
LAW

LETTER

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■ *Personality Profile*

DEIRDRE OLIVIER graduated with the degrees BA LLB from the University of Cape Town, served her articles at Fairbridges and was admitted as an Attorney and Notary Public in 1995. In 1998 she was appointed a Director of the firm.



Deirdré is based at our Constantia office where she specialises in local government law, administrative law, and in particular property law, housing and land issues. She has extensive litigation experience in both the High Court and Magistrate's Court, including many successful urgent applications to prevent unlawful land invasions, unauthorised building works and failure to comply with safety requirements, permitted land use or zoning schemes.

Her specialist expertise extends to formulation of policies, advice and drafting of core contracts for various local authorities for whom she acts as well as drafting by-laws. She has lectured to local Magistrates and the Provincial Housing Board and is the author of numerous published articles dealing mainly with land matters and also family law. Deirdré has responsibility for co-ordinating the training of our candidate attorneys and is one of two directors heading up our important debt-collection department. Her excellent work ethic, energy, intellect and inter-personal skills are much appreciated by her clients. She and her husband Dale have two lively daughters, Amy and Nina.

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■ *Ambition*

“WHEN I grow up, I want to be a lawyer in Nairobi. I want to help people, to show the good things from the bad.”

– Faith Adhiambo, aged 13, Anyang School, Kiberia, Kenya.



■ *Oh, My Lord!*

THE MANNER of addressing judges in the Supreme Court of Appeal has been changed from May 2007. The expressions “My Lord”, “My Lady”, “Your Lordship”, or “Your Ladyship” are no longer to be used. Instead reference will only be made to “the Court”. For many years, this outmoded form of address has sounded increasingly awkward and inappropriate. Like the wearing of wigs, which never took root in South Africa, the dignity of our Courts is not dependant on the retention of such imported mannerisms.



■ *Euniform*

“OUR CONCERN is the equal treatment of content providers, no matter if they want to establish themselves in Slovakia or Sweden, so that they have the same opportunities when going into other European markets. Therefore a uniform level of minimum regulation is necessary. Without clear legislation and legal certainty based on the prerequisites of new and future technologies, we are sure to lose future investments.”

– *Dr Helga Triipel, Member of the European Parliament and Vice-President of its Committee for Culture and Media (September 2006 in Brussels, Belgium).*



■ *Listen up, ye Lawyers*

“THE HALLOWED status of the Constitution has particular consequences for legal practitioners. They must approach all law with the Constitution foremost in their minds. The values which find expression in the Constitution permeate our entire legal fabric. No area of law is left untouched by their reach. Thus when preparing legal argument and strate-

gies, the Constitution is the starting place. Constitutional arguments are not an alternative strategy should the standard common-law arguments fail.

“It is important that we foster a legal culture in which the provisions of the Constitution play a primary role in the arguments prepared by attorneys and counsel so as to avoid the situation where Constitutional arguments are tacked on as a last resort when all else fails.”

– Justice Skweyiya, in *Dikoko v. Mokhatla* 2006 (6) SA 235 CC.



■ *Victorian Bench Wench*

“THE LATE Lord Coleridge was once speaking in the House of Commons in support of Women’s Rights. One of his main arguments was that there was no essential difference between the masculine and the feminine intellect. For example, he said, some of the most valuable qualities of what is called the judicial genius – sensibility, quickness, delicacy – are particularly feminine.

“In reply, Serjeant Dowse said : ‘The argument of the honourable and learned Member amounts to this – because some judges are old women, therefore all old women are fit to be judges.’”

from Collections and Recollections by George W E Russell (1903).



■ *Equality and Modesty*

“MY JOB in the courtroom is to make a determination as to the veracity of somebody’s claim. Part of that, you need to identify the witness and you need to look at the witness and watch how they testify.”

– Judge Paul Paruk, of a local district court in Detroit, Michigan, USA, ruling that Ginnmah Muhammad, a devout Muslim woman, had to remove the scarf and veil covering her face and head except for her eyes, when giving evidence. She declined, and her case was dismissed.



■ *Mistakes Do Happen*

"IT IS surprising, to say the least, that an attorney could place so slipshod an affidavit before this Court. Aside from the spelling mistakes, the Criminal Procedure Act is not Act 71 of 1997 but Act 51 of 1977."

– Judge Eric Leach, in *National Director of Public Prosecutions v. Swart*
[2006] 4 All SA 290 (SE).



■ *Trust is So Wonderful*

"I DON'T believe you! Why should I believe you? You're a lawyer!"

– from the movie *Million Dollar Murder* (2005).

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