

# Western Cape Bar

Contributed by **Gregory Solik**

## LUNCHTIME TALK WITH THE HONOURABLE MS JUSTICE CLOETE

by **Sebastiaan Swanepoel**, pupil advocate

On Monday, 8 September 2025, the junior members of the Cape Bar had the privilege of attending a lunchtime talk presented by the Honourable Ms Justice Cloete.

The focus of the session was Rule 43 applications, a topic that features prominently in the practices of most junior advocates. Judge Cloete offered practical guidance from the perspective of the bench, sharing insights that many junior members would only otherwise learn through experience.

The discussion began with drafting tips for Rule 43 applications, including a list of key “do’s and don’ts” and the reasoning behind them. Judge Cloete emphasised the importance of maintaining a neutral, objective tone and avoiding being drawn into the emotive aspects of matrimonial disputes.



Her attention then turned to the essential averments required in a Rule 43 application. Judge Cloete gave practical advice on the apportionment of household expenses between adults and children, the extent of financial disclosure required, and key distinctions in practice between the Western Cape division and other divisions. Judge Cloete also highlighted the importance of including a well-founded request for a contribution towards costs.

The session concluded with valuable

advocacy tips for presenting Rule 43 applications effectively. Judge Cloete encouraged junior members to keep submissions brief and focused, ensure reliance on recent and relevant case law, and to bring any settlement proposals to the court’s attention timeously.

This session was highly practical and provided junior members with useful tools to manage Rule 43 applications – from drafting the initiating papers to argument and potential settlement.



## LUNCHTIME TALK WITH THE HONOURABLE MS JUSTICE HOLDERNESS

by **Charl Eksteen**, pupil advocate

On 20 August 2025, the Cape Bar hosted the latest instalment of its ongoing Lunchtime Talks series. These one-hour seminars provide a valuable platform for senior counsel and members of the judiciary

to engage with junior counsel on topics commonly encountered in practice. Attendees include pupils and junior members of the Cape Bar, who participate both in person and online.

The Cape Bar was honoured to

welcome the Honourable Ms Justice Holderness as a guest speaker. Her seminar focused on Rule 57 and curatorship applications more broadly, with particular reference to the recent judgment of *Ex Parte Haupt; Ex Parte Esterhuizen*.<sup>1</sup> The judgment offered fresh insights and proved to be of great interest to all who attended.

Key topics addressed during the seminar included the dual structure of Rule 57, the concept of “protective trusts”, and the process for bringing urgent applications for the appointment of curators.

The session concluded with a lively question-and-answer segment, during which participants raised thoughtful questions and shared practical concerns related to the application of Rule 57 in motion court and elsewhere. **A**

### Note

<sup>1</sup> (21458/2021; 10857/2023) [2025] ZAWCHC 330 (5 August 2025)