

Cape Bar

Contributed by **Patrick MacKenzie**



CONTINUING LEGAL EDUCATION COMMITTEE AND LUNCHTIME LECTURES

Through the efforts of its Continuing Legal Education Committee and the lunchtime lectures it hosts, the Cape Bar continues to make a concerted effort to keep its members abreast of the important changes taking place in the profession.

Past speakers include, among others, Deputy Chief-Justice Dikgang Moseneke, Constitutional Court Justices Albie Sachs, Edwin Cameron and Kate O' Regan, Justice Fritz Brand of the Supreme Court of Appeal, Judge Owen Rogers and Judge Dennis Davis of the Western Cape Division of the High Court, Professor John Dugard and Tembeka Ngcukaitobi.

The Committee also recently held a Q&A on the implications of the legal Practice Act.

On 27 March 2019, retired Constitutional Court Justice Richard Goldstone delivered a presentation on the current state of international criminal justice, its importance and how it might change in the future. As a former Chief Prosecutor at the International Criminal Court, Justice Goldstone offered unique insights into the background and role of the ICC as well as the growing importance of international criminal justice. The presentation was enthusiastically attended by a large group of members in the Cape

Bar's newly refurbished common room.

On 5 June 2019, Advocate Glynnis Breytenbach, currently the Democratic Alliance's Shadow Minister of Justice, offered her views on the changes in the current National Prosecuting Authority and what the NPA's future might hold. Although cautiously optimistic, Adv

Breytenbach indicated that the lack of adequate resources remains a fundamental challenge to the NPA and urgently needs to be addressed. She emphasised the role that civil society (especially legal practitioners) can play to ensure that the NPA continues to operate without fear, favour or prejudice.



Left to right Anton Katz SC, Justice Goldstone and Thabani Masuku SC



Left to right James Ord, Glynnis Breytenbach and Patrick MacKenzie



TRIBUTE TO ALWYN MÖLLER by Members of the 13th Floor Huguenot Chambers

Most of the readership of this journal will be at least vaguely familiar with the formulation by Ulpianus of the basic precepts of the law: to live honorably, not to harm others, to render each his own. In similar vein, the Roman jurists, when it came to the attributes ideally possessed by advocates, specifically, placed courage (fortitude / fearlessness) ahead of virtually all others.

Measured against these standards, Alwyn Möller, a friend and colleague of many years, who passed away on 13 June 2019 after a short but aggressive illness, was an exceptionally good lawyer and advocate.

Courage, in particular, he exhibited not only in the courtroom, but also more widely. He was the sort of person - an increasingly rare specimen nowadays - who preferred having a correct (or defensible) viewpoint to having one that would conduce to making him popular or tend to appease any higher power confronting him.

Another related attribute, which could not fail to strike anyone with a more than perfunctory acquaintance with him, is that Alwyn was a free thinker - in the best, and widest, sense of the word. Whatever one may have thought of Alwyn's opinions - or the, frankly, often interesting, even eccentric, ways in which he arrived at them - one could never accuse him of pandering to conventional wisdom, or of simply adopting second-hand opinions generated by others. His intellectual honesty, like his mischievous sense of humour, was a defining aspect of him, never a mask.

At Bar level, Alwyn's tireless and selfless efforts (especially on the housing front) will, of course, not be forgotten. But to those who knew Alwyn on a personal level, however, the loss occasioned by his death cannot be quantified by a mere 'sum of the parts' approach - something which is, in a way, emblematic of the man himself. Simply put: a great spirit, and a good friend, has departed, and we are the poorer for it. *Aeternum vale.*

THE SCOTTISH WAY OF DOING THINGS

As part of its recent renovations the Cape Bar introduced Scottish Chambers for its members on the ground floor and 17th floor of Huguenot Chambers.

The Scottish Chambers, on each floor, consists of identical 20 cubicles, both small and large consultation rooms, and a kitchen.

Members who elect to take up Scottish Chambers are charged R3 400

per month for their own workspace, cupboard space (large enough to store one's collar, robe and jacket) and a telephone. The common expenses, such as utilities, consumables and the like, are shared between members in the Scottish Chambers are, on average, R200 per month.

The dearth of commercial property viable for chambers has been a significant

challenge to the Cape Bar. The Scottish Chambers offers a solution, certainly in the short term, to that problem.

However, the proof of the pudding, it is said, lies in the eating. Approximately 20 members have already claimed their places in the Scottish Chambers.

There is still plenty of pudding to go around. **A**

