From the Dean’s desk

Dear fellow graduates,

Danie Visser and Dennis Cowen’s History of the Faculty has been well received and we have had many letters of appreciation. One of the best was from Clive Grossman, which you can read under the section on Bits about Ben.

Reunion weekends are building a head of steam and in 2005 we are summoning graduates at five-year intervals, rather than by decade, as many have expressed impatience at having to wait so long for the opportunity to meet again. If your final year ends in ‘5’ or ‘0’ and you haven’t yet heard from us, please contact Pauline.

Our inaugural visit to Port Elizabeth takes the form of an informal luncheon on May 10th, and we will visit Durban and East London later in the year. For those of you in England, please diarise the early evening of October 6th to meet with me; details to follow. Closer to home, the third Ben Beinart Memorial lecture will be delivered by leading UK criminal justice academic, Andrew Ashworth, on August 10th.

Turning to the current academic year, this Faculty continues to amaze me. On Saturdays, our students are teaching in a school in Langa and they’re not teaching law, but everything from Geography and History to Maths and Science. At the end of it, they will assist students to fill out university application forms (and we hope that means UCT and an LLB).

The LSC has introduced a revised mentoring scheme and all first years are now mentored by senior LLB students; till now Faculty staff were the mentors but research shows that people are more likely to open up to people closer in age and experience to them, and the students have taken up the challenge. Staff will continue to act as back-up to the student mentors. Legal Aid has three times the number of students it has had in the last few years, and as a result we are able to offer a service to six satellite clinics on the Peninsula.

The new crop of ten teaching and research assistants is all homegrown, while the new lecturers are drawn from Stellenbosch, Zimbabwe and UCT. The variety and depth of research projects and interests which have been reported on at the departmental meetings is staggering. Professors Burchell and Visser have both had books launched this year and PJ Schwikkard has earned a place on the NRF’s rated researchers’ list.

This really is an exciting place to work. Many of you have greatly encouraged us with your endorsement of the excitement I feel and I would like to update my public thanks by acknowledging recent benefactors of the Faculty. The Law Library benefited greatly from
Judge Corbett’s private collection of old authorities and students of Commercial Transactions Law will compete for the Gering Prize in 2006. Judges Hannes Fagan and Jock Comrie have given to the Law Endowment Fund as have Norman Arendse, Marcus Bowman, Stephen Berrisford, Michael Francis, Cecil Jowell, Neil Jowell, Nicola Peart, David Nurek, Jonathan Sacher; and Abe Swersky, an LLM student, rerouted his UCT credit of R700 to the Ben Beinart Student Fund and Carlo Laviscarri is sponsoring a current LLM student with an interest in land redistribution.

The single most exciting development I think is that we will soon be advertising for a new Chair, the Chair of Intellectual Property Law. This has been made possible through a NRF Innovation Fund grant and we have received funding from the Mellon Foundation to support a research Unit to extend the IP Law capacity both within UCT and in the region. More news of that and other developments in future Updates.

Yours
Hugh Corder

The Dean’s team
l-r: Irena Wasserfall (Professional Education), Vanessa Sarig (Admin Asst), Madoda Sigonyela (Finance Officer), Hugh Corder (Dean), Freda Tsimane (Finance Manager), Pauline Alexander (Development and Marketing) and Jenny Erasmus (IT Co-ordinator)

New on the block
A new certificate course in Competition Law
Professional Education Project, UCT

Judge Dennis Davis is convening the first ever UCT certificate course in Competition Law from 25-27 July. He will be joined by Prof David Unterhalter, head of the Mandela Institute and several well known legal practitioners.

‘This course is part of the Law Faculty’s expansion of the Professional Education Project,’ says Manager, Irena Wasserfall. ‘We plan a similar course in Banking Law later in the year and we are piloting 2-day conferences on issues of the day, such as Convergence, Black Economic Empowerment, Corporate Governance and Intellectual Property.’

PEP will also be running weekly Updates on key aspects in the law from June to August. To register on the mailing list for these and all the courses e-mail iwasser@law.uct.ac.za.

Bits about Ben
Clive Grossman QC

I have recently had the pleasure of reading the history of the Faculty by Professors Cowen and Visser and recall those wonderful years in the Law School. I noted that, unsurprisingly, I was not mentioned in the history. I have often felt that my impact on the Law Faculty was akin to that of Marcel Marceau on the radio. Notwithstanding that, my career, originally in Rhodesia (and for a short time Zimbabwe) and in particular over the last two decades in Hong Kong, has flourished, no doubt due to the subconscious osmosis of the excellent teaching we had.

I was particularly amused to read the reminiscences about Ben Beinart and the purpose of this letter is to share with you two memories I have of him. The first was in my second year of BA when one of the subjects was Roman Law I. One day a delegation of students, myself included went to see BB.

“Professor Beinart,’ we said, ‘we have a complaint about the Roman Law examination paper.’ He sat there listening to us in the way he always did, with his permanent grin and his fingers clapsed under his pot belly and his broad unfashionable tie. ‘What is it?’ he said. ‘We have one compulsory question in the exam paper which is a translation from Latin to English, and we have worked out that the texts we have to study just for this one question are greater than the whole of the syllabus for those doing Latin II,’ ‘Come and see me tomorrow’ he said.

The next day we returned and he said to us: ‘Gentlemen, I have solved your problem. I have arranged that the Latin II syllabus will be increased so that they learn more than you.’

The second memorable encounter was in my first year of LLB. In that year, 1964, the Administration had decided to do something about the chaotic traffic situation on the campus. They promulgated some parking regulations and a Traffic Court was established to deal with violators. BB was appointed as Chairman of the Traffic Court.
By that time of course I had completed the BA and naturally assumed that there was little about the law that I did not know.

I believe I was the first person to fall foul of the parking rules (possibly my only distinction at UCT) and in an uncharacteristic burst of energy, I decided to research the law thoroughly. Eventually I went to see BB. He greeted me in his usual Buddha-like pose (except for the tie of course). The conversation went something like this.

‘Professor Beinart, I know that you have been appointed as the Chairman of the Traffic court. I have received a ticket and should shortly be appearing before you as I will refuse to pay it. Rather than cause you the University, and you in particular, any embarrassment, I thought I should tell you first why I will not be paying the fine.’ ‘Why is that?’ he said.

‘I believe that the regulations and the Court are unconstitutional’ I replied. I then proceeded to lecture him at great length on the doctrine of *ultra vires*, the South African Constitution, the United Nations Declaration of Human Rights, etc etc. At the end of my peroration, through which BB has sat grinning and unmoving, I said to him rather proudly: ‘Well, Professor, what do you think?’

He thought for a few minutes and then he said to me: ‘Well, Mr Grossman, I think that you should plead guilty and insane!’

Ah, well. RIP Ben Beinart.

*I was delighted with the BZB stories, having been privileged to be a member of his last Roman Law II class in 1974 (and nearly failing it!) – Hugh Corder*

**A History 1859–2004**
**The University of Cape Town Law Faculty**

In the Addendum to the Honour Roll, pasted in at page 172, we talked about how the definitive list of the law graduates since 1919 is very much a ‘work in progress.’ Our thanks to those who not only took the trouble to set the record straight, but who were all so gracious about their omission:

1952: Muller, F
1958: Donaldson, JS
    Kaplan, MI
1960: Rubin, NN
1975: Morris, T

PS It is not Julian Sher in Illustration 22; a free Reunion dinner to anyone who can identify the third person from the left!

**News of Alumni**

The first semester has brought a crop of Alumni, and it is always a delight to welcome them to the Faculty.
Pictured above centre is Jonathan Sandler (Class of 1979 and President of the LSC) who was here from Melbourne; with him are Hugh Corder (left) and Francois du Bois (Assoc. Prof in Dept. of Private Law).

Marcus Bowman and Jonathan Sacher (1977) have become regular visitors as has Dianna Yach (1976), who in March gave a very successful lunchtime seminar on ‘Does Diversity Training Work’ and Jeffrey Jowell, who gave the keynote address at the recent Comparative Administrative Law in the Commonwealth workshop. It was good to welcome a first time returnee, Anthony Rademeyer (1980); Anthony is taking a year out and part of his time here was spent sailing in Langebaan.

1947: Carl von Hirschberg was SA Ambassador at UN, & in Tokyo: retired in CT
Richard Friedlander, attorney, MPC Cape & Mayor of Cape Town: also retired in CT
1956: Clem Druker won the Butterworths’ prize for the best article in De Rebus in 2004
1958: Jock Comrie, acting Judge of the SCA June 2004 – April 2005
1962: Brian Brown is still the (Statute) Law Reviser to the Ministry in Harare
1976: Ashley Sharp is now a barrister in Auckland, New Zealand
1977: Kato van Niekerk has been appointed a Judge of the High Court of Namibia
1979: Helen Alman (nee Heuston) is a magistrate in the Western Cape
1982: Owen Futeran has been involved in the property business since 1989 in CT
1988: Glen Goosen took silk on 18\textsuperscript{th} Dec. 2004 and is an acting Judge in E. Cape
1990: Matilda Smith is the Dir. of Socio-Ec. Dev. Services based in Clanwilliam
1993: Jason de Mink (LLM 1995) has been appointed a lecturer at Reading University
1995: Elinor Miller now lives in Sydney and is busy studying to convert her degree
1996: Nyaradzo Munangati (LLM) is senior partner in her own firm in Harare
2000: Lisa Murison (nee Flack) was top student at Harvard LS and now at the NY Bar
2001: Mesh Pillay is practising in Toronto having graduated LLM from Duke

Alumnus and ex-staff Justin Goldblatt (2003) writes ‘Being at Harvard has been an incredible experience. While the Massachusetts winter was hard, long and cold, I feel very privileged to have been given the opportunity to do the LLM here. The most intellectually challenging experience has been in the Human Nature course with Roberto Unger and Steven Pinker. Pinker is a cognitive scientist who gives evolutionary accounts of human nature (challenging ideas of the ‘blank slate’) and then Unger responds in the most beautiful but incomprehensible prose one could hope to hear.’ (Justin moves to New York City to start at Davis Polk & Wardwell).

Please keep the updates coming – fax (021) 650 5662 or e-mail alexap@law.uct.ac.za.