

bar brief

the periodic publication of the capebar
society of advocates

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FOREWORD

We thank all contributors to this edition and invite members to let us have material and suggestions via email sent to CBPubComm@gmail.com.

From the comments overheard in passing - and exchanged at the recent social gatherings - it appears that 2025 has been a really tiring year for many.

Accordingly, we wish our members a very relaxing and peaceful year-end break!

(Publications Committee)

The Power of Senior-Junior Synergy: How Networking Elevates Transformation in South Africa's Legal Profession

(Eilene de Waal, Chairperson of the Junior Bar Council)

Transformation in South Africa's legal profession depends on more than policy; it hinges on real-world mentorship, skill transfer, and inclusive participation from all ranks of practitioners.

When senior counsel commit to networking with junior counsel, they foster empowerment, accelerate capability-building, and advance a collective vision for a more representative and ethical profession.

Why senior-junior networking matters

- **Practical knowledge transfer:** Networking events create informal learning spaces where senior advocates share courtroom tactics, negotiation methods, client-dancing approaches, and strategic thinking—insights not easily captured in textbooks or lectures.

- **Skill amplification:** Juniors gain exposure to advocacy styles, trial preparation routines, and professional confidence-building practices through observation and feedback from seasoned practitioners.
- **Pathways to inclusion:** Regular, genuine interactions help break down barriers for practitioners from diverse backgrounds, aligning with transformation goals under the Legal Practice Act's broader mandate.
- **Sustaining ethical practice:** Senior mentors model integrity, transparency, and accountability in client service, reinforcing high standards across the bar.

Why senior-junior networking matters

- **From policy to practice:** The Legal Practice Act aims to transform the profession toward broad representation and independence. Senior counsel play a pivotal role in putting these ambitions into operation by embedding mentorship and ethical practice in everyday interactions.
- **Building future leaders:** Through mentoring, juniors gain leadership skills, strategic empowerment, and networks that prepare them to take on substantial roles.
- **Strengthening the profession's fabric:** A culture of continuous learning, cross-generational collaboration, and open dialogue sustains reform efforts beyond statutes and committees.

Benefits for the Bar and the public

- **Enhanced competence and credibility:** A more skilled and confident junior cohort strengthens the profession's capacity to serve.
- **Inclusive leadership pipelines:** Diverse junior practitioners are nurtured into leadership roles, advancing representation across the profession.
- **Public trust and legitimacy:** Transparent mentorship and ethical guidance from senior counsel bolster confidence in the legal system and its institutions.

Transformation is a collective endeavour that requires sustained, meaningful engagement across generations of advocates. Senior counsel who commit to networking with junior counsel help unlock tacit knowledge, accelerate skill transfer, and cultivate a pipeline of capable, ethical leaders who will carry South Africa's legal profession forward. When senior and junior advocates collaborate, transformation becomes a lived reality—advancing justice, representation, and the rule of law for all.

Of Giants and Heroes (Willie Duminy SC)

Peter Barrie Hodes, SC, will retire from full-time practice at the Cape Bar on 31 December 2025, while retaining his membership. He practiced full-time for nearly 62 years, and has been in his present chambers for nearly 52 years.

It is the end of an era of giants and heroes.

When I started practice at the Johannesburg Bar in February 1980, not many advocates from other Bars were respected and feared. But one was Cape Town's Peter Hodes. His name was peppered throughout the SA Law Reports and spoken with awe in the Bar Common Room (a sadly forgotten institution). He was known as a tough but fair opponent and a cross-examiner of rare ability and flair.

On closer inspection, many giants have feet of clay. But not all. A few grow in presence and stature. And so it is with Peter. He is the true remaining colossus of our Bar. A symbol of excellence for an unimaginable length of time.

Peter celebrated his 84th birthday on 21 October 2025. His stamina does not seem to have flagged over the 44 years that I have known him.

His career at the Bar, from the age of 22, has been phenomenal. He matriculated in 1958 at Grey High School in what was then Port Elizabeth. This is also the alma mater of Springbok rugby captain Siya Kolisi. He attended Stellenbosch University where he graduated with BCom in 1961 and LLB in 1963. When he stood for election to the SRC on a liberal ticket, his campaign manager was the late Justice Dennis van Reenen, also a Cape Bar stalwart.

He read in Chambers with Harold Berman and was admitted as an advocate on Friday, 29 May 1964. At that time there were between 80 and 90 counsel in practice in Cape Town (today there are nearly 500). Three days later, on

Monday 1 June 1964, he appeared in his first pro Deo before Beyers JP.

In his first case in the AD he acted for a man convicted of murder who had left 17 fingerprints at the scene of the crime but denied ever having been there. Such are the challenges of trial advocacy.

As junior he appeared with legendary seniors, such as Issy Maisels, Harry Snitcher, Sam Aaron, Gerald Friedman and Robin Marais.

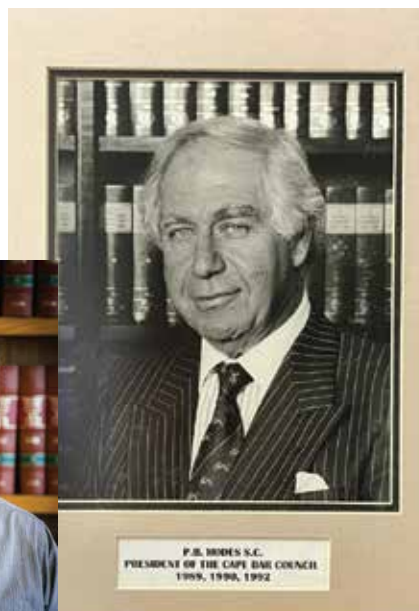
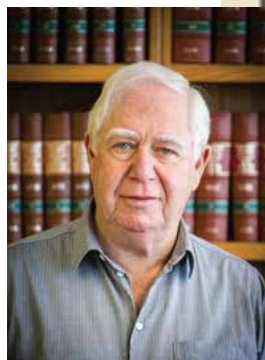
Peter took silk on 19 March 1982. He has had many of South Africa's pre-eminent lawyers as his juniors. Amongst those who have risen to judicial prominence are Fritz Brand, Owen Rogers, David Unterhalter and Bob Nugent. There is hardly a Silk at our Bar who has not been briefed as junior to Peter at some point, and many here and elsewhere, such as Jeremy Gauntlett KC and Brian Doctor KC. He has also appeared against most of the leading Silks of our time and beaten the pants off many.

Peter is renowned for his exceptional memory for facts and detail. For many years he disavowed knowledge of the law. However, like many others who have worked with and against him, I can vouch for his thorough knowledge of the law, and his uncanny instinct for finding the true legal essence of a complex case.

Peter appeared as counsel in numerous reported matters; a search on Jutastat yielded close to 200 hits, many of them in the SCA and the Constitutional Court. This shows a remarkable breadth of practice at all levels and throughout Southern Africa. For example, my first case as his junior in 1983 involved a trial in the Walvis Bay Court. Later, he led me in matters in the High Court of Botswana and many jurisdictions of the SA High Court. He led a high-powered team in probably the most important case in our recent history, in the Constitutional Court for the certification of the 1996 Constitution and did so in many other celebrated cases in that Court and others. I think one case he enjoyed more than most was the "Black Label" ripoff (Laugh it Off Promotions v SA Breweries). He still has a memento from it in his Chambers. When he advised that client to think carefully of the catastrophe an adverse costs order on appeal might entail, the latter famously responded: "We will jump off that bridge when we get to it."

Peter has been the pre-eminent leader of the Cape Bar. He served three times as chair of the Cape Bar Council, and twice as chair of the GCB. But that is incidental. He is an Advocate and a Bar Man through and through. He is the one person whose professional and ethical guidance is sought by colleagues at all levels of seniority. Over the years, he set the standard. New arrivals at our Bar present their credentials to Peter, and those who leave hardly ever fail to say their farewells to him, above all others.

For at least a decade in the eighties and nineties, Peter ran the most successful social club at our Bar. Every Friday, at his expense, there was a delivery to his chambers on the 16th floor of selected wines and beer from the erstwhile Palm Bottle Store, and a large amount of biltong and wors from Joubert and Monty's, both then of Long Street. The rule was that a single invitation lasted for life, but I do not recall any



“gatecrashers” – or even attorneys - ever being refused entry.

Regular attendees I remember were Fritz Brand, Leon Kuschke, Andre Blignaut, Milton Seligson, Roelof van Riet, Hennie Carstens, Charles Louw, Deon Irish, Pat Gamble, Marius Scholtz, Francois van Zyl, Dennis van Reenen and Josie Jordaan, and I think I recall some occasions with the late Merwe Scholtz, Kosie Olivier and Francois Kloppe. I even have a dim recollection of Johnnie van der Berg having attended once or twice. For 35 years I have shared a suite with Peter. He has been an exceptionally generous friend, colleague, confidant, mentor and example to me, and to many others.

As we know him, Peter will not “go easily into that dark night” of total retirement. He will remain a member of the Cape Bar, soon to be elevated to richly deserved Honorary Member status. More importantly, he will remain available to accept briefs as counsel and as arbitrator, a role in which he has excelled. This is thanks for the years, the effort, the wisdom, and the friendship.

Peter is – and for many of us will remain – the heart and soul of our Bar.

We say with Catullus: **ave atque vale** – hail, and farewell, Great Man.

Members (Sascha e Câmara)

Membership is at an all-time high at about 500 members.

Undecided?!

Recently and unexpectedly spotted at the Cape Town Club at an individual member’s function was ... Zach Joubert. While not currently a member, he still retains his first place as the member who resigned and re-joined the most amount of times.

Coming in?

There were 23 pupil members in 2025. They were (in alphabetical order): Taskeen Abrahams, Khadija Bawa, Caitlin Cohen, Kyla Damonse, DeWaal Du Plessis, Charl Eksteen, Rita Fincham, Alex Gloor, Rebecca Gore,

Social Interludes (Sascha e Câmara)

Bar Dinner 2025

This year’s formal dinner was held on Friday, 28 November in the function venue at Kirstenbosch Gardens. The inner courtyard was a lovely wind shelter and drinks were served while everyone arrived. It was a pleasant meet-and-greet interlude among some magnificent bonsai (and magnificent outfits).

After an introduction by the Master of Ceremonies, Acton, the welcome was delivered by Chairperson McCurdie SC who toasted those present. Invitees ranged from retired judges to acting judges from other jurisdictions.



Master of Ceremony, Rob Acton



Order of Events



Dinner Menu

After the starting course, a toast to our new JP, Mabindla-Boqwana, was led by Pillay SC. The JP replied with a well-received address and the main course followed.

A toast to new judges was proposed by van Rooyen SC. Holderness J and Pangarker J replied. Then Gordon toasted – and roasted – Pincus SC on his 50 years at the Bar. The latter graciously replied.

Dessert served buffet style allowed for mingling. Additional drinks were available and many stayed on a while to catch up with each other.

Bar end-of-year Party

This year’s cocktail party venue is once again the gorgeous Cape Town Club in Victoria Road. No need to drive, just walk down and join in. An opportunity to mingle and decompress after what felt like a really long year. There was live music and snacks were served by roving waiting staff. Those present ranged from judges and silks to almost-members as well as the staff which keeps the whole show on the road (we thank you!).



Welcome and drinks



Dale Lubbe and Deon Irish SC



Larina Venter and Judge Mark Sher

Zahnri Griebenow, Issy Gullan, Carla Hing, Jostinah Letsoalo, Hape Makhasane, Njabulo Mkhwanazi, Tumo Mogamisi, Emer Musselwhite, Mothei Ngwenya, Zahra Omar, Kim Siljeur, Daniel Skriker, Sebastiaan Swanepoel and Liam Tully. It is at this stage uncertain how many will join as full members. There are 29 new pupil members expected to begin in 2026.

Heading up?

The successful 2020 – 2022 applicants received their letters patent in 2024. Thereafter, the following 11 members have made application for recognition as Senior Counsel (in alphabetical order): Adhikari, Mushahida; Bishop, Michael; De Wet, Alma; Greig, Mark; Liddell, Reuben; Maddison, Marilena; Mahomed, Shafia;

Nacerodien, Adiel; Quixley, Grant; Tsegarie, Cecil; Vaughan, Barbara. The names of the successful nominees will be put forward to the Legal Practice Council for its consideration before the final list is eventually submitted for Presidential consideration. There has not yet been a new call for applications.

Hanging in!

Roy Gordon led a toast – and delivered a roast – to Brian Pincus SC at the 2025 Bar Dinner.



Pincus SC has conducted successful practices as an advocate at both the Johannesburg Bar and the Cape Town Bar and has done so over a period of 50 years. He took silk in 1993 and

moved from Johannesburg to Cape Town in 1996. He has conducted practice at Keerom Street Chambers for his 30 years in Cape Town. He has acted as a Judge of the High Court on several occasions. In addition to his legal practice, he has played both tennis and bridge for South Africa and captained the SA Tennis Team to Austria for the World Tennis Veteran Championships in 2005.

During his 50 years as an advocate, he has mentored many junior advocates

successfully. He has also written two books: one with a clinical psychologist, named “The Law of Custody” and the other a book about his life entitled ‘It hasn’t been boring...’

In addition to all that, he has been married for 48 years, has 3 daughters and 6 grandchildren.

Heading out...

Hodes SC will give up chambers after more than 60 years as a member. His suite-mate Duminy SC has written a fitting tribute to him which you will find earlier in this edition.

Junior Bar Council's Lunch Time Talks

(Karen Taylor-Vermaak)

Arranged by the JBC and held in Common Room between 13h00 and 14h00, these lunch time talks offer juniors the opportunity to gain valuable insights from experienced members of the Bar and Judiciary on a variety of different topics.

While the aim is to promote transfer of skills and knowledge so that juniors can develop better practices, the talks are open to all members.

Topics covered this year include:

1. “The importance of motion court ethics and collegiality” (presented by Tracey Dicker SC)
2. Judge Judith Cloete presented “Essentials of Rule 43 applications”
3. Michael Bishop delivered a presentation on “SCA appeals”
4. Judge Melanie Holderness presented on “Curatorship applications”
5. Pieter-Schalk Bothma’s topic was “ Litigating on behalf of, and against, Trusts”
6. Susan van Zyl’s presentation was on “How to prepare heads of argument for Judges”

Talks to look forward to during the first term of 2026 – Johan de Waal SC on Public Law & Judge Pangarker on Magistrate’s Court Procedure. If you have suggestions for lunch time talks or would like to present one, please contact the JBC.

Advocates in Action: From Motion Court to Netball Court

(Karen Taylor-Vermaak)

The Cape Bar’s action netball team continues to prove that their skills and fancy footwork are not confined to Court 16. In April this year the team secured gold medals in the Law League, leaving the attorneys’ teams in need of much counselling. If you’ve never played or watched



Cape Bar winning team members: Lourens van Zyl (Goal Keeper), Jan-Hendrik Gous (Centre), Rhodé Potgieter (Goal Shooter), Eloise Nel (Goal Attack), Eilene de Waal (Goal Defence), Janine Jansen (Wing Attack), Lana Bezuidenhout (Wing Defence)

action netball - well, it’s practically a full-contact sport, with common injuries ranging from ankle sprains to concussion. Definitely not for sissies.

The team has grown to 14 members since its formation in 2024, and now competes in the Mixed League 4 at the Montague Action Arena, which is pretty impressive since competing teams consist of league players from the greater Cape Town.

Kudos to the team and best of luck for the upcoming season!

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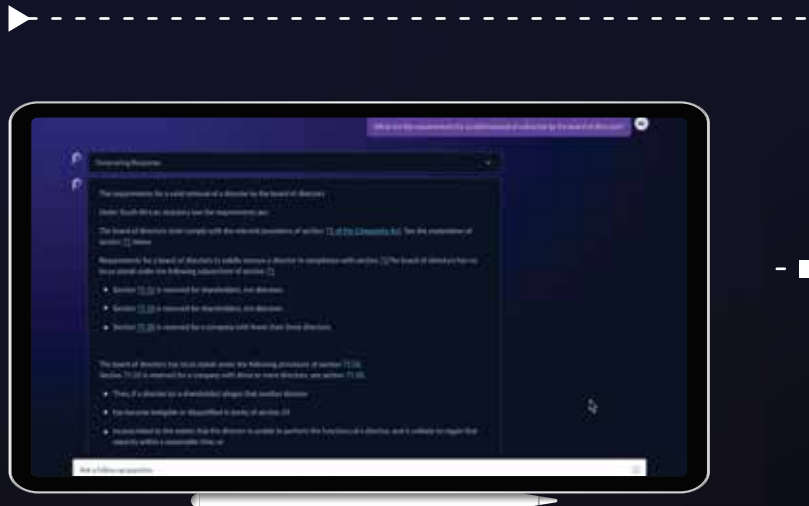
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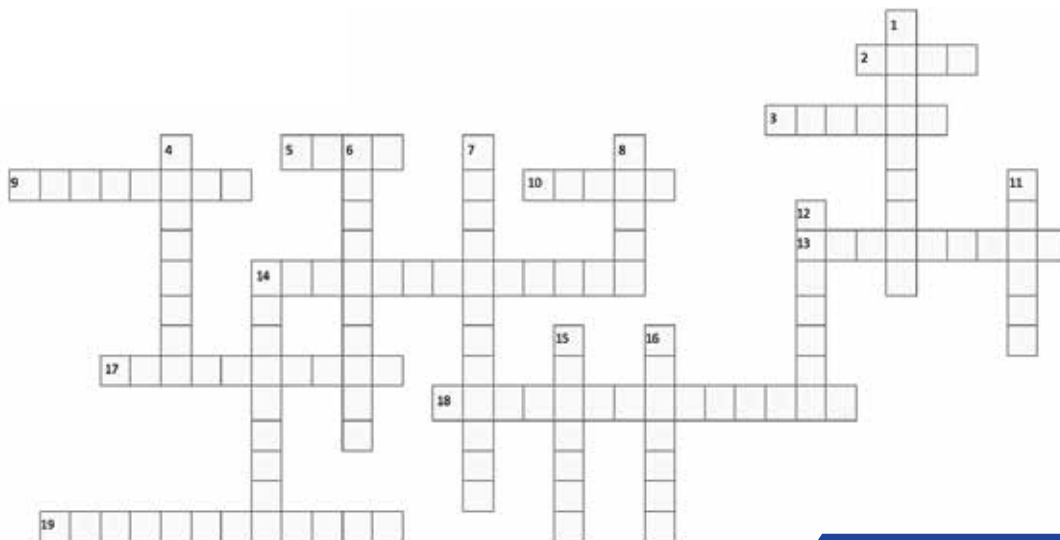
For Your Amusement

Overheard in Motion Court

- **Judge:** "Is the respondent present?" **Junior counsel:** "No, my lord, I haven't seen him. And given that he and I have had many arguments in the past, I would recognise him if he were here."
- **Respondent in person:** "So I can leave? I don't need to sign anything?" **Judge:** "You can leave. I'm the only one who gets to sign anything."
- **Judge:** "I'll be spreading joy and peace in urgent court tomorrow."
- **One attorney to another:** "do you think we get discount because counsel only said twelve words?"
- **A defendant** in an unopposed divorce action listening to the evidence of her soon to be ex-husband in the witness box confirming that there is no prospect of saving the marriage mumbles (louder than intended) "oh thank goodness" and quickly disappears.

A Fun Brainteaser

You may recognise it... If you do, please give it another try – after all, we are supposed to be relentless in the pursuit of solutions to difficult problems! This time, Lexis Nexis has kindly offered the new Amler's (10th edition) as an incentive. Please send your solution to CBCPubComm@gmail.com. The winner will be notified by email in January 2026.



Fiona Gordon-Turner SC

Across

- Audibly regret thickening agent (4)
- Factory with upended matter (6)
- Sounds like an estimate (4)
- Mountain of bullion (8)
- Blunt instruction (5)
- Dispassionate goal (9)
- Should gloat so perversely (6, 7)
- Sounds like puny fast food (10)
- Dramatic rule to upstage representation in court (7, 2, 5)
- Authorises dispensing; precludes claiming (12)

Down

- Famous chief justice smells as sweet by any other name (4,5)
- I'm sorry Paul came around (3, 5)
- Village dispute resolution (10)
- Dress code for High Court? (7, 5)
- Reportedly ventilates successors (5)
- Warning to leave premises haphazardly (6)
- Forgive completed scam (7)
- Crazy mask softly wraps youth (9)
- Three successes rhymes with saint (7)
- Sense for fairness (7)

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