



LAW
LETTER
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■ *Uncle Percy Retires*

OUR senior administration clerk, Percy Adams said his farewells when he retired in April 2010 after 45 years of loyal and dedicated service to Fairbridges. Always calm, cheerful, methodical and reliable, with a wealth of institutional knowledge and connections, Percy has been a much loved and respected member of our Cape Town staff since he joined in 1965. What is even more remarkable, is that his late father, Alex Adams was with Fairbridges for 55 years, from 1942 until his retirement in 1997. That is 100 years of service between father and son. Both of them formed a team for many years with William Corollissen, who retired in 2006 after 50 years of service to Fairbridges. One and a half centuries between three employees must be some kind of endurance record.

We wish Percy a long, restful and healthy retirement, well deserved and no doubt welcome. He will have lots more time for his family, his flowers and himself. Thanks for everything Percy, we will miss you.



Percy Adams, surrounded by fellow-employees, all fans, friends and admirers, and none of whom were born yet when he started at Fairbridges in 1965.

Caren Neethling, Michelle Clark, Shahieda Jacobs, Ursula Barendse, Eunica Paulsen, Shannon-Leigh Scheepers, Deidré Hendricks, Bernadette De Klerck, Percy Adams, Bridie Leppan, Aa-isha Dramat.



■ *Let in the Light*

“THE public is entitled to know how the Judiciary functions and that it functions consistently with the principles of independence, fairness and impartiality. The media is the watchdog of society keeping the public informed of matters of public interest to enable them to make informed choices about government and democracy.”

- Judge FR Malan in *Mail and Guardian Ltd v. JSC* [2010] 1 ALL SA 148 (GSJ).



■ *Fairbridges Wins Shipping Victory*

FAIRBRIDGES was instructed by the Chinese owners of 170 000 tons of iron-ore cargo aboard a damaged ship to bring an application to interdict the owners of the ship from towing their ship with our client’s cargo on it to southern China. The cargo had an insured value of US\$15,2 million, and because the ship developed cracks whilst being loaded at Saldanha Bay our client’s underwriters refused to maintain insurance cover in the event of the ship and cargo being lost during the voyage by tow to China. Our clients weren’t prepared to take that chance, preferring instead to arrange for the cargo to be transhipped at Saldanha Bay.

We obtained an interim order just before Christmas, with the return day being 22 January 2010. We put up a strong reply to the fierce opposition to our client’s application delivered on behalf of the vessel owners, various Transnet divisions, the harbour master as well as by the operators of the iron-ore terminal (Kumba Iron Ore) whose berth has been occupied by the stricken vessel for 3 months already and which will be so for at least another 2 months.

When the matter was argued, there were no fewer than 7 maritime counsel along with their instructing attorneys from various other firms in Cape Town and Durban in attendance. Also in court were Transnet’s legal advisor, the

owner's English counsel and insurance representatives, as well as lawyers acting for our client's insurers who passively supported the application. Our client's English solicitors, as well as those acting for the UK based cargo insurers, and for Kumba keenly awaited the outcome.

After a full day's argument, Judge Denis Davis handed down judgment in our client's favour and ordered the owners to pay our client's costs. The harbour master, Transnet, and Kumba were all ordered to bear their own costs.

Our client is now attending to the transshipment of its cargo.



■ *South of the Equator*

"YOU cannot have development, you cannot have proper regional integration if you do not entrench the rule of law, democracy and human rights."

- Judge Charles Mkandawire, Registrar of the Southern African Development Community (SADC) Tribunal (December 2009).



■ *Dead End*

"I WAS trapped in a very small room, which I shared with a chain smoker. I diligently read all the case notes, but the litigation had been going on for 10 years already. It became obvious that keeping the case going was the best thing to do because it earned fees."

- Patrick Lewis, third generation board member of John Lewis & Co. Britain's third largest private firm by sales (2009) – he lasted 3 days in barristers' chambers, before deciding "law is not for me".



■ *No Short Cuts*

“ONLY judges who have proved themselves in a long process of development should be considered for promotion to the highest court of appeal.”

- *Minister of Justice & Constitutional Development,
Jeff Radebe (2009).*



■ *Let it be*

“I’VE BEEN a lawyer so long now I mainly just see how people fight and things get used up. The birds in the woods don’t care who owns the title to the land.”

- *from Pigs in Heaven, a novel by Barbara Kingsolver (1993).*

Law Letter is a complimentary service to our clients. Should you wish to receive Law Letter regularly, or if you have changed your address, or if you no longer wish to receive Law Letter, please let us know. Any suggestions or comment on Law Letter will be welcomed!

Please contact Bronwen Reid at telephone 021 405 7300 or fax 021 419 5135.

- Winner of the *Professional Management Review (PMR)* Diamond Arrow Awards for 2009 and 2010 as the best law firm in its category in South Africa.



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