

HISTORY HAPPENS IN LIMPOPO
Nathi Gaisa

The official launch of the Polokwane Society of Advocates (also to be known as the Polokwane Bar Association), an affiliate of the General Council of the Bar of South Africa (“GCB”) recently made history in Limpopo Province.

The launch was graced by the presence of the newly appointed Judge President of the Limpopo Division of the High Court, Justice Mampuru Makgoba, and a number of other high court judges from other Divisions. Some of the invited judges who were not able to attend the launch sent messages of support to the Bar Association. The importance of the occasion was also confirmed by the presence of: the Minister of Justice, Michael Masutha, and the Premier of the Province, Stanley Mathabatha, together with other members of the Executive Council (MECs) from the Province of Limpopo.

Advocate William Mokhari SC, the first chairperson of the Polokwane Society of Advocates, gave the main speech at the launch. According to him the

‘establishment of this Bar, is in fact a culmination of a desire by those who came together to say that, given that this province now has a High Court, we must have a respectable Bar established in the province. This Bar has been established as a non-racial bar association. It is in fact non-racial, but it is predominantly Black for obvious reasons, because the demographics of South Africa dictate things to be that way, that in fact the majority will be Black.’

Mokhari SC told those present at the launch their presence was symbolic in that it represented the aspirations of many advocates, including those who never had an opportunity

‘to practise law simply because the material conditions do not allow them to do so, you represent those who gave up and said that we can no longer cope when we cannot have any briefs. You actually represent those young men and women at universities, those who are studying law, who are still thinking whether it is worth it to study



High Court, Polokwane

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Society of Advocates, Polokwane

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it, today you are actually saying to them, study hard and pass, then come to the Bar and do pupillage...then practise with us.'

Referring to attorneys, Mokhari SC said:

'This occasion represents the beginning of a partnership that must last for a very long time. A partnership between you and the advocates that you brief in terms of the structure of our profession, the ethical rules that advocates will not take instructions directly from a lay client. And you remain a bridge between the advocate and the client, but you also remain an important pillar to the advocates' ability to execute their briefs with the abilities that they may have.'

Also present at the launch were captains of business to whom Mokhari SC said:

'Members of the business fraternity were invited because we understand that the partnership exists between business, the legal profession and government. These are partnerships which must be grounded on the desire of each one of these sections of the Society to dispense justice.'

Of civil society, Mokhari SC said

'Because we are all part of it, you are the backbone of the country and the backbone of our democracy, to ordinary men and women of this province, rich and poor, I say that here we are, we have come to this province to bring to you the best legal practice at your doorstep. Our members will execute the briefs they get irrespective of from whom or where they come, because their ethical duty is to represent their clients with the best intellectual capabilities they have. Our members remain independent and independent-minded but they also understand that their independence must be guided by the ethical rules of the profession. This Bar Association is an independent Bar Association affiliated to the General Council of the Bar of South Africa and ought to make sure that all our members adhere to the ethical rules of the GCB and that this is critical to dispensing to the members of the public quality legal services.'

Mokhari SC emphasised that

'we wish to have members who can stand on their own feet, members who are fearless, members are never afraid, those who are afraid achieve nothing in life, success is for the brave, and this message is to the members of the Society, I am saying this because they are never going to achieve success easily, it is going to be difficult. They still have to ponder whether the briefs will come and they still have to imagine how these briefs have to be executed, if they come, they still have to think about many things, they

still have to overcome many obstacles but all I am saying is that, those who wish to build a future in the legal fraternity, don't give up, don't give up because success is for the brave.'

Limpopo is largely rural and Mokhari SC encouraged members of the Bar Association to be sensitive to the fact that practising from Polokwane is not going to be business as usual, it is unlike practising in centres such as Gauteng which are largely urban. Limpopo is one of the poor provinces in the Republic of South Africa and members of the Bar Association will have to take that into consideration in dispensing with their duties otherwise "the formation and existence of this Bar is worthless. The Polokwane Society of Advocates, as an affiliate of the GCB, consists 'of men and women of character, of principle, independent and fearless'.

Projecting into the future Mokhari SC said that the launch was an historical moment of which he would like to have it said, a 100 years from now,

'When our grandchildren celebrate its centenary, that we know that our fathers and mothers, our forefathers and grandmothers,

gathered on this day ... to inaugurate this Bar as the first Bar ever to be established in a democratic South Africa. They will look back with pride, because at that time when this Bar celebrates its centenary, Limpopo Province will not be the way it is ... you will not recognise it [then] because it will be a powerhouse at that time. So this is the Bar that I would like to be remembered for being the Bar that was established precisely to untangle the problems of the past, the problems that Black advocates are facing, the briefing patterns, this is the Bar that must change all that. It must be a non-racial Bar and must continue to be a non-racial Bar.'

Advocate George Diamond, the first white member of the Polokwane Bar Association, included some light-hearted, humorous remarks in his talk. Diamond referred to the famous American General MacArthur, who during a speech before the American Congress made the remark that 'Old Soldiers never die, they simply fade away' and referred to the fact that this remark had quickly metamorphosed into a saying applicable to lawyers that

'Old lawyers never die, they simply lose their appeal.'

ADDITIONAL INFORMATION REGARDING THE LIMPOPO DIVISION : POLOKWANE

The Limpopo High Court was proclaimed in terms of Government Gazette No. 39601 of 15 January 2016.

In terms of the said Proclamation, with effect from 25 January 2016, the two High Courts in the Limpopo Province are to be named as follows :
on all Court processes :

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE

And

IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO LOCAL DIVISION, THOHoyANDOU

The following municipal districts fall within the area of jurisdiction of the Local Division at Thohoyandou :

Giyani, Malamulele, Makhado, Musina, Mutale,
Thulamela and Vuwani.

The Provincial Division at Polokwane has jurisdiction over the whole of the Limpopo Province and concurrent jurisdiction over the areas falling under the jurisdiction of the local division.

He proceeded to thank everybody who attended the evening for the time devoted to the affairs of the Bar Association of Polokwane, and especially Judge President Makgoba, for his tireless energy in establishing the Division. He concluded by assuring everybody present that for many years to come the Polokwane Bar Association would render services to the Limpopo Province and its people and that the Polokwane Bar Association would 'never lose its appeal'.

FIRST BAR COUNCIL

The following have been elected members of the first Bar Council of the Polokwane Bar Association:

- William Mokhari SC, the chairperson
- Peter Maak
- Tebogo Frank Mathibedi SC
- Gift Shakoane SC
- Mokgerwa Makoti
- Moipone Kgatla
- Stevens Mathabathe
- Simon Mphahlale
- Mphiri Harold Masilo
- Kgalaletso Molemoeng
- Mahlalela Sophia Masimene

While the end of 2015 saw the launch of the Polokwane Bar Association, 25 January 2016 saw the official launch of the High Court in Polokwane. This is the seat of the Limpopo Division and has jurisdiction over all of the Limpopo Province. Now the province has two High Courts: the Limpopo Division in Polokwane and the Local Division in Thohoyandou (the former Venda High Court).

The Judge President of the Limpopo Division, Judge Makgoba, was appointed with effect from 31 May last year and the division itself was proclaimed on 15 January 2016.

The following Judges were appointed to act in the Division until 31 March 2016:

- (1) Mokgohloa J
from the KZN Division
- (2) Raulinga J
from North Gauteng Division
- (3) Phatudi J
from North Gauteng Division
- (4) Kgomo J
from South Gauteng Division

The High Court Building in Polokwane has two blocks: Block A is the actual High Court building with six criminal courts and 11 civil courts; Block B houses the following offices: State Attorney, National Prosecuting Authority (NPA), Master of the High Court, Legal Aid South Africa, the Family Advocate and the office of the Chief Justice – provincial Centre.

For additional information on the High Court see box on p13 – Editor. **A**

Advocate: The South African Bar Journal

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