

Cape

Contributed by Trevor Emslie SC

WORSE EVEN

How are things at the Cape Bar? This sounds like the start of a typically bland conversation, in the chambers of a soon-to-be-presiding SCA judge, at the customary pre-hearing exchange of pleasantries where one discusses anything under the sun except what is foremost in one's mind, the case about to be argued. Other favourites are the weather, sport and the vagaries of transportation by air.

So how *are* things at the Cape Bar? Well, much the same, one might say, much the same – worse even.

This is said in partly in jest, but not entirely. For *The Advocate* (formerly known as *The Brazilian*), until the end of June 2017 the restaurant on the ground floor of Huguenot Chambers, has closed. Lamentations at the closure thereof may not be entirely unanimous, but there can be no doubt as to the convenience of a restaurant on the ground floor of one's building. After all, where else could you order a 'Fitzgerald', a 'Van Embden' or a 'Hodes'? (Who on earth would want to order one of those, one can almost hear readers react?) It has long been something of a mystery why Patsy Emmett, the proprietress of the said establishment, named three of her standard dishes after three anything-but-standard counsel – but one was, of course, always free to order something else; and one typically did. Yet a toasted cheese and tomato remained a toasted cheese and tomato, and a bottle of still water still remained neither shaken nor stirred, even if they prompted cryptic expositions on the causes of unbridled inflation.

No, the reason why the closure of *The Advocate* fills one with foreboding is the reason why it has closed. It has closed because the owner of Huguenot Chambers has – according to that most reliable source of information, rumour – decided to undertake fairly extensive construction operations (masquerading of course as improvements). The ground floor will, one understands, be re-configured so as to prevent it being used as a thoroughfare between Queen Victoria and Keerom Streets, and visitors – including the attorneys, witnesses, and clients with whom our



lives are so intertwined, not to mention out-of-town counsel – will in future have to sign in, in order to enter a revamped ground floor, so as to gain access to a carefully nominated floor of the building, with security features like glass doors between the lifts and reception, and so on. This will probably be as effective as FICA in controlling the visitorial equivalent of money laundering, and present something of a challenge to those who would normally not even consider posing a security threat.

It seems that our landlord, possibly in the best legal tradition, overlooks two important maxims. The first is: 'When it is not necessary to change, it is necessary not to change'. Perhaps this is what distinguishes, in the minds of some, social engineering from construction engineering. Then again, perhaps not. Be that as it may, it is at any rate not far removed from the second part of the maxim that exemplifies our doctrine of judicial precedent: *et non quieta movere*.

The other well known axiom can be expressed succinctly: *ubi aedificatio ibi excrementum et injuria*. That most blunt of intellectual instruments, common sense, tells us that it is not necessary to dwell on the problems attendant on proximity to building operations. *Res ipsa loquitur*.

A few years ago I had occasion to correspond with Sir Sydney Kentridge QC, and he remarked that the great thing about the Cape Bar – clearly he had Huguenot Chambers in mind – is that, if you

don't have any work, you can always gaze out of the window and admire the view. Could this be why Jeremy Gauntlett SC QC recently moved from the Keerom Street side of the building to the Queen Victoria Street side? One wonders.

Jeremy's move involved *inter alia* the installation – so rumour has it – of a video-conference facility, given the geopolitical nature of his practice, which was not unaccompanied by the 'after-hours' sound of drilling and hammering so beloved by counsel pondering abstruse questions of law, who typically know not the practical meaning of the phrase 'after-hours'.

Returning to Bloemfontein, it is said that one counsel, when a soon-to-be-presiding SCA judge enquired after his health (also a permissible topic) prior to an appearance in the SCA, responded that when he was about to appear in front of five SCA judges, he invariably felt the same as a patient being wheeled to an operating theatre for surgery. Quick as a flash, the learned Judge – rumoured to be Harms JA – responded: 'The only difference is that we don't administer an anaesthetic.'

So the inmates of Huguenot Chambers will soon be in need of pain-killers, to be taken as symptoms require, while those wise brothers and sisters who inhabit other buildings can thank their lucky stars *et non quieta movere*. But this too will pass.

Otherwise, things at the Cape Bar are much the same. Worse even.

CREATIVE AMBITION

They say the law is no game.

Perhaps for this reason, the Cape Bar's Rob Acton took matters into his own hands when he conceived and designed *Ambition* – a roleplaying card game with a dark fantasy backdrop. In the industry this is known as a micro-game; designed to be played from start to finish within a very short space of time. Having taken 18 months to develop, Rob designed *Ambition* from the ground up and was responsible for almost every aspect of its design – including its phenomenal artwork. The name, however, was his son's idea.

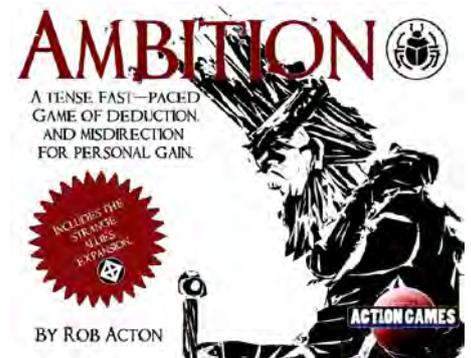
The goal in *Ambition* is for a player to acquire ten gold coins and does so through his or her cards, representing a particular character with unique character traits. These traits allow a particular card to acquire, lose or otherwise influence the other player's cards (and thereby acquire or lose coins) and pave the way to a strategic victory.

No stranger to the world of table top

gaming and recreation, Rob resolved to take his hobby to the next level in 2011 when he began pitching ideas (and more often than not, prototype games) to his friends and colleagues keen to participate.

Despite his passion for the legal profession one has definite creative limitations, according to Rob, because you can only craft an argument for one client in a particular matter. He has found expression of his creative energy in *Ambition* as well as his other projects. He finds a few hours on most days to tweak and balance each one, and often finds the most stressful days to be his most creative.

Although *Ambition* is the first of his projects to be published, it is by no means the only one in the pipeline. Rob has successfully developed two fully-playable prototype board games – *The City* and *IcarusX* – although neither are quite ready for publication given the steep manufacture costs. Rob sees these as his long-term projects. Both feature professionally-made boards, cards and tokens – of which Rob is



also responsible for the artwork.

An integral part of Rob's professional philosophy is never to define oneself through one thing only, be it work or otherwise, but to express yourself beyond the legal limits.

Ambition was launched at The Big Box (18 Roeland Street, Cape Town) on 8 July 2017 and will launch at Fanaticus (Platteklouf Centre) on 29 July 2017 for an initial limited-edition run. The recommended retail price is R320.00.

HOUSING POLICY HELPS TO FIND A HOME FOR ALL 2016'S SUCCESSFUL PUPILS

In 2016, the Cape Bar welcomed 28 new pupils, of whom 22 successfully completed the Bar exams. Of those, 21 applied for full membership of the Cape Bar.

The new members are: Keturah Adriaanse, Naretha Brand, Annemie Erasmus, Lee Gabriel, Blane Hansen, Stacey Hendricks, Sibonile Khoza, Francois Landman, Patrick MacKenzie, Lourens O' Conner, Luise Ostler, Alison Pienaar, Fabian Pretorius, Chris Quinn, Caroline Rogers, Adrian Rogowski, Alton Samuels, Mabelle Samuels, Tessa Steyn, Anton van Loggerenberg and Janine Visser.

In keeping with the Cape Bar's transformation objectives, 13 of the new members are black and/or female.

Several of the new members opted to take advantage of the Cape Bar's new housing policy, in terms of which junior members of less than 5 years' standing are entitled, as of right, to share chambers

with another junior member of similar standing. The new sharing arrangement has greatly contributed towards accommodating adequately the new members all at the same time, without any having to defer their membership application in light of the unavailability of chambers. Two of these new members – Erasmus and Pretorius – have taken up chambers in George.

Special congratulations are due to Pienaar who became a mother for the second time, in December 2016.

CLIFFE DEKKER HOFMEYR SUPPORTS TRANSFORMATION AT THE CAPE BAR

Currently, there are 30 pupils doing pupillage at the Cape Bar.

They are: Stacey Webb, Marais van der Merwe, Faith Zulu, Romay van Rooyen, Piet Olivier, Roxy van Wyk, Connie Smit, Mongezi Nqoro, Guguletu Samkange, Sithe Ngombane, Nate Mauritz, Claire Morgan, Phumzile Mdakane, Ntwanano

Mashava, Dmitri Mitchell, Zanne-Mari Labuschagne, Unathi Gcilishe, Ntombifuti Kunju, Lisa Esterhuyse, Sam Fuller, Joe Govuza, Ben Cronin, Bronwynne Brown, Tanya Davids, Jane Blomkamp, Jenna Cook, Jean Bence, Ruan Kotze, Tracey Pharoah and Marnes de Wet.

In keeping with the Cape Bar's transformation objectives, more than 60% of them are black and/or female.

In further advancing its transformation objectives, on 7 April 2017, the Cape Bar in partnership with Cliffe Dekker Hofmeyr announced the conclusion of an agreement under which the firm donated R600 000.00 to the Bar Council. This money will be used for bursaries to a maximum of R10 000 per pupil or junior member (of less than 5 years' standing) who are historically disadvantaged.

The Cape Bar is grateful for this generous contribution and excited about the impetus it will give to empowering pupils and junior members. **A**