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Iphaphabhuku labameli basemajini baseNingizimu Afrika
Dzhenca ya dzangamo la vhaadivokati vha Afrika Tshipembe
Die Suid-Afrikaanse Baaietydskrif ■ The South African Bar Journal
Kgatisobaka ya boadfokata ya Afrika-Borwa
Jenali ya magwetha ya vaavanyisi van Afrika-Dzonga



FROM THE EDITOR



Despite the fact that I have been editor of *Advocate* for some years, I confess there are aspects of life at the constituent bars that remain an enduring mystery to me, one of these being the GCB Circular – in particular how these get from the GCB to the attention of every advocate across the country.

I am mildly curious in a general way as to the mechanics of how the GCB communicates with constituent bars – bars that are scattered across the country and that all seem to have their own structures and ways of doing things – and in turn with members. But I am intensely interested specifically in whether advocates – readers of and potential contributors to *Advocate* – are seeing my circulars.

For example, the circular calling for submissions to this August edition had a suggested theme: the Judicial Service Commission. This seemed at the time, and even now, to be a topic that was being discussed and debated everywhere. Yet we did not receive one submission on the topic and I am not sure what to make of it.

I was disappointed. I think the state of the JSC is a pressing and urgent issue. It has been two years since Chief Justice Mogoeng Mogoeng decided that there should be a Judicial Conduct Tribunal – meaning potentially impeachable conduct – into the dispute between Western Cape Judge President John Hlophe and his deputy Patricia Goliath, a dispute that pulled in the whole of the Western Cape bench. JP Hlophe appealed the decision that his counter-complaint against DJP Goliath should be dismissed and we are still waiting for the JCT. Two years.

That is the discipline side of the JSC, which to me is even more concerning than the appointment side. There is so much to talk about and I was hoping for some incisive contributions from you – the people whose lives are affected every day by who sits on the bench – to assist the rest of us: the public, whose lives are affected in a broader, but just as important way: through having a well-functioning, independent and legitimate judiciary.

Anyway, I just hope it is not because people missed the circular that these submissions did not come. I have decided to be more proactive on this front – I shall be tweeting the themes of *Advocate* editions in future.

Not that I am complaining about what we did receive. Frank Snyckers' and Daniel Sive's piece "The Sanctity of Secrecy", on the confidentiality of arbitrators deliberations, was fascinating and helped me clarify my thinking on why I disagree with the Constitutional Court's majority decision in *Helen Suzman Foundation v the Judicial Service Commission*, which held that confidential deliberations of the JSC formed part of the Rule 53 record in review proceedings (Ok, I am a bit preoccupied with the JSC I admit).

Les Morison's Benchmark is a lovely read and I was very interested Mark Grieg's comments on the draft regulations on pro bono work. It is all very well to double the number of hours required for pro bono, but if the monitoring and enforcement mechanisms are a problem, it won't work and then what is the point of it?

This edition of *Advocate* begins with a goodbye from Craig Watt-Pringle, who has chaired the GCB for an extended period and has sat ex-officio on our editorial committee for as long. Craig saw us through the worst of Covid and has been a pillar of strength. In his adieu, he calls on all of you to get more involved in building the profession.

We will miss you Craig, all of the best. **A**

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