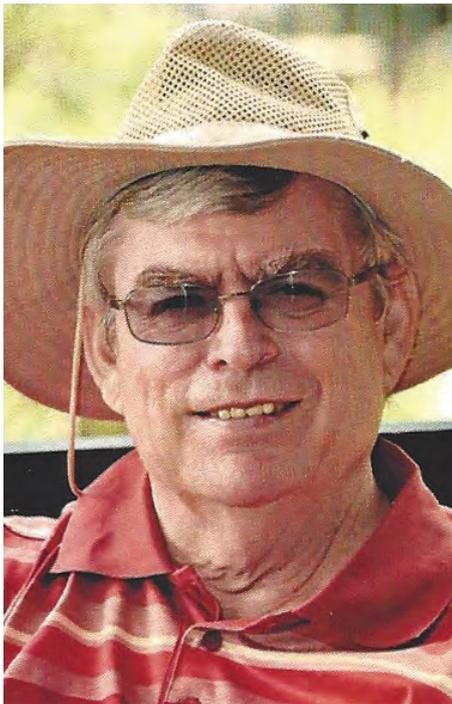


KwaZulu-Natal

DURBAN

Sarah Jane Linscott

IN MEMORIAM
GAVIN MORLEY SC
Glenn Thatcher SC



The late Advocate Gavin Morley SC

Gavin Morley, a senior counsel with chambers in Durban, passed away in November 2015 at age of 67. His death from illness came as a shock to the members of the Bar since, until his passing, he maintained his very busy practice, continuing to appear in courts in both KwaZulu-Natal and Gauteng in the month in which he died.

Gavin was born in 1948 and completed his schooling at what was then Northlands Boys High School in Durban North. He obtained a B.Comm degree in 1969, a B.Proc degree in 1974 and an LLB degree in 1985, receiving prizes as the best final year student in the latter two degrees. He was admitted as an attorney in March 1975. After practising as a partner with attorneys Cox Yeats in Durban, he commenced practice for his own account in March 1980. He joined Spoor & Fisher in Pretoria in October 1986 in order to specialise in intellectual property and became

a partner of that firm in March 1988. In 1989 he was awarded the Master of Laws degree in intellectual property *cum laude*. While practising as an attorney he dealt with many high profile cases. In one such case he represented McDonald's Corporation in which McDonald's sought to protect and retrieve its name in order to open up its chain of restaurants in South Africa, a case which McDonald's won on appeal and which is reported as *McDonald's Corporation v Joburgers Drive-Inn Restaurant (Pty) Ltd and Another* 1997 (1) SA 1 (AD). In 1996 Gavin and his wife Jill returned to Durban and he was called to the Bar on 1 July 1996. He maintained a busy practice as a junior and took silk in August 2004. Gavin specialised in intellectual property law and his reputation grew, resulting in his developing a practice in that field throughout South Africa, appearing in courts in intellectual property cases in Durban, Cape Town, Johannesburg and, in particular, Pretoria.

His expertise in intellectual property received recognition with his appointment as co-author of the 4th edition of the leading text book in the field *Webster & Page: South African Law of Trade Marks*. He was also a co-author of the section on trade marks in volume 29 of *Joubert: The Law of South Africa*. He undertook a number of acting appointments on the High Court bench in KwaZulu-Natal and wrote a number of judgments, one of which is reported, namely *Silent Pond Investments CC v Woolworths (Pty) Ltd & Another* 2011 (6) SA 343 (D). Members of the Bar who appeared before him appreciated his diligence, knowledge, patience and wisdom, and the general view is that he would have been a great asset to the KwaZulu-Natal bench. Gavin regularly attended IBA conferences in various parts of the world and also served on a number of IBA committees and delivered papers at a number of these conferences. In addition to maintaining his busy and challenging practice, and despite his frequent absence from chambers, Gavin participated fully in the affairs of the Bar in Durban. He gave unstintingly of his time to pupils and

young advocates, playing an enormous role in the advocacy training programme. For many years he was a tutor in legal ethics preparing pupils for the Bar entrance exam on that topic and was an enthusiastic and conscientious trainer of pupils in practical court craft. For a number of years he was in charge of the pupil training programme in Durban, an extremely time-consuming task which he performed with distinction. In this capacity he also attended advocacy training conferences both in South Africa and in England.

Gavin was an exceptional person in that he had a full life outside his busy professional career. In 1998 he obtained a Master of Theology degree from Westminster College, Oxford, and was an ordained minister in the Anglican Church. For many years he and his wife Jill, also an ordained Anglican minister, conducted the Alpha course, an introduction to Christianity, as well as marriage preparation, and similar courses at their home at Morningside in Durban.

Gavin was also an enthusiastic traveller and enjoyed nothing more than a trip to Italy, a country which he loved, where he was able to practise his Italian, he and Jill having in later years taken Italian lessons.

Gavin's passing is a great loss to the Durban Bar. He enriched all of our lives and we will miss him both as a trusted colleague and as a friend.

NEW SILKS



Dave Phillips

Dave was born Durban 1961 and attended Carmel Primary and Carmel College from 1968 to 1979. He studied at University of Natal,

Durban from 1980 to 1985 to December 1987. He was a prosecutor from 1988 to 1989 and then went on to do his articles at Berkowitz, Kirkel, Cohen, Wartski, Green-

Correction: pp 26/7 NEW SILKS. David Phillips. Dave was born in Durban in 1961 and attended Carmel Primary and Carmel College from 1968 to 1979. He studied at the University of Natal, Durban, from 1980 to 1985 and did his national service in the (then) SADF from 1986 to December 1987. He was a prosecutor from 1988 to 1989 and then went on to do his articles at Berkowitz, Kirkel, Cohen, Wartski, Greenberg from 1989 to 1991. He did pupillage from January 1992 and has practised in Durban since. Dave is an aviation enthusiast. He is also a semi-professional musician and performs regularly in Durban (and most notably at the 2015 Bar Dinner). He is the 'Father' of nine pupils and loves life at the Bar (in every sense of the phrase). [Advocate apologises for the mistakes in the print version of this item which were the result of an error in the editing process – Editor.]

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Glen Goddard

Glen David Goddard matriculated at Roosevelt High (Johannesburg) in 1980, went to University of KZN (Durban), served articles &

practised as an attorney with Pampallis & Randles (Durban) and joined the Durban Bar in 1994. His practice mainly relates to contractual disputes, municipal law, property development, town planning, professional indemnity claims, procurement and land claims. He is married to Paula Noah, and is a keen, although very amateur, cyclist (mountainbike & road), motor cyclist, rally navigator and historian.



Joseph Nxusani

Joseph Nxusani was born in Soweto in 1961 to a mixed couple. He and an older brother were forcibly removed by the State and sent to the

St Theresa's Orphanage in Durban. The removal was implemented to give effect to the prevailing system of race classification. He was a toddler when he arrived and stayed until he was able to attend St. Theresa's Primary School.

When he was 13, he and his brother, were released from the orphanage but they were still not permitted to stay with their African family in Soweto. Instead they were placed into foster care with a so-called Coloured family in Noordgesig, Johannesburg. In 1979 he matriculated from the Riverlea High School. He com-

pleted his first year at the University of Western Cape in 1980. He returned to Johannesburg and registered at Wits in 1981. He completed his BA degree, majoring in political science and Law. In 1985 he completed his LLB.

During this period he performed an assortment of jobs which included bank telling, cleaning, painting, and selling an assortment of goods to finance his high school and university studies. During his studies he was a community activist and a student leader. After numerous conflicts with the police he decided to join the ANC as an operative for Umkhonto we Sizwe.

After graduating he joined the Legal Resources Centre where he underwent a fellowship programme in 1986. In 1987 he joined the Centre for Applied Legal Studies (CALS). He thereafter commenced his articles of clerkship at Cheadle Thompson & Haysom in 1988. He was called to the Johannesburg Bar in 1990. In 1992 he joined the prosecution service. During the period 1995 to 1997 he served as a senior lecturer at the University of Fort Hare, where he lectured in labour law and forensic medicine. He was appointed the legal adviser to the Vice-Chancellor. During this period he won a Ford Foundation Scholarship. He spent a year as a visiting lecturer at several American Universities including Miami, Iowa, William & Mary, New York and Howard.

On his return to South Africa in 1998, he joined the Durban Bar of which he has been a member for the past 17 years. He specialises in labour law, local government law and administrative law. He also has a busy commercial and civil litigation practice. He is an arbitrator and a mediator. He has acted as a judge in the Free State High Court and in the KwaZulu-Natal High Court. He has been a Small Claims Commissioner for 13 years. He has served as the Chair and Secretary of Advocates for Transformation (KZN). He is a member of the Black Lawyers Association. He took silk in 2015.

He is a keen golfer, currently playing off a 12 handicap. He is Chairman of the

oldest black golf school in KZN. His hobbies include soccer, cricket and rugby and he travels extensively.

He is married to Cecily and they have three children, a son and two daughters.



Michael Collins

Michael was born on 20 March 1964 and matriculated from Linden High School in 1981. He obtained BLC and LLB degrees from the University of

Pretoria. Michael joined the Department of Justice as a prosecutor in 1987 and was appointed as a magistrate in 1992. He was seconded to the National Peace Secretariat from June 1992 to December 1993 as regional representative for KwaZulu-Natal.

Michael was admitted as an advocate on 26 January 1993 and commenced practice at the Durban Bar in June 1996. His practice focuses mainly on construction, contractual and commercial matters, constitutional law, administrative law and environmental law. He was chairperson of the Tax Board from 2008 to 2013 and has been a director and member of the executive committee of the South African Association for Marine Biological Research (RF) NPC since 2014. He was appointed by SASCOC in 2009 to chair a commission of enquiry relating to the conduct of certain officials of Athletics South Africa during the World Athletic Championship in Berlin.

Michael received his letters patent on 13 August 2015. He married Alta in 1988 and they have a daughter. He enjoys wildlife photography and has a collection of more than 48 000 photos, some of which have been nominated for awards.

Michael also enjoys mountain biking and is an occasional pilot of radio-controlled airplanes and helicopters.



Mohamed Saleem Khan

Saleem commenced practising as an Advocate on 2 October 1990. He holds the following degrees: B.A; LL.B; LL.M (UDW)

M. Phil (University of Cambridge – U.K.); II.E Dip. (University of Georgetown – Washington DC, U.S.A). He was Senior Lecturer in Law at the then University of Durban Westville in 1990. He has many publications which include publications in the South African Law Journal, South African Journal of Criminal Law and Criminology. Adv. Khan has also presented many papers at different international forums. He is presently in practice at the Durban Bar and his fields of practice are Corporate, Commercial, Criminal, Matrimonial and Labour.



Thandazani Griffiths Madonsela

Griffiths Madonsela (more affectionately known as “Doda”) was born on 13 August 1970. He matriculated at Zwelibanzi

High School, Umlazi Township, Durban, in 1988 and obtained his B Juris degree from the University of Zululand in 1991. Thereafter, he completed his LLB degree at the then University of Natal (Durban), in 1993. He served his Articles of Clerkship with Linda Mazibuko & Associates (1994 – 1995), during which time he passed the Attorneys Admission examination.

He was admitted as an attorney and practised as such for five years (1996 to 2000), initially, for his own account as Madonsela and Company, and, thereafter, as the Assistant State Attorney, Durban. As a law student and later as an attorney, Doda became (and remains) a faithful steward and member of the Black Lawyers Association (BLA). During this period he intermittently held various positions as execu-

tive member of BLA’s Durban branch. On behalf of the BLA, he served as a member of the Public Relations Committee of the then newly-formed Law Society of South Africa (LSSA). He was called to the Bar in Durban in 2001. As an advocate, he joined and remains a member of the Advocates for Transformation (AFT). He has served as AFT representative on the Bar Council of the KwaZulu-Natal Society of Advocates for a number of terms and continues to serve in its ad hoc committees in various capacities. Throughout his years as an advocate, Doda has been involved in pupillage training, initially as a lecturer and subsequently as Convenor of the ‘Conduct of Civil Trials’ Module.

He is moreover a trainer in the Bar Council’s Trial Advocacy programme. He is currently a member of the *Pro-bono* Committee of the Durban Bar Council and serves as a member of the National Transformation Committee of the General Council of the Bar of South Africa (the GCB). Furthermore, Doda is a member of and represents the advocates’ profession at the University of KwaZulu-Natal’s School of Law Advisory Committee, which advises the University’s Faculty of Law on the minimum academic standards required for an LLB degree. Doda founded a Critical Legal Study group which continuously reflects on the impact of judgments delivered by our courts on various topical legal issues. Doda has a varied legal practice covering a wide spectrum of fields.

He has a thriving commercial practice. Alongside it, he has a busy Administrative and Constitutional law practice. He has been involved in widely publicised Commissions of Inquiry as well as civil (contractual and delictual), insurance, labour, land restitution and criminal law litigation. Doda has made presentations – to the Regional Court Magistrates on ‘*The New Magistrate’s Court Civil Rules*’ (2010); to the BLA Durban Branch members on ‘*The Legal Practice Act, 2014: Whereto from now?*’ (2014); to the South African Medical Association on ‘*The Ethics around the Sale of Steve Biko Autopsy Report*’ (2015); and to the UKZN BLA Student Chapter on ‘*Some*

tips on preparing Heads of Argument’ (2015).

Doda has served as a member of the Third Medical Committee of Preliminary Inquiry of the Health Professions Council of South Africa (HPCSA) (2004) and as Chairperson of the Tax Appeals Board (Durban)(2008 – 2014). He acted as Judge of the High Court, KwaZulu-Natal (Durban) in 2011. He was conferred the status of Senior Counsel on 24 July 2015; and, on his 45th birthday, on 13 August 2015 received his Letters Patent. Doda is married to Bathabile and has three sons.



Rob Mossop SC

Rob was born on 16 January 1961 and matriculated in 1978. He obtained a BA degree in 1981 and his LLB degree in 1984, both from the University of

Natal, Durban. He served articles of clerkship with Thorpe and Hands Attorneys in Durban before taking up employment as a legal adviser with the Altron Corporation in Johannesburg. In 1990 he returned to Durban and prosecuted at the Durban Magistrate’s Court before being appointed an additional magistrate in 1991. He was called to the Bar in 1996. He has a civil practice involving commercial, administrative, insolvency and contractual law. He is married to Janice, who is the managing partner of Browne Brodie Attorneys.

He kayaks (quite slowly according to observers) and scratches around on a golf course from time to time. He and Janice enjoy travelling and have been fortunate to be part of expeditions to both the Antarctic and Arctic. He is a Sharks’ season ticket holder of many years standing and an avid supporter of FC Barcelona. **A**