



From the publishers



A Weakness to Die For
by Owen Salmon
Liquid Type Production 2024 (267 pages)
Reviewed by Nevenka Ristic,
Cape Bar

Owen Salmon's debut novel is told through the lens of Peter Truman SC, whose colleagues have nicknamed him "Peter Perfect". Peter is an award-winning international human rights advocate, who is not only intelligent (he graduated *summa cum laude*), but also physically attractive – though his belief that his brother resents his good looks, hints at an underlying hubris. Tellingly, Peter calls his tight-knit family, "the unit". His wife Amanda is a gorgeous and lithe former ballerina. Peter is also a feminist – in fact, his entire legal team is comprised of women.

However, when Peter's beloved Amanda is diagnosed with cancer and the family is forced to take on a foreign au pair, the cracks in Peter's apparent perfection are revealed. It becomes clear that Peter's world was always less wholesome and more *kintsugi* – broken shards patched up with gold lacquer. The story, which is narrated through Peter's reflections of past and present, is how it came to pass that Peter is a suspect in an official inquest into the mysterious death of his family's au pair.

Peter is a smug and arrogant character, for whom I struggled to feel much empathy. The more I entered his world, the more *schadenfreude* I felt. This is not necessarily negative – *schadenfreude* brings its own catharsis.

Perhaps a slight flaw lies in framing Peter as an apparently "woke" character, when this "wokeness" doesn't always sustain. For example, Peter describes one of his closest colleagues as being not only "proudly" but also "beautifully gay". This turn of phrase reveals that, despite Peter's 'progressiveness', the character has yet to dismantle his heteronormative gaze: it would somehow seem strange for one character to describe another as being, "beautifully heterosexual". This manner of framing and the questions it raises, otherwise cause the smooth-flowing prose to stutter slightly at times. Beyond this quibble, the characters themselves and their interwoven narratives make the story immediate and deliciously tangible – specifically the character of Alban, whose gritty life morphs from being a little boy with a talent for tap-dancing, to his becoming the "Sea Point Ninja", and finally a paramedic-turned-nurse, working in oncology.

The title of the novel gives away the broad action, making the main plot fairly predictable – but what is not predictable is each revelation and sub-plot that steadily fleshes out Peter's past. I also relished the novel being set in Cape Town, with references to familiar locations such as the Company Gardens and Boyes Drive. Being an advocate and reading about the fragility of our collective ivory tower in which reputation is everything, made the story uncomfortably familiar. If a character-driven, slightly saucy page-turner is to your taste, then expect this to land by your bed – or on your poolside recliner. I finished it in a day. The writing is engaging and styled disarmingly well.

Given that the novel is written by an advocate, about an advocate, I could not help but wonder how much of the story is auto-fiction. Salmon does preface his work with the disclaimer that, "[t]he characters and incidents are all fictitious, but the tragedy is real". You will have to read it to see if you agree.



Applied Military Justice For Practitioners
by Professor Michelle Nel, Dr. Sonja Els
and Vukile Sibiyi
Juta 2024 (608 pages)
Reviewed by Carina Jacob,
KwaZulu-Natal Bar

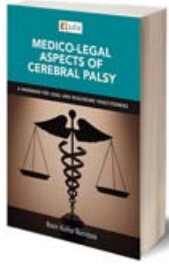
The publication *Applied Military Justice For Practitioners* provides practitioners with an unprecedented insight to the military justice system on a practical level, which may very well be a necessary in this current era of conflict. This area of law is not ordinarily discussed in the corridors of court and so could come across as abstract and/or possibly difficult to digest. The authors have placed the reader in the position which cures the problem through an almost "how to" approach. Professor Michelle Nel, Dr Sonja Els and Vukile Sibiyi demonstrate their practical and academic knowledge, easing the reader into the topic by providing a current context of military justice before moving into the application and practice of military justice in South Africa.

The introduction paints a picture of the history and evolution of the South African military justice system in a way that makes understanding the foundational concepts easy. The publication then proceeds to set out the steps taken when practicing in the field in a manner which almost reads like a commentary by setting out the following:

1. Who does military law apply to;
2. What types of matters would warrant its application;
3. What forum may hear such matters;
4. The applicable procedure when litigating; and
5. What is the manner in which hearings proceed to finality.

The layout in addressing each topic breaks down the sections into sub-topics. This allows for a step-by-step understanding of the broader topic. This approach is effective in preventing the reader from being overwhelmed by the content. The authors have allowed for an extract from the applicable law to follow each explanation and, at points, insert examples of applicable documents. The inclusion of these documentary extracts in the course of each discussion is useful, as the reader is placed in a position to visualise the process as though being taken through a brief. The book is written in a way which would allow for it to be used as a worthy tool.

Although the South African military justice system is not centred solely around criminal law and criminal procedure, this book does approach the process from a predominantly criminal law perspective by addressing military offences such as the arrest of an accused, pre-trial, trial and sentencing procedures. This, however, is not a negative for the book as the authors address advocacy skills which would have a universal application regardless of whether the reader practises in the military justice system.



*Medico-Legal Aspects of Cerebral Palsy:
A Handbook for Legal and Healthcare
Practitioners*

by Ravin Kumar Ramdass
Juta 2024 (60 pages)
Reviewed by Dana du Plessis SC,
Johannesburg Society of Advocates

The field of medical negligence has received a lot of negative publicity in the past. There have been reports of unscrupulous attorneys who have instituted fraudulent claims and of those who have not paid over to their successful clients the full damages awarded to them. The state has also made numerous attempts to make litigation based on the negligent conduct of its medical employees as difficult as possible for plaintiffs. The so-called “public healthcare” defence, coupled with the “mitigation of damages” and “undertaking to pay” defences raised in almost all of the claims at the stage when quantum has to be determined, makes attorneys think twice whether it is worth their while to fund the litigation in the hope of a contingency payment at the conclusion thereof.

This booklet (only 60 pages including the introduction and index) is, according to the front cover, aimed at both legal and healthcare practitioners. As the title implies, it deals specifically with medical negligence that results in cerebral palsy. The author is practising at the KwaZulu-Natal Bar and was, before his call to the Bar, a medical practitioner. He has been involved in numerous trials where claims have been instituted against the Member (incorrectly called the “Minister” in the book) of the Executive Council for health, mainly in KwaZulu-Natal, and has acted mainly for the MEC and in a few matters for plaintiffs. The foreword is by Prof Tim Noakes, whom the author represented in his nutrition trial.

The book considers the extent of claims against the MEC for Health in KwaZulu-Natal and makes recommendations to healthcare practitioners on how to improve the likelihood of a successful defence to such claims. From that perspective it is highly recommended for healthcare practitioners. It is known that a large percentage of such practitioners who make themselves available as experts to give evidence on behalf of parties at trials involving claims against the MEC, already make use of the book for guidance.

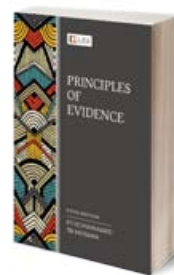
From a legal perspective, the book is aimed more at lawyers acting for the MEC than at those acting for plaintiffs. This does not mean that those acting for plaintiffs will not find it useful; it deals with all the clinical aspects of cerebral palsy and the elements of delictual claims in this field of law. It will be useful for any lawyer who is interested in this field of law and who wants to start practising in it. Chapter 3, which *inter alia* deals with the causes of and risk factors for cerebral palsy; the cause of neonatal encephalopathy; and MRI patterns in hypoxic-ischaemic brain injury contains definitions and terms which will be recognisable for any practitioner practising in the field but which will be indispensable for a newbie.

The book itself states that it “does not intend to evaluate the academic aspects of obstetrics, neonatology, radiology or nursing care or to provide guidelines for the clinical management of mothers in labour or neonates.” Its focus is to emphasise areas of substandard management identified by

clinical experts as a result of which courts have found the MEC liable.

The last chapter deals with recommendations, the objectives whereof are to decrease the risk of children developing cerebral palsy due to lapses in management, to guide healthcare practitioners and to assist legal practitioners in assessing the prospects of success in a claim. These recommendations are a must-read for healthcare practitioners involved in the primary care of unborn and newborn babies.

If there is one critique to be offered it is that the book does not deal with the defences raised on quantum as set out above. Those are relatively new developments in our law and the hope is that they will be covered in a future edition.



Principles of Evidence
by PJ Schwikard and TB Mosaka
Juta 2023 (720 pages)
Reviewed by Carina Jacob,
KwaZulu-Natal Bar

This is the fifth publication of a work which many of us would consider a staple in our lives since students at university, with its first edition published in 1997. The fifth edition of *Principles of Evidence* comes after a seven year wait since the fourth edition, released in 2016.

This edition notes that it seeks to discuss this area of law as at 2022. As with earlier editions, this edition keeps to a break-down of the law of evidence, allowing for a clear understanding of the rules of evidence and their application in a way that would be digestible to practitioners and students alike. This ability to appeal to practitioners and students reinforces why this publication has been a leader in the field for approximately two decades.

The authors note that the Covid-19 pandemic has had a direct impact on the law of evidence. The publication has sought to evolve with the times in its chapter which addresses electronic evidence. This chapter is of particular relevance in the context of a digital age where electronic communication has almost replaced “paper” correspondence.

The fifth edition is structured perfectly to enable the reader to find and appraise themselves of a topic easily and quickly. It includes indices to tables of statute, relevant case law and words. The authors have broken down each chapter into sub-topics that convey bite-size pieces of information in a simple, straightforward manner. The use of references and quotes is necessary and easily worked into the relevant discussion, which adds to the readability of this publication. The book will assist practitioners in particular, as it provides a useful and up-to-date guide of an area of law that is constantly developing. **A**