watt-Pringle SC has set out his view on how the established structures can slot in with the new ones in a way that best promotes and protects the advocates' profession. In it, he describes some of the great achievements of the bar over the years: the setting of standards, the enforcement of ethics and the training of generations of junior advocates at the hands of their seniors. The contributions on the recent advocacy training in Stellenbosch confirm just how valuable this kind of training is – and the cost is borne entirely by the profession.

In my Law Matters column, where I wear my autonomous author hat, I look at a different aspect of the Bar's history, its transformation record, saying it has been disappointing. It was not easy to write. Even though I am not an advocate, I care deeply about this profession, and I don't like being negative. But what I hope to achieve – as an outsider – is to start a conversation; or at least to throw open a conversation that I know already happens.

I must here express my thanks to the editorial committee for its support in publishing the column.

The thing is we need to have these conversations – honestly, openly and in good faith – because they are so important not just for advocates, but for the country as a whole. What this edition, whose theme is Law and Civil Society, also shows is the close connection between what advocates do and our constitutional democracy.

We have an interview with former Constitutional Court Justice Johann Krieger, in which he speaks of some of the work he has done with the civil society organisation Freedom Under Law since his retirement. Reading it I realised that the litigation undertaken by this organisation – and others – fundamentally altered the course of our recent history. It really is quite remarkable; and when I read our other interview, with Justice Kate O'Regan, and Jason Brickhill's history of public interest litigation, I see how this activism has a history and is indeed a tradition of the bar – one to be both treasured and interrogated. As Justice O'Regan says, disagreement "is the project of democracy":

We should listen to those we disagree with, and we should reflect on whether we need to change our minds. But we shouldn't be frightened of disagreement; we should embrace it. And we should recognise that many contested questions can be resolved in a range of ways, by different people. And, quite possibly, most of those ways are right. There's not one right way. There are many different right ways."

What I really want is for these pages of *Advocate* to be one of the places where we disagree. And a place where we listen and change our minds.

Speaking of which: the next edition of *Advocate* is going to be the Land and Law edition – please, please send in your views and contributions. **A**

The editor contributes to *Advocate* as an autonomous author. The views she expresses are entirely her own, and do not purport to represent any view or position of *Advocate* or of the GCB.