

World Bar Conference 2018
Stellenbosch, South Africa
29-31 March 2018

Conference Report

1. To start off the Conference, there was a drinks reception held on the evening of 29th March 2018 at the SASOL Art Museum. It was a lovely outdoor reception held on the grounds of the Art Museum. Vuyani Ngalwana SC, the Chair, General Council of the Bar of South Africa gave a short welcoming address. He gave a short introduction of himself and noted some of the topics to be discussed at the Conference, as well as some information and upcoming events in Stellenbosch and South Africa in general.
2. The Conference was opened with a keynote speech delivered by the Chief Justice of South Africa, Mogoeng Mogoeng, on the contemporary constitutional and political issues faced by the Court and the public in South Africa. He particularly emphasized on equality before the law, especially in the Constitutional Court, irrespective of the person's race and colour. (Photograph to the right is taken by the official events photographer Brent Abrahams.)
3. A photograph was taken with the Chief Justice after his speech and we were informed that he needed to catch a flight to Beijing immediately thereafter and regrets missing the rest of the Conference. We wished him a safe journey.





4. Another interesting topic on the first day of the Conference (30th March 2018) was on Constitutional Democracy in South Africa and How has it fared after 25 years. The speakers were Thuli Madonsela, previous Public Protector of South Africa, Thandeka Gqubule (SA) and Wim Trengove SC (SA). They discussed about the Constitution of South Africa and that it places emphasis on personal dignity and identity. The Constitution ought to create a socially just society, which should be ethical and encourages its people to do the right thing. Corruption, which distorts policies and wastes public resources, should take no place in society. Also, recent changes in practice were discussed, including live public broadcasting of trials, and how there are no costs orders against litigants who don't succeed in constitutional law cases, so long as they are brought in good faith.



5. Another talk was on the topic Choosing the Judges - the Controversy Continues. The speakers were Lord Neuberger, the past President of the England and Wales Supreme Court, Liam McColum QC (NI), Calum MacNeill QC (Scot). The panel discussed about the various ways to choose judges, i.e. the advantages and disadvantages of the application and selection process, and the type and calibre of judges being selected. Some primary factors affecting the selection of judges include: the application process and competition, the workload of the judge and remuneration, as well as the “essential characteristics” of judges. Some difficulties observed by the panel include the selection process is statute bound, the exclusion of political and other influence of the candidate and managing the process to select the best candidate.
6. Additional talks on the first day were on Separation of Powers, including judicial overreach, and Rexit; namely whether South Africa should consider leaving the Treaty of Rome.

7. On the second day of the Conference (31st March 2018), the first topic was on Regulation of the Bars: An international report card. On the panel was Russell Coleman SC and Greg Harpur SC (SA). Mr. Coleman SC noted various changes to the Bar Code of the UK, and some recent proposals being considered in Hong Kong, such as the idea of paid pupillage. Mr. Harpur SC spoke briefly about South African regulations.



8. Next there were interesting topics on racial and gender issues at the Bar discussed, including talks on race and gender transformation of the Bar and Bench, whether an all-black Bar was the answer to solving race issues, and discussion on political correctness, issues of male privilege and the importance of the feminist cause at the Bar.

9. There were then talks on the corrosion of attorney/client privilege, and ADR developments in South Africa and Namibia. One of the most interesting points of note mentioned was that in Namibia, the mediation is connected to the court system and is compulsory, but that the fees payable to the lawyers are quite low (around 3,000 rand per mediation). Some of the challenges they faced in their ADR systems are: (1) each Arbitration Centre has its unique image and different set of rules; (2) there is a lack of uniformity and their practice is different; (3) the rules and practice procedures are generated by different legal system; and (4) difference in cultural understanding.

10. The final topic was on whether IT was the final frontier for the Bar and Bench. It was a very thought provoking topic in that the latest developments in IT and Artificial Intelligence were talked about by Ron Paschke (SA) and Clive Elliott QC (NZ), such as how algorithms are being made to make computerized systems that could ultimately advise clients, and even replace lawyers and judges one day.

11. The conference concluded with a Gala Dinner at Allee Bleue, in Franschoek. There, Russell Coleman SC and Robert Pang SC each gave a speech and mentioned that Hong Kong looks forward to holding the next World Bar Conference in two years' time.



12. Lastly, we sincerely thank the Bar Association and the Young Barristers' Committee for the generous subsidies towards our conference expenses.
13. After the World Bar Conference, Micky stayed behind in Stellenbosch and attended the two days International Advocacy Training Council Conference on the topic Legal Reasoning and Written Advocacy.



Dated 16 April 2018

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