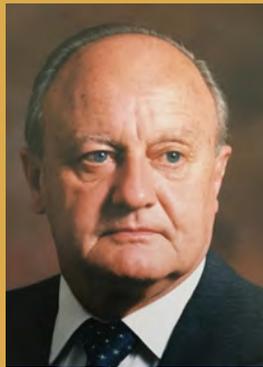


OBITUARY

The Honourable Mr Justice Plewman

Thomas Plewman QC



Chris Plewman passed away on 27 June 2017 at the age of 90.

Admitted in April 1952, he had a formidable career both at the Bar and on the Bench.

Chris was a fierce believer in defending the individual against the State. He acted for the families of the injured and deceased in the Judicial Inquiry into the Shooting at Sharpeville, led by Harold Hansen; and was junior to Rex Welsh and Sydney Kentridge defending Barend van Niekerk on the contempt charges laid following his exposure of judicial racism in death-penalty sentencing. In November 1971 he successfully defended Dr Van Druten on charges of performing an unlawful abortion on a mentally disabled 15 year old girl who had been raped by her brother, which was the immediate precursor to amendments to the abortion laws. Most significantly, he was the junior junior on the Treason Trial defence team for the years of trial leading to the acquittal of all accused in March 1961. As the case moved towards its conclusion Chief Albert Luthuli wrote to the team led by Isie Maisels:

"... whatever the result, responsible African opinion will always hold you in high esteem and feel indebted to you for your magnificent performance which has been a big challenge to the Crown and the government."

Chris continued for many years to support and correspond with one of the accused, Mr Simon Mkalipi, until his death in 1992.

Taking silk in June 1972, he rapidly developed one of the leading commercial practices over the next two decades. He was a foremost intellectual property silk. Major patent cases included *Gentiruco v Firestone*; *Lennon v Hoechst* and the long running litigation between Kreepy Krauly and Barrucuda. But he ranged widely

across all commercial fields, with important cases including *Novick v Comair* in company law, *Impala Platinum Mines v The Bafokeng* as to mining rights and the *Kinross Mine Fire* inquiry, among so many others. He was the Bar Delegate to the Advisory Committee on Copyright and to the committees appointed to advise on amendments to both the Copyright and Patent Acts. Ever-practical, he believed that a proper investigation of the facts resolved most disputes and was a tough and uncompromising trial advocate. In a letter to the family after his death, Mike Tselentis said,

"Chris was one of that superb generation of Johannesburg silks, which also included Isie, Rex and Sydney, who made the Johannesburg Bar what it was during my junior years, and with whom I had the privilege of working. Comparisons are invidious, but in my opinion Chris was the best all-round South African civil trial advocate of his time, and one of the very best cross-examiners."

He led the Island Group for a number of years, with an amiable but principled autocracy remembered fondly by many. Absolutely committed to professionalism, he was nevertheless in some senses a moderniser and was (with Fanie Cillers) one of the first to employ a full-time secretary, regarded as rather controversial in those days.

With the collapse of apartheid he agreed to accept an appointment to the Witwatersrand Local Division in 1991. While on the Bench he served as Chairman of the Legal Aid Board and as Chairman of the Advisory Committee on Copyright, Trade Marks, Patents and Designs. Colleagues of his generation at the Bar and the Bench, his juniors and those who appeared before him recall his quiet

and efficient commitment to principle and justice, as well as his wry sense of humour and infectious laughter. As a judge, he was unfailingly polite and careful. Cedric Puckrin commented:

"Apart from the obvious things I will always remember this about Chris: As all good judges do, he from time to time addressed questions to Counsel. But none of the questions was ever laced with malice, nor did one ever get the feeling that he was trying to demean counsel in any way."

He was appointed to the Appellate Division in 1996, serving for five years with great distinction, delivering authoritative judgments in many fields but in particular in intellectual property. After retiring in 2001 he continued to serve for a number of years on both the Botswana and Lesotho Courts of Appeal, and was a much sought after arbitrator before his eyesight began to fail at the age of 80. Lionel Melunsky wrote on the occasion of his 90th birthday,

".. as a Judge, Chris' judgments, always delivered without delay, contained no extraneous commentary. Ever to the point and expressed in unambiguous language, his judgments should be a lesson to those judicial officers whose wordy pronouncements make it difficult for others to find the main ratio of their conclusions. Above all, Chris fervently believed in and maintained the highest traditions of legal practice and the principle of legality in the administration of justice..."

A number of people have remarked that, above all, Chris was more than just a distinguished advocate and judge. As a young man he was a very good sportsman, excelling in athletics, cricket, rugby and golf. He was a talented artist. He was widely read and deeply interested in history. With a South African family lineage tracing back to 1820 settlers on his paternal side and all the way back to the late 17th century on his mother's side, he was proud of and passionate about the country and all its people. He loved the bush, revelling in the wide-open spaces and the endless vistas of the Southern African hinterland, and the Kalahari and Karoo deserts in particular. He loved nothing more than to be seated around the fire in a simple campsite under the African sky, sharing a drink with friends and family.

He leaves behind his wife Gilly, children Nicholas, Thomas and Lisa and six grandchildren, and is greatly missed by all of them. [A](#)