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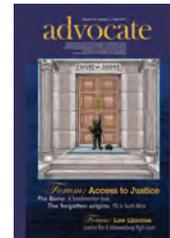
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Iphaphabhuku labameli basemajajini baseNingizimu Afrika
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Die Suid-Afrikaanse Baltydskrif ■ The South African Bar Journal
Kgatisobaka ya boadifokata ya Africa-Borwa
Jenali ya magwetha ya vaavanyisi van Afrika-Dzonga



FROM THE EDITOR Access to Justice

Transformation of society is, at the very least, about improving the lives of those persons who still bear the brunt of discrimination, relative to those who have no such disadvantage, whilst still pursuing a better life for all. So writes Andy Bester in the first of a brace of feature articles on the broad topic of Access to Justice in the Forum section of this edition.

He continues: 'As advocates, we hold ourselves out as forensic specialists, professionals who focus on the best way of improving a client's position relative to others. How well we we suited to effect transformation!'

Another member of the Johannesburg Bar, Tembeka Ngcukaitobi, tells a fascinating story of the forgotten origins of public interest litigation in the past two centuries and the lessons to be learned from that experience.

He writes: 'Our experiences from history hold valuable lessons for today's public interest lawyers. Law should not be a fetish. Public interest litigation should not supplant political action. Public interest litigation can be properly understood only when it is located alongside and within political struggles.'

Both articles lead to many important questions, such as why government has over many years given substantial funding to health care, while its spending on the provision of legal aid has been so comparatively modest. As people move up in the social sphere along the road to 'a better life for all', so legal wellness will inevitably become closer in importance to medical wellness. Will the necessary change in budget allocations accompany it? That is of course a political matter.

Another question begging for an answer is why, of nearly all the professions, is the legal profession so heavily saddled with the burden of taking care of the poor's professional services needs out of its own resources?

Be the answers to those questions as they may, there are some tangible improvements in access to justice worth noting now. One is the extension of the geographical reach of high courts into the provinces, such as that in Polokwane, which has been accompanied by the establishment of the first orthodox new Bar since the coming of democracy (see Bar News). So access to justice is facilitated for the people of Limpopo.

Then there is the steady increase in the offering and advertising of legal expenses insurance policies which promise better access to justice to the growing middle class. If the history of the growth of medical aid schemes and its influence in the proliferation of health facilities nationwide, and the financial well-being of members of various of the health professions are anything to go by, surely the development of commercial legal aid insurance will be good for the legal profession? And it will help those who can afford it to take more responsibility for themselves, with which comes the benefit of greater personal autonomy. Another benefit is that such schemes can also be spread among the less well off, by means of the bigger risk profile and consequent lower premiums of such policies marketed in bulk to trades union members and the like. Reducing the number of people requiring full *pro bono* assistance should assist the legal profession, including government's Legal Aid SA more effectively to play their part in transforming the lives of the very needy in society.



Thank you and farewell

Advocate is fortunate to have many of its Editorial Committee members stay on for considerable numbers of years. They provide an invaluable skilled resource in important aspects of the journal's operations, such as evaluating the quality of contributions for publication, the commissioning of articles on special topics where necessary and the editing of the whole product. It was therefore with regret that the committee at its last meeting accepted the resignation of Patric Mtshalauna SC, the committee chairman since 2010 (pictured), as a consequence of his ongoing gradual move from Gauteng to the Eastern Cape. The committee expressed its deep appreciation of his long service. While the committee will miss his wisdom and experience it is fortunate to have so talented and experienced a person as Frank Snyckers SC, deputy chair since 2009, to take over the chairmanship.