
LAW

LETTER

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■ *Good Lawyers Wanted*

“IN THE lower courts, a considerable percentage of magistrates and prosecutors are very inexperienced and unable to deal with the complexities of some cases. Legal practitioners with a good human rights record and proven forensic advocacy skills and experience, good professional qualities such as integrity and independence and courtesy ought to stand in front of the queue for appointments to the bench.”

- *Judge President of the Northern Cape, Judge Frans Diale Kgomo*
(November 2006).



■ *Treasure to Trash*

“OUR ACHILLES’ HEEL is law enforcement – or rather, a lack of law enforcement. You can have, as we do, some of the finest environmental legislation in the world, but if it’s ignored and/or not properly enforced, it’s not worth the paper it’s written on. And that, sadly, is still happening all too often. The government’s dismal failure to stop abalone (perlemoen) poaching is a case in point. And it’s not a recent failure – successive Environmental Affairs and Safety and Security Ministers since 1990 must all share the blame.”

- *acclaimed eco-journalist John Yeld, in African Wildlife magazine*
(Winter 2006).



■ *Put on the Light*

“I DON’T THINK ignorance is a human right.”

- *Francois Venter, President of the SA HIV Clinicians Society, proposing that HIV testing should be made mandatory, because most HIV-positive South Africans do not know they are positive* (October 2006).



■ *Stress Relief*

“THE PRACTICE of law has become more cut-throat and all-consuming with partners and associates pressured to work longer hours and generate more business. Attorney jokes have begun to reflect these realities. Tales that poke fun at pompous senior partners, for example, help junior associates let off steam.”

- Los Angeles Times (*January 2006*).



■ *Two Centuries Ago at the Cape*

“A COUNCIL OF JUSTICE with no instructions except as regards the number, rank and salaries of its members; no statute book for the Colony; no instructions for Landdrost and Heemraden, who exercised minor jurisdiction in the district courts, not without frequent complaints being voiced by the inhabitants. This, in brief, is a picture of the miserable state into which justice and its administration had fallen in the Colony, and in this disgraceful condition it remained right up to the time of the capitulation of the Cape to the English.”

- *from the report of Commissary J A de Mist to the government in Holland (1802)*.



■ *Blunt Words*

“WRONGFUL CONVICTIONS occur every month in every state in this country, and the reasons are all varied and all the same – bad police work, junk science, faulty eyewitness identifications, bad defence lawyers, lazy prosecutors, arrogant prosecutors.”

- *writer John Grisham, in his non-fiction best-seller The Innocent Man (2006)*.



■ *Ancient Wisdom*

“FROM THE Japanese perspective, mutual trust is imperative to the success of a business venture. Japanese typically are much more careful than Westerners in building trust that transcends contractual obligations. They view conduct as being regulated primarily by the overall relationship, not by the wording of a contract. Consequently the Japanese generally prefer loosely worded, open-ended contracts that allow for maximum flexibility. Comprehensive, detailed contracts proposed by a Western party will usually be taken as an indication of bad faith and distrust from the outset.”

- *Craig Parry in The Corporate Counsellor (November 2006).*



■ *Just do it*

“THERE IS over-proceduralisation of disciplinary hearings, where commissioners now think they are judges and they want their awards printed in law reports, when what they are meant to do is produce a simple set of reasons and get on with it.”

- *Labour lawyer Halton Cheadle, on the Commission for Conciliation, Mediation and Arbitration (CCMA) (November 2006).*



■ *Two Sides of the Same Fence*

“I THINK THAT a world without law is a world of the jungle. Therefore, as a global society, we need to have not only an understanding and a respect for our national laws but also an understanding and respect for other countries’ laws. A few years ago, I gave a lecture on the similarities between Islamic law and the US Constitution, and there are lots of similarities. Law is not complicated. Some law professors make the law so forbidding and difficult. If we want to harmonize it why not start with the similarities? It is

easy in times of globalisation to understand what brings us together. For example, Egypt has developed a combination of Islamic law and the Napoleonic code, and that combination has been applied in many countries."

- *Dr Yassin El-Ayouty, International Lawyer,
Founder and President of Sunsglow (2006).*



■ *A Suitable Match*

"I KNOW several partners at Dewey who I can't picture wearing anything but a suit to the office, and I know several Orrick partners who I can't imagine ever wearing a suit. There will be education on both sides."

- *comment by a former partner on the merger between giant US law firms
Dewey Ballantine of New York and Orrick Herrington &
Sutcliffe of San Francisco
The Wall Street Journal, November 2006).*

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