

Én Route to Our Finest Hour...

GSA's CONTINUED 2018 SKILLS DEVELOPMENT PROGRAMME
 REPORT BACK ON THE SOCIETY'S
 May 19th 2018 training session hosted at the
 ROYAL ELEPHANT CONFERENCE CENTRE



VERENIGING VAN ADVOKATE

SOCIETY OF ADVOCATES

MOKHGATLO WA BAEMEDI

Albert Einstein once said: "Education is not the learning of facts, but the training of the mind to think."

In context, I refer to Adv John Welch' apt citation of Sir Winston Churchill, wherein the learned Sandhurst Military Scholar and Politician emphasised the importance honing one's skills - when he said: "To each there comes in their lifetime a special moment when they are figuratively tapped on the shoulder and offered the chance to do a very special thing, unique to them and fitted to their talents. What a tragedy when, that moment finds them unprepared or unqualified for that which could have been their finest hour."

The lectures were conducted by senior members of our Society - Adv Kobus Strijdom SC [AJ], Adv Nante Diedericks SC [AJ] and Adv John Welch. The audience were kept spellbound for more than 3 hours by the vast and informed knowledge of our colleagues, freely shared in the interests of our several and collective empowerment and success. Judging from the array of WhatsApp postings subsequent to the lecture - it is clear that it was "time well spent" by all. What follows are mere extracts of brilliant lectures which cannot do justice to what was shared... however...

The lecturers covered the following topics:

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| Adv Kobus Strijdom SC [AJ] | - | Procedural Aspects of Bail; |
| Adv Nante Diedericks SC [AJ] | - | Civil Procedure; |
| Adv John Welch | - | Professional Ethics &
Developments in Firearms Legislation. |



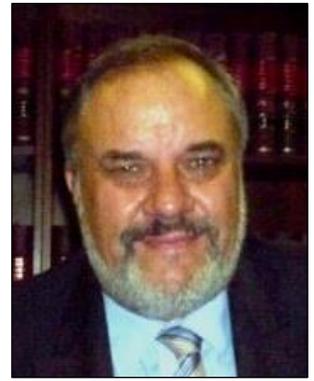
**Adv Kobus
Strijdom
SC [AJ]**

Whilst Adv Kobus Strijdom SC [AJ]'s lecture dealt with selected issues from Chapter 9 of the CPA 51 of '77 i.r.o Bail, the lecture's salient markers were focussed on the interpretation and application of Sect 60 of the Act - which i.a. determine that:

- SAPS cannot grant bail i.r.o Schedule 5 & 6 offenses;
- Prosecutor can grant bail i.r.o Schedule 7 offenses;
- Requirements: Exceptional Circumstances & Interest of Justice;
- Standard of Proof i.r.o Bail: "Balance of Probability";
- Counsel may elect to lead oral evidence or to submit an affidavit;
- Prosecutor has right to cross-examine when oral evidence is led;
- Appeal: Lower Court - automatic right. High Court - application;
- Court must consider & apply Constitutional & BoR precepts.

Adv Nante Diedericks SC [AJ] - formerly Chief Examiner of the National Bar Council for Civil Trials and specialist in the fields of the Law of Delict and Medical Law shared his extensive knowledge on the discipline 'Civil Procedure' with attendees at Royal Elephant. The key aspects of Adv Diedericks' lecture included:

- The importance of a proper brief & meticulous preparation;
- Exploiting a critical arsenal of knowledge on the law of civil procedure, delict, contract, evidence etc. - including: judicial precedent; academic works; legislation; the rules of court and jurisdiction specific practice manuals;
- A checklist of vital elements of a complete & proper brief from an attorney & compliance with High Court Rules 17 - 39;
- Deciding on Merits and Quantum & focussed preparation! Etc.!



**Adv Nante
Diedericks
SC [AJ]**



**Adv John
Welch**

Adv John Welch - specialist in Criminal-, and Firearms Law and on the Prevention of Organised Crime Act - addressed members on 'Risk Management from the Bar' - which i.a. focussed on selected 'Guidelines in Professional Ethics' as i.a. contemplated in the GSA's Code of Conduct.

The second part of his lecture dealt with the topic: 'Possession of Firearms & Ammunition - Amnesty and Defence'.

Adv Welch kindly requested Adv Jacques Brenkman [GSA Secretary] to circulate the PowerPoint presentations of these lectures to all members, which Jacques has kindly done. We thank Adv Welch for this kind gesture.

In his Ethics Lecture, Adv Welch noted that the 'King IV Code of Corporate Governance' is an indispensable guide to ensure the sustainable Ethical Management of the Business of a Bar. He emphasised that King IV defines all elements of sustainable Corporate Governance and aims to ensure efficient Risk Management by the Bar, cognizant of the complexities and challenges of the Legal Profession, and aims to hone the skills of those associated therewith.

Adv Welch commented that Corporate Governance requires sustainability of responsible leadership, corporate citizenship, honesty, and the integrity of all concerned, commenting further that these principles often find themselves in *juxta position* with our responsibility to honour the principles of client privilege. This, he said, was merely one of the complex challenges we face on a daily basis.

On the topic: 'Possession of Firearms & Ammunition - Amnesty and Defence' kindly refer to the comprehensive presentation by Adv Welch, which was recently circulated to all members.

QUESTION TIME....



Adv Eric Mhlari



Adv Corrie Phelo



Adv N Ntsaluba



Adv Ané Smit



Adv Matladi Pitse