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# Students

2020

**TOP ACHIEVERS**



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## INTRODUCTION

Since **without prejudice** first published a top student feature in 2002, I have admired the dedication and determination of the graduates to achieve the highest academic honours. It takes many hours and no little sacrifice. In the future, when they look back, the number of hours spent studying will pale into insignificance in comparison with the hours they will dedicate to work – however, they cannot but be proud of their accomplishments at a time of life when study is not necessarily at the top of everyone's agenda.

This year, I have to congratulate with even greater admiration those who have, against all odds, achieved remarkable results in a year when the word 'normal' lost its meaning, to be replaced with uncertainty and a degree of fear which perhaps more chillingly was being felt by people across the globe.

Readers of this section cannot but be touched by how very simple things were lost to the Class of 2020, and by how much they have impacted them. It was the loss of freedom, of association with their peers and the fun of being together with people whose company they enjoyed. It was the loss of a graduation ceremony - the culmination of the years of dedication and an opportunity to share and celebrate this special moment with family and friends.

The Class of 2020 recognised the concern they felt for family and friends in the face of an invisible foe. They had to face a totally different way of learning and writing exams. The almost overnight removal of so much of what they had come to rely on and which seemed integral to their desired goal took its toll. They are to be admired for resetting their compasses and getting on with the job.

The number of entries to law faculties has grown over the years, but the number of opportunities for graduates to acquire articles has not changed dramatically. The line for those all-important places is long. In the face of many existing challenges, those that came with the COVID-19 pandemic have exacerbated the need to achieve, and the pressure that comes with that.

This year, I asked the Deans of the Law Schools that appear in this Top Student feature to write on the impact and challenges that came with the pandemic, the lockdown, remote teaching. The Dean of Wits was not in that position in 2020, and the impact on the University is therefore unreported here, but we can probably assume it was not dissimilar from the experiences at other universities. It can certainly be said that after many years of being mired in old ways, the pandemic has fundamentally changed how universities in general will shape their faculties.

The learning curve as a new attorney is steep, the transition from theory to practice daunting, and the Generation Z graduates face challenges never previously experienced. For competitive high achievers, while much of this may seem insurmountable, it will be the drive and determination and thoughtfulness that they exhibited during final year that I believe will see them meet their milestones and achieve their goals.

Included in the feature are articles that address a variety of areas, including one from David Lancaster, who was head of Webber Wentzel and whose mentorship has been greatly valued. Bouwer van Niekerk writes of being 'married' to the law, and Owen Salmon and Fiona Southwood tell you which characteristics make a good advocate. What went on behind the scenes at the universities in 2020 – Nicci Whitear-Nel and Robynne Louw from UKZN give you an idea, and Sujata Balaram writes on the impact of a punctuation mark. You will read about being a CA through the eyes of Musa Zima and Disebo Leokaoke, and Verlaine de Wit writes on the correct approach to determining urgency for the urgent application – what he believes is the greatest legal engine of all.

To the Class of 2020, I wish you all much happiness and success in your chosen fields.

**Myrle Vanderstraeten**

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# So you want to be a lawyer in the age of a pandemic?

DAVID LANCASTER

In March 2020, legal practice as we knew it changed in a way that nobody could have foreseen, as the world, and South Africa, went into lockdown in response to the COVID-19 pandemic. This new way of living and working has persisted in some form or another for over a year now, and its effects on legal practice in the future remain unclear.

I have always regarded the way in which young lawyers are introduced to the profession as a form of apprenticeship. After an academic training which aims to teach basic legal principles about a range of legal topics, tries to inculcate in students a “legal” way of thinking, and gives them the research tools needed to find answers to legal problems, candidate attorneys commence two years of articles which expose them to the practise of law in a hands-on way.

An important part of articles is learning from those with more experience. In this process, learning is through doing, but also through watching how it is done. In my time as a candidate attorney, I learnt an enormous amount by watching my principal conduct meetings with clients, negotiate with other lawyers, meet with counsel, conduct litigation, whether in court or in pretrial conferences, and generally run his practice. This learning process was largely based on being physically present in an office on a daily basis.

In recent years, however, new technologies have begun to change the way that law is practiced quite substantially. There is now less face-to-face contact between candidate attorney and principal, and between lawyers and clients, in that more meetings are conducted remotely via video conference – Teams, Zoom and other technologies, or conference calls. Email and smart phones have transformed the way we communicate. However, being physically present in an office was, pre-COVID, still generally an important part of the learning process for aspirant lawyers.

Of course, this all changed last year, and many people spent all of 2020 working remotely. Even now, most people are not physically back at work on a full-time basis, and it may be that the workplace of the future will be one where part of the week is spent at home and part in an office.

What does this mean for you as you embark on your legal career in this totally changed environment?

On one level, my experience in 2020 is that lawyers responded extremely well to the challenge. Most firms had the technology platforms in place to move seamlessly to remote working. In particular, the younger generation of lawyers found this an easy transition, due to their familiarity with the technologies used. For many, I think, it was a welcome change to be able to work from home and to reorganise their working lives in a way that was more flexible and qualitatively better.

However, as the year wore on and we moved into 2021, I noticed some negative issues with this new way of working. Most people worked longer hours and found it difficult to switch off, as they were permanently in a work environment.

While this was good for productivity in the short term, longer term, it will and did lead to burn out in some cases.

Secondly, younger lawyers, in particular, missed the companionship and support found in an office environment, and for many, this was a lonely time from a work point of view. Thirdly, some people started falling through the cracks. When you are in an office, you are visible and can be pulled into matters and get work more easily. In some cases, working from home became “out of sight, out of mind”.

Fourthly, not everybody has a home environment suitable for home working – this could be lack of space, poor internet connectivity, family pressures and the like.

Finally, while many firms were extremely good about trying to stay connected, there is no doubt that at a more junior level, during the totally remote working phase, training, learning and broad exposure to the practise of law in all its facets suffered.

My conclusion after the events of the past year is that totally remote working is not the way forward for junior lawyers, and that there must be some physical face time with their work colleagues, COVID permitting. This is essential for the apprenticeship process of learning about the practise of law to have maximum benefit.

So what can aspiring lawyers do to deal with these challenges?

There must be recognition that some flexibility will be needed in the future. A degree of remote working will always be with us, and it will suit younger people who are generationally and technologically more adept at this. However, it is important that this is not your only reality. COVID permitting, you need ways to physically connect in the workplace. The process of learning from your peers, and those more experienced than you, is often best done by observing and working closely with others.

If you are obliged to work remotely, try hard to stay in contact. Accept all assignments, no matter how trivial they may seem, and try to complete them efficiently and quickly. Focus on producing the best piece of work you can, each time you are asked to do something. Attend all virtual meetings and training sessions you are invited to – it is important to stay visible and to keep learning. Be aware of being professionally dressed and in an appropriate setting when on a work virtual call – pajamas and track suits are not really appropriate!

Build a supportive network with your peers. Later in your careers, you will have two sources of work – external and internal clients. Internal clients are other lawyers in your firm who may refer work to you. Start building these rela-



Lancaster

tionships early on, as they will be mutually beneficial.

It's also important to remain healthy during this time, as resilience is needed in this profession; so, eating well, exercising and getting enough sleep are all important to maintain your energy and ability to execute the tasks you may be given.

Have an honest conversation with your principal: what is their expectation of you from a work point of view? Don't be afraid to ask these questions, and also don't be afraid to ask for help when you need to.

Just like the candidate attorneys who started their articles during the global financial crisis of 2008/2009, you will get through this crisis. Taking the advice I have set out above will certainly help. ♦

*Lancaster is the former Senior Partner of Webber Wentzel; currently consulting to Webber Wentzel and coaching lawyers.*

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## Holding up the Bar

FIONA SOUTHWOOD AND OWEN SALMON

Imagine that you are an advocate.

Depending on your age, gender, background, family, life experience, legal experience, your knowledge of the profession, your personality, your facility with language and your creative ability, you will have formed an idea of what it is to be an advocate. This idea will be unique to you, but it is as valid as that of anyone else. There are as many types of advocate practices as there are advocates. No two practices are the same, and no two advocates operate in exactly the same way.

There are, to be sure, rules which govern the profession, but that is a different thing. There are many factors which shape the nature and scope of one's practice – and career – as an advocate. You might have the desire to be a lawyer defending criminals, for example. Then, you will do a lot of consulting with the accused, possibly at a Correctional Services facility, and with witnesses. You will spend a lot of time, mostly, in the Magistrates' courts. You will probably do a lot of cross-examination.

Contrast this with the practice of, say, a tax expert. Then, you might write a lot of opinions, and prepare written argument – what we call 'chamber work', because you do it in your chambers, and not in the courts. If you specialise in family law – divorce, maintenance and access/custody rights, for example – you will frequently be in the High Court, and often interface with child psychologists. If your practice relates to construction disputes, you will hardly go near a court, for those disputes are resolved by arbitration – although, in a way, this is just a private court. If you are involved in medical negligence, then much of your time will be spent with medical practitioners, getting to the bottom of why, for example, the surgical procedure went wrong.

Differences in practice will also arise as a result of the jurisdiction in which you practise. For example, maritime law disputes arise exclusively in coastal jurisdictions; intellectual property matters are mostly dealt with in the Gauteng Division, Pretoria as it is the seat of the court of the Commissioner of Patents, and is the division in which the Registrar of Trade Marks is situated.

It also depends on whether you join one of the traditional Bars, that is, a member of the General Council of the Bar, or one of the Bars which is not a member of the GCB, or practise outside these affiliations. If you join a traditional Bar, there are differences between Bars. At a large Bar, such as the Johannesburg Bar, there may be sub-groups of that Bar in different buildings. A Group can play a role in one's practice – stay tuned for more in this regard.

On top of all this, as an alternative to the conventional practice as a referral ad-

vocate (who is an advocate who must be briefed by an attorney), one can practise as a trust account advocate.

This is where you can render legal services directly to the public without the involvement of an attorney.

This article sets out our views on what characteristics make for a successful advocate; whether other prior experience is necessary before entering the profession; and, given where the world is right now, what lockdown means for young people entering the profession. The paragraphs you have just read will remind you, however, that our views are not the law of the Medes and Persians – there are myriad factors of influence on the eventual practice that you will have as an advocate, and there are always exceptions to any rule.

Our views are shaped to an extent by our own experience. We are referral advocates. Both of us are members of the Johannesburg Bar and have also been members of the Pretoria Bar (both traditional Bars). We are, however, members of different Groups. We have also practised as attorneys prior to joining the Bar.

We have to assume that you are reasonably intelligent and, more so, hardworking; you will not make it through LLB otherwise, and you need an LLB to be admitted to practise as an advocate. But to be successful requires something more. Of course, if you are practical, logical, creative, incisive, articulate, literate, self-possessed, and self-confident, independent-minded, self-motivated and courageous; if you have integrity and possess good judgement; and if you can take the initiative and take re-



Southwood



Salmon



sponsibility instead of avoiding it, you have the makings of a good advocate.

But all this is not to say that you will have a thriving practice. People without these qualities have practices, and people with these qualities in abundance are sometimes overlooked.

This is the result of the human factor. One must expect that attorneys will brief counsel who are effective. However, with almost all matters, attorneys will have a pool of counsel who they think can achieve the desired result, and upon whom they can draw. That view may arise from having briefed that counsel before, from having experienced that counsel acting for the opposing side, or from what another attorney or advocate has said about that counsel. For unopposed matters, where most counsel's practices begin, the pool of practitioners who can get the desired result is very large. If a matter requires that you work closely with the attorney, attorneys are likely to brief someone that they like and know they can work with. Attorneys are also more likely to brief counsel who know the area of law (or, at least, who they trust to school themselves), who are responsive, and who they know will pay sufficient attention to the brief. Often, the start of a relationship with an attorney has an element of luck, of being in the right place at the right time.

Now, here comes an important consideration: do you go straight to the Bar, or do you become an attorney first? (Or do something else?) Our personal backgrounds involved several years as an attorney. This is probably the norm, and we think there are good reasons why some time spent in practice as an attorney will stand you in good stead once you venture into practice on your own as an advocate. An attorney's involvement in a court case is different from that of the advocate she briefs for the case. The nature of the services rendered is different. So, when once at the Bar, it is helpful to know what the attorney working with you is doing, why, and how. Advocates generally start practising after having other experiences. Usually they have practised as attorneys, but their prior experiences may have nothing to do with law.

Prior experience always enhances one's practice, whether in relation to the business of a practice, the way one interacts with judges, colleagues, attorneys and their clients, or the way one renders legal services. Besides, a certain level of maturity is a great boon for an advocate. You will also find that almost every prior experience can assist in your practice.

Generally, at the outset of your practice, your colleagues will be the source of your work – and this is particularly so in the Group to which you belong. They may pass on briefs. They may mention your name to attorneys. They may ask you to devil for them (Devilling is informal assistance furnished by one advocate to another without being briefed. The attorney is usually unaware of the devil's contribution). You may get briefed with a silk because she is in your Group, and that makes for expedience – working together, consulting, and so forth.

But one important factor underscoring the advantage of practising as an attorney before going to the Bar is this: Generally, advocates practise in a referral profession. So, who refers work to you? Not your sister or your Mom. It is attorneys who refer work to you and so, if you have established a network, or impressed attorneys at the firm you worked at, or against (if in litigation), they will know you and your qualities, even before you hang up your sign saying, "Open for Business".

An aspect of life at the Bar which is not for everyone is that it can be quite lonely; this is not on the personal front (actually, it can be very social), but on the professional side of things. When the brief comes your way, it is for you alone; you

have no partners, no articled clerks, no associates. #MeMyselfandI, in other words. Allied to this is that no-one will pay you a salary, there is no office car, no office canteen, and no staff medical aid. You must fund everything yourself. As your workflow will be varied, this means that you hardly ever have a constant level of income. You will need to make friends with this; it was once said that you will be a success at the Bar if you can handle the uncertainty!

What about lockdown? For various reasons, many advocates are currently not working from their chambers, but from home. This work-from-home situation has created a number of disadvantages for new practitioners, namely that there are fewer opportunities for pass-on briefs, mentions to attorneys and devilling.

In addition, at commencement, most practices constitute undefended cases. Ordinarily, the "unopposed court" provides new practitioners with an opportunity to cut their teeth: get used to speaking in court, engaging with a judge – and generally becoming known to the bench, one's colleagues and attorneys.

This has changed in jurisdictions which are operating remotely through online applications, such as the Gauteng Division. Judges often deal with unopposed matters in chambers; they only require counsel at the online hearing if there are difficulties which must be addressed. This reduces the opportunities for briefing counsel.

The additional consequence is that more senior practitioners who have, say, one unopposed brief on a given day (and who might otherwise have passed it on) can now simply log on to the hearing shortly before it commences and can carry on with other work until their particular matter is called. Another source of work for new practitioners at the Bar was to attend court to 'note' judgements being handed down. This no longer occurs, however, as the judgments are now simply emailed to the parties.

However, time will tell whether this lockdown mode of operation is here to stay. Justice, after all, must be seen to be done, and courts are public forums. The exceptions to the way these things are normally done, which have been 'allowed' due to COVID-19, would not necessarily survive due to the importance of such fundamental principles, and it is likely that things will revert to the ways of practise pre-COVID-19, at least in the main.

Lastly, a word about pupillage – the practical aspect of an advocate's training. Insofar as training is concerned, this has moved online without removing the effectiveness of the training. In fact, this has allowed trainers from Australia, the UK and Singapore to become part of the training programme for pupils, as they can easily log on to a video conferencing app to conduct training, instead of flying halfway around the world. A further advantage is that, regardless of where they are doing pupillage, pupils can easily attend online hearings in the Gauteng Division, the Supreme Court of Appeal and the Constitutional Court. The login details are publicly available.

The disadvantage of lockdown on pupillage is that networking opportunities are greatly reduced. Pupils may not get to know their peers – a vital source of pass on work at the commencement of practise. The prevalence of work-from-home advocates also has the consequence that there are fewer opportunities for pupils to become known to advocates already in practice.

All that being said, if you want the flexibility of being your own boss, if you want to be personally challenged and intellectually stimulated, then becoming an advocate may be just the thing for you. ♦

***Salmon SC is a member of the Johannesburg Bar, in Maisels Group; Southwood SC is a member of the Johannesburg Bar, in Group One.***

# A lawyer for life

In memory of Alec Brooks

BOUWER VAN NIEKERK

Every time I drive into the Kgalagadi Transfrontier Park, I am instantly haunted by the vastness of eternity. As wave after wave of the faded golden sand dunes ebb and flow over the voluptuous desert, the further one leaves civilization behind, the more the insignificant drop of influence that human existence has had on these vast open spaces trickles down on me, in the sepia sea of game and grass; and the importance of time itself becomes as blurred as the horizon.

I enter the park at Twee Rivieren, after driving two hours north from Upington in the Northern Cape and continue to travel north for a further three and a half hours until I reach Nossob Camp, a couple of hours from Union's End, the most northern tip of the Republic. "Kyk noord en COVID voort", I tell myself. I am here to support my wife, boy and father-in-law to scatter the ashes of my mother-in-law, a kind-hearted and gentle lady who departed with pieces of our hearts on Valentine's Day this year.

As we follow Ranger Dan to the site where our beloved matriarch's dust will return to dust, my mind wanders to the passing of an exemplary exponent of the legal profession and a titan of South African Insolvency Law, HRAP (Alec) Brooks, who passed away at the end of January. In this process, my mind meanders to the poignant tribute that was delivered at Alec's memorial service by one of my personal heroes and a revered senior member of the Johannesburg Bar, and I recall the characteristics he listed that made Alec such a force to be reckoned with. In this



Van Niekerk

article about what my experiences of being an attorney have been and the lessons that I have learnt along the way, I will unabashedly steal from his speech, but as he is a dear friend and colleague, I am confident that he will not object too vociferously to my thievery.

## For the love of the game

I have had an affair for more than sixteen years. This, I must tell you, is no small feat, as I have only been married intermittently during this period. You see, as my late principal (I sat next to Alec at his funeral) taught me over a couple of sparkling German refreshments, the law is a jealous mistress. She is relentless in her pursuit of your time, and can call on you at any time of the day or night. She has no regard for your weekends, and she merely scoffs at the scorn of your family when you must cut yet another vacation short to serve her needs. She can even (often) make you feel like a prostitute, and if left unchecked, she can try to influence your moral compass.

My advice in dealing with this lady, who sometimes goes by the name of Justice? If you can find a partner who can stomach this specific type of ménage à trois, never let him or her go.

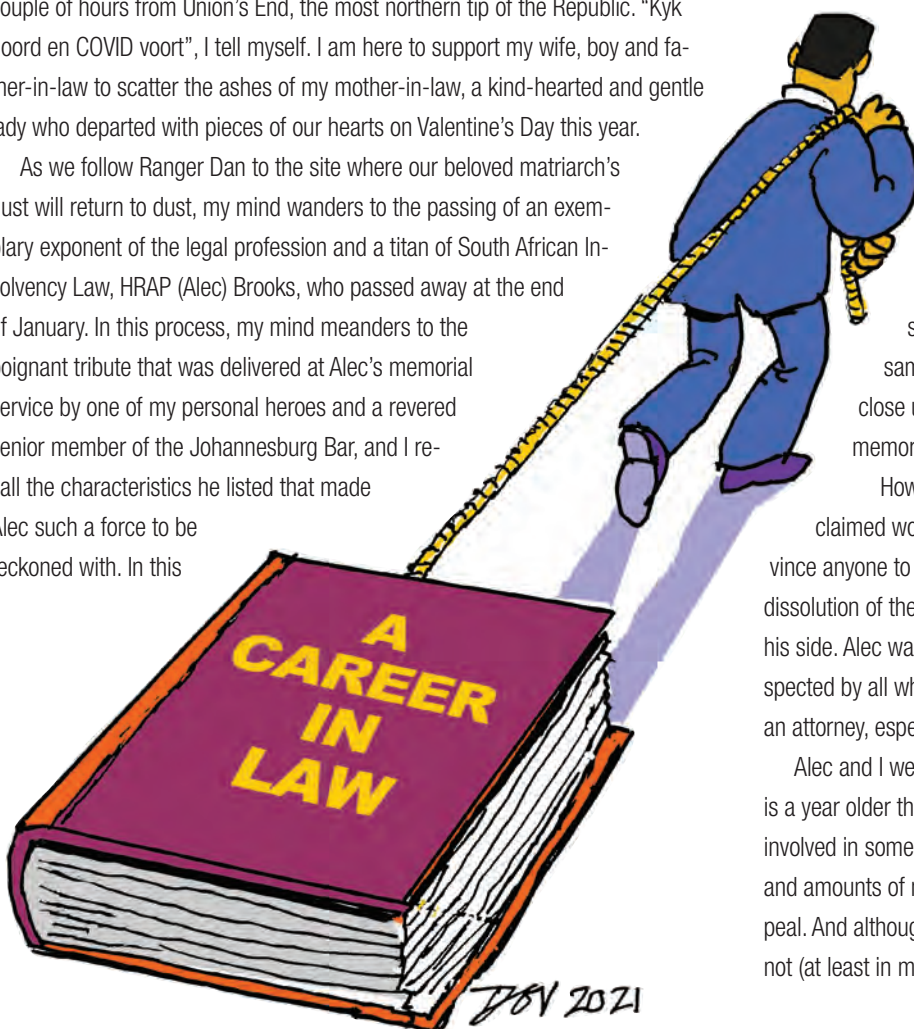
This will not always be easy, and you will not always succeed the first time around (I didn't). And always use protection – insist on a deposit upfront.

## It's not just about what you know

I am not the only attorney to have parted with a spouse while still very much alive. Alec successfully married and divorced the same woman (who must be remarkable) twice. They remained close until his last day, and she was seated in the front row of his memorial service. (Her Nobel Peace Prize is pending.)

How did he manage to achieve such a feat? How did this self-proclaimed workaholic, who was still checking accounts in his last week, convince anyone to continue to cook for him and take his calls long after a second dissolution of their marriage? I suspect that it didn't take much convincing from his side. Alec was liked by some, loathed by others, feared by many, and respected by all who crossed his path. You can't ask for much more when you're an attorney, especially one who makes a living as a litigant.

Alec and I were not friends or graduating buddies – his son (also an attorney) is a year older than I. We got to know each other as opponents and have been involved in some substantial disputes involving not insignificant questions of law and amounts of money, the last of which is heading to the Supreme Court of Appeal. And although he hardly displayed the modesty of Mother Teresa, Alec was not (at least in my experience) overly arrogant. Rather, he was self-confident to a



fault, without being offensive. Add to that his charm, charismatic character, wit and intellect, and you find many of the traits that are indispensable for making it in the legal profession. I suspect he also relied heavily on these qualities in his multiple pursuits of the mother of his children.

### Give advice

I vividly recall an occasion some years ago when Alec was pestering me for a response to a letter. I responded with a curt email, informing him that I had sent it to my clients for instructions, and would revert in due course. Unperturbed, he responded that his letter called for a response pertaining to a legal issue, and that it served little purpose to obtain their instructions; my job was to advise them and revert to him.

Although I was mildly irritated by his response (I don't like litigating by way of correspondence, and my duties were towards my clients, not his), the notion he proffered continues to resonate in my approach to practising law, and it is one that I try to imbue in all young attorneys. In principle, he was, of course, right; although attorneys act on instructions, they also get paid to give advice. This being the case, I never allow my associates to simply forward a letter from an opponent to a client and merely request instructions, as I have found doing so (especially on a point of law) is partly as helpful to me as an ashtray on a superbike doing 250 km/h, and partly as irritating to my client as a scab at the top of the inside of your mouth that would heal if you could just stop tonguing it, but you can't.

So don't just take instructions. Give advice. And think before you do so. Think about your matter holistically, and how your advice may affect the overall strategy. This may sound obvious, but it is a helpful piece of advice to remember constantly if you hope to have a long career.

### Don't live off bread alone

I chose the legal profession, in part, due to my limited skill set. Until recently, I was under the impression that a "bobbajaan spanner" was a tool used by the higher primates in primordial times, and my understanding of mathematical concepts is limited to that it is integral to my existence to drink beer on a Saturday afternoon, but I am differential about the brand on the proviso that the temperature that said beer is served at equates to three degrees Celsius.

My culinary skills are equally unimpressive (this is something Alec and I supposedly shared); I have been known to fuck up a piece of toast and a cup of cof-

fee, and have mistaken a gem squash for what the Americans would refer to as a great game of Racquetball. On the other hand, Alec (like many attorneys) was a keen golfer. Here we have nothing in common; I am lefthanded, bad tempered and impatient. This makes me as suited to playing good golf as it makes Scandinavians suited to easily acclimatise to the Kalahari Desert.

My point, however, is this: whether it be handywork, cooking, sports, photography, hunting, camping or meditating, find something outside the law that you are passionate about. Remember, the law is dispassionate, and however passionate you may be about practicing it, you will serve your sanity well by finding another pursuit that gives your life meaning. If you don't, you run the risk of becoming not only bored, but boring. And nobody wants to be boring.

### Be organised

Alec was a stickler for the proper administration of a matter. He understood his role and that of the advocates that he briefed. This was appreciated by counsel and ensured that he was rarely caught out by the procedural pitfalls that befall many a young attorney.

Being organised is rarely sexy, and there are precious few quirky anecdotes about the importance of proper administration. I do not intend to share any here. But it is an important lesson, nonetheless.

### In closing

As dusk falls over the arid escarpment and there is nothing but a flat horizon between me and eternity, I start to contemplate my own mortality. Although I hope that I have many more years left, I ask myself whether, if confronted with the choice, I would do it again: five years at university, two years of articles, appearing in the Magistrates Courts while trying to build a practice that will keep me out of Section 65 Court, all in an attempt to create a life worth living. And, as I approach my fortieth birthday, is this not an opportune time to try something else that is more meaningful and less stressful? My mind suddenly feels as barren as the desert. And then the realisation kicks in: I am a lawyer for life. And I'm okay with that. Many who have come before me were also okay with that. And many have looked up to them, as I have looked up to Alec Brooks.

Are you okay with that? ♦

*Van Niekerk is a Director at Smit Sewgoolam.*

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# From dreams to reality – and back again

MUSA ZIMU

So you want to be a lawyer? How noble. You've probably recited countless times when questioned on your motivation for entering this profession that you want to "use the law as a tool for social justice". You've reached for that answer as swiftly and mechanically as a toddler reaches for the edge of a tablecloth. The first few times, you said it as if you meant it with every fibre of your being. After a few "we regret to inform you" emails, the words spilled perfunctorily out of your mouth.

You were probably one of those annoyingly gifted kids in high school. Your gift of the gab had the audience spellbound at public speaking tournaments, and unravelled opponents' arguments without much effort during inter-high debates. You didn't need to kiss the Blarney stone; eloquence was second nature to you. You were the head girl or head boy, a straight-A student, your blazer emblazoned with scrolls displaying your array of skills.

Or perhaps you were one of the glib-tongued rebels who found themselves called to the principal's office more often than you reported to class on time. He



Zimu

would see you walk in, sigh deeply and rub his temples in exasperation. You'd both been here before, so he knew what was coming. You were about to argue your case, and you were about to do it so articulately and convincingly that it would probably be better for him to just let you off with a stern warning. In a battle of wits, you had the bigger arsenal, and you chose to use your powers for darkness.

Whichever of the two you were, it was only natural that you would be drawn to the profession that would allow you to put your wit and intellect

on display. Perhaps even an aptitude test confirmed the obvious. You were born to be a lawyer. You figured it wouldn't require much more from you than what you naturally had. One little *Baccalaureus Legum* later and "bippity boppity boo!", a successful, high-earning attorney with a power-suit and a pilot case.

Just a few months into your practical vocational training, you would realise that you probably overestimated and probably overstated your brilliance and underestimated the profession. Your academic prowess and way with words will only be a foot in the door, but to pry it open and earn a seat at the table will require so much more of your character. You may ask yourself if you're really cut out for this. You will often mutter under your breath, "Why am I even doing this?"

In university, you only had to contend with your textbooks, and perhaps a few difficult lecturers refusing you your distinctions; in practice, there are a number of balls to juggle simultaneously. Time management, people management, respect for time-honoured procedure, and self-management (this, I cannot overemphasise). You already know you have a high IQ, but practise requires that you have a high EQ as well.

The study of law and the practice of law are vastly different. There is a way that will seem best to you, but your principal, with decades of experience behind them, directs another. They've made costly mistakes and taken countless blows in order to know what strategy works best for any situation. If you're lucky, they'll be open to an exchange of ideas and welcome your suggestions. You're the luckier one though, as you get the benefit of their experience.

You will need to be humble and have a sober-minded view of your work and your place in the chain of command. You're no longer the brightest star in the constellation. Your *cum laude* means nothing when it's time to index and paginate urgent application papers at 10pm. It's not glamorous work. Some might even say that it's menial work. But it needs to be done, and it teaches you not only precision and attention to detail, but also the principle that everyone on the team must pull together to do what needs to be done to protect and assert the rights and interests of the client. Your senior associate might have done most of the intellectual heavy lifting in drafting the papers, but your assigned task, though appearing insignificant, is an important cog in a very big wheel – it needs to be done, and done well. If you can resolve to be disciplined and excellent in the small things, you will be disciplined and excellent in the director-level things. It's not a switch you turn on once you get a corner office.

You need to be resilient, because you will make many mistakes and no amount of perfectionism will make that avoidable. You will endure your principal angrily asking how you could let something happen, and you will apologise. Sometimes you will have to apologise for mistakes that weren't made by you and learn to take it on the chin. This is a great opportunity for self-development.

You will need to be shrewd. Some clients will be more demanding than others, and you will need to courteously manage their expectations. As a junior, you will have many files dumped on your desk with impossible deadlines, and you will have to learn how to communicate your lack of capacity without sounding insubordinate. It's a delicate balance on thin ice, and you will learn to skate gracefully.

Along the way, there will be small victories and milestones that will keep you going. Your first court appearance, wearing an impossibly big robe; the first order granted in your favour; your first "Fantastic job!" from your principal. Perhaps your very first article published in **without prejudice**.

Soon enough, you won't need any approval from your principal to send emails. You'll develop your own communication style and win your boss's trust. Your drafts will come back with fewer tracked changes until, one day, all your principal needs to do is just glance at them. You will be sent to meetings without a senior holding your hand. Look at you, coming into your own as a lawyer!

If you stay the course, you will find the answer to the "Why am I even doing

this" question you posed to yourself at the start of your journey. So you want to be a lawyer? Noble. Strap in, grasshopper - you're in for quite the ride. ♦

*Zimu is a Candidate Attorney at Lawtons Africa.*

*The article was supervised by Ushir Ahir, a Director.*



# The good, the bad and the pandemic: surviving articles during COVID

DISEBO LEOKAOKE

When I began my articles of clerkship in January 2020, to say I was on an emotional roller-coaster does not quite capture the spectrum of anxiety, excitement, confusion, and plain old fear that I experienced. I was wide-eyed, fresh out of university, where I had just completed a highly demanding degree, and I had countless expectations of what my life and career should look like (some unrealistic, and others that would demand that I bring all my potential to the table in order to achieve).

I had a vague idea of what the two-year long interview would entail, as those who came before me told countless tales of file making, pagination, photocopying of one too many documents and runs to court that leave one feeling bewildered. What I was not told, was how I should deal with completing my articles amid a global pandemic – and I really wish someone had warned me. So, this is it: the warning, and the survival kit to assist aspiring graduates and legal practitioners with their journey through articles of clerkship in the "new normal."

In March 2020, upon the declaration of the National State of Disaster, articles as we knew them changed forever. The entire legal profession migrated to digital platforms. Court hearings no longer meant sitting in a physical court room, and meetings with clients no longer included free cappuccino, as online meeting rooms are not equipped with that useful function. Unfortunately, this meant less interaction with those who provided support and free therapy when it was most needed. It also meant walking around with half-covered faces, at least saving one from the repercussions arising from the unexpected facial expressions made when things do not go our way.

If there is one thing that remained intact, it is the cutthroat nature of the legal profession, where the ability to adapt is crucial. While the manner in which things are done has evolved drastically, the core principles have stayed the same. Even in a global pandemic, one still needs to work hard and set oneself apart. You still need to earn your stripes and this is done by ensuring that each and every task you are given is completed to the best of your ability, paying specific attention to detail, taking responsibility when you have made a mistake, and asking when you require clarity. Problem solving and being innovative and able to take initiative will surely leave a positive impression on your seniors, and being

kind and polite will enable you to receive assistance from even the most unlikely sources.

Although this will assist you in navigating your journey towards your name on the letterhead, there are a few additional things to keep in mind to successfully complete your articles in the new normal. These include:

- Ensure that you are adequately equipped with the necessary computer skills, as cases are heard online, meetings with clients are mainly on digital platforms and most of the high court filing system is now on the CaseLines platform.
- Time management skills are critical – in instances where the option to work from home exists, it is easy for things to fall between the cracks. Keep a list of all outstanding tasks and ensure that all completed tasks are ticked off in order to easily identify what still needs to be done.
- As a candidate attorney, even a pandemic will not absolve you from your pagination duties and other administrative tasks. Keep sticky notes that you can scribble on when you are being given instructions in order to keep track of what you are being asked to do.
- This is the best time for innovation. Identify areas in which you can contribute and launch that big idea.
- Mental health has been brought to the forefront due to the uncertainty, economic devastation, isolation and loss brought about by COVID. It is important to identify a support system and ask for help when you feel overwhelmed. If necessary, seek the assistance of a professional.
- Do not wear your work-from-home slippers at work and, similarly, do not get strangled by a tie when working from home.



Leokaoka

- When having an online meeting, do not forget to turn off the cat filter before turning on your camera, and make sure you are on mute before going on a private rant.

Although the pandemic was accompanied by mass devastation and the continuous application of highly concentrated liquid on one's hands, it has no doubt also presented a myriad opportunities. The legal profession has been given the opportunity to evolve and grow, and candidate attorneys are at the heart of the growth.

Every day presents a different set of challenges but, in the same breath, new opportunities are always present. The chaotic state of affairs has settled over the past year and the journey has been made easier by those who are always willing to offer support and impart their knowledge. Darwin's theory has never been more relevant: only those who work hard, adapt and set themselves apart will survive. ♦

*Leokaoko is a Candidate Attorney with Lawtons Africa. The article was supervised by Ushir Ahir, a Director.*

## Universities – the future is now

NICCI WHITEAR-NEL, ROBYNNE LOUW (WITH SPECIAL THANKS TO KASHMITA GAYADIN)

The COVID-19 pandemic has been yet another disruptive force that has confronted and destabilised universities, and forced them to make enormous changes – some which were long overdue – particularly by magnifying existing challenges to students' abilities to engage with their learning, and highlighting the inequality gap. COVID-19 has exacerbated the financial crisis that has confronted universities for some time now. Registration numbers are way down, student debt is escalating, government subsidies are declining, and third-stream income has dried up. Not to mention all the direct COVID-19 related expenditure that universities have incurred.

The effects of the COVID-19 pandemic on higher education have both pros and cons. It has magnified the stark differences in the poverty levels of students and between institutions, and it has forced universities to modernise and to embrace best education practice. It has also made universities acknowledge that the future is now, and forced them to embrace the 4th Industrial Revolution, characterised by digital technology.



**Whitear-Nel**

For years, many universities and governments have been talking about the need for online learning, or blended learning, where at least a part of the students' learning takes place online, through a learning management platform such as Moodle. COVID-19 has forced universities to adapt and move quickly in this direction.

However, the most obvious and immediate challenge to successful online learning is resources. Many students struggle because they lack data, internet

connectivity, devices and sometimes even the power to stay connected. They, therefore, struggle to access the online resources and engage in online learning sessions. As usual, the poorer students have been disproportionately negatively affected by the massive shift to online learning. Likewise, the poorer institutions.

The crisis has highlighted the need for universities to support their students with devices and data packages so that they can learn online – many students rely on financial assistance to make ends meet. Some universities have delivered devices for students to learn on, be they smart phones, tablets or even laptops. This sort of support has obviously been more difficult for the under-resourced institutions, the historically disadvantaged universities. Government has a role to play here in levelling the playing field, but this has not been optimal: recall the delays in the national first year laptop scheme.

Universities have also negotiated with service providers for certain websites – like the learning management site used by the university – to be zero-rated, or data free, so that students can access them without eating into their data packages. Many universities provide, at huge cost to themselves, data packages to both their staff and students to facilitate the online project. Typically, students received both peak and off-peak data (Night Owl data).

Some of the online learning is asynchronous, meaning that students can log in on their own time to access and engage with the online materials – many choosing to do so late at night or during the early hours of the morning, during



**Louw**



the off-peak hours. Some universities combined that with synchronous sessions where class meetings are held on platforms such as Zoom or Microsoft Teams. There are unique challenges with such an approach. Connectivity might be unstable, causing students and even lecturers to drop off on occasion, and distorted sound and frozen screens have become familiar annoyances. Power disruptions might mean that the session cannot take place at all, or that the affected students cannot attend. Students who lack data, connectivity or a device cannot participate at all.

The learning management systems, such as Moodle, are incredibly sophisticated and not only house all the online learning material, including video recorded lectures, but can also host the links to third party platforms such as Zoom. Students can take tests and submit assignments online via the learning management system, and staff can grade the assessments online too.

However, academic staff typically have very limited, if any, experience with the online technology and the pedagogy of online teaching, and have had to up-skill rapidly, under tremendous pressure. They devote enormous reserves of time and energy into being one step ahead of the novel demands placed on them. There has been a lot of problem solving on the fly. Academic research has suffered, with online pedagogy being the priority.

Teaching has definitely moved very far from the traditional large lecture format. And this is a positive thing, since contemporary educational research shows that the traditional mode of lecture delivery does not really work that well. Best education practices point rather to learning in small group environments where students can learn from each other and get involved in project/portfolio type assessment. The Zoom breakaway groups feature enables students to be divided into smaller groups to work on tasks at the push of a button. And online assessment is often more project or portfolio based.

When tests and assessments are held in the online environment, they are, by their nature, open book style. Therefore, academic staff have had to turn to more educationally sound assessment methods than typical rote learning tests. In the main, critical thinking, problem solving and applied understanding are the skills

being tested now. It is certainly the ideal.

Another major challenge has been the persistent gender bias that still exists in many households. Students, especially female students, who are back living at home are expected to contribute to their share of the household chores instead of treating them as the full-time students that they are. This is not to say that returning home to study does not have other disadvantages which bedevil male and female students equally. For example, not having sufficient quiet space to study, not to mention other everyday hardships such as unhealthy living conditions, the chaos of younger siblings, or the extended family sharing the same space.

Universities need to provide psycho-social support to students and to be especially sensitive to the unique challenges young women face at home. They must also be sensitive to and support students who feel isolated at home, and who are anxious due to the pandemic or other causes. This is particularly important for students who return home to dysfunctional family units. Our worlds have shrunk, thanks to COVID-19, and we spend our time almost exclusively at home now. The university experience now only exists as a file on a computer. The support of physically present friends, the library and a real-life campus experience are gone.

In so many ways, the COVID-19 pandemic has been devastating – not least to students and their lecturers – but there is light at the end of the tunnel. Pandemic conditions will not last forever and universities (hopefully most of them) will have transitioned to better ways of teaching and learning than the old fashioned large lecture delivery system. Academics and universities must continually innovate and improve the online delivery of educational materials and ensure that students have the necessary infrastructure to engage online. While the negatives from the effects of COVID-19 on higher education will fade, hopefully the positives will endure.

*Whitear-Nel is a Senior lecturer, Louw is Post-graduate administrator and Gayadin a Masters' student at the University of KwaZulu-Natal.*

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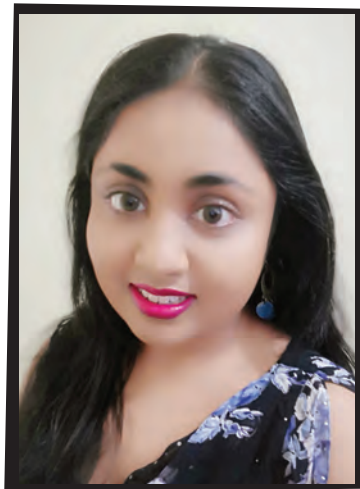
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# Semi-colon: the half-blood punctuation mark

SUJATA BALARAM

Just as the alchemist, Nicolas Flamel, invented the philosopher's stone, the publisher Aldus Manutius invented the "half-blood" punctuation mark, commonly known as the semi-colon. Unlike Flamel's fictitious philosopher's stone, the semi-colon made its way to be a very real and important tool for writing. As we sit in the twenty-first century, we look at the semi-colon almost every day, even though we might not notice that we do. When we separate email addresses on emails, we use the semi-colon; when we read *inter alia* legislation, rules, cases, articles, our eyes brush past semi-colons and we do not stop to think about the purpose it serves.



Balaram

When the semi-colon first appeared in 1494, in the book, "*De Aetna*", it marked its debut as a "half-blood". Not as a full colon, nor as a stand-alone comma but rather as a hybrid between a comma and a colon; the purpose of which was to extend a pause or create a clear separation between two parts of a sentence. Over the years the purpose of the semi-colon expanded and eventually became a very important punctuation mark in the legal sphere.

Before we can look at the role of the semi-colon in local cases, we need to understand how it is used. Here are some rules that can be followed, with related examples.

1. A semi-colon can be used in a sentence or list to connect two or more related but independent clauses, or clauses that work together as part of a larger idea. The use of a semi-colon in this instance provides more structure as it reduces the risk of confusion and highlights connections between ideas.

## Examples:

- a) The semi-colon can add emphasis to the second clause as an important exploration of the first:

*The plaintiff was the CEO of the company; he was also the youngest CEO.*

- b) A transitional expression (examples, *inter alia*, include: as a result, in addition, for example) or a conjunctive adverb (examples, *inter alia*, include: accordingly, furthermore, therefore) after a semi-colon can be used to precisely describe the relationship between ideas.

*There are witness accounts; however, none of them may be accurate.*

- c) Semi-colons can be used to separate citations of a case.

*Qwelane v South African Human Rights Commission and Another [2020] 1 All SA 325 (SCA); 2020 (3) BCLR 334 (SCA); 2020 (2) SA 124 (SCA).*

- e) A semi-colon can be used when separating a list. It is common to see such usage in legislation, regulations, and rules.

*"Every adult citizen has the right —*

- a. *to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and*
- b. *to stand for public office and, if elected, to hold office.*"

2. The semi-colon can also replace a full stop to continue the flow of a related idea.

## Example:

*MeMax will evaluate the property; TeMax will not.*

3. The semi-colon can also act as a super-comma in cases where a sentence may have phrases with commas in it. Such phrases cannot be separated with commas because that will confuse the reader.

## Example:

*The plaintiff had visited Westville, Durban; Clifton, Pretoria; and Waterkloof, Cape Town.*

Now that we have an idea about how semi-colons should be used, let us look at some South African cases that made mention of the use of a semi-colon when interpreting legislation and rules.

In *Firmani v Printing Industry Pension Fund for SATU Members (2)* [2000] 10 BPLR 1101 (PFA), the definition of "eligible spouse" was contended and the rules defined it as follows:

- "(a) the widow or widower of a Member, or Pensioner, at the date of the Member's or Pensioner's death; provided that such person was either the member's or Pensioner's legal wife or husband by whatsoever rites married, or was a person with whom the Member, or Pensioner, was living in a customary union as defined in the Black Administration Act, 1927 or in a union recognized as a marriage under the tenets of an Asiatic religion; or
- (b) a woman, or man, with whom a Member, or Pensioner, was, although not legally married, living as man and wife at the date of his death whom the Trustees, in their absolute discretion, may regard as the Member's or Pensioner's Eligible Spouse;

provided that such person:

- (a) in the case of a Pensioner who was a Deferred Pensioner, was a person as specified above when he became a Deferred Pensioner; or
- (b) in the case of a Pensioner who was not a Deferred Pensioner, was a person as specified above when he became a Pensioner; or
- (c) in the case of a Pensioner who retired in terms of Rule 5.3, was a person as specified above when he retired."

What is important is the placement of punctuation marks and words, as this aids the interpretation of the ordinary meaning of the term “eligible spouse”. It was held that provisions (a) to (c) apply to both paragraphs (a) and (b) because such provisions are drafted as a separate paragraph and the use of a semi-colon and the word ‘or’ between paragraphs (a) and (b), indicates the drafter’s intention for such provisions to apply to both paragraphs (a) and (b). It was also argued that if the phrase, “provided that such person”, was placed immediately after the semi-colon in paragraph (b) (after the words “Eligible Spouse;”) then the provisions (a) to (c) were to only apply to paragraph (b) and the use of a semi-colon would not be needed.

In contrast with this case, where the semi-colon played a role in joining paragraphs that are related, the next two cases will illustrate the use of a semi-colon to separate ideas that were not intended to be intrinsically related.

In *Qwelane v South African Human Rights Commission and Another* [2020] 1 All SA 325 (SCA), the section of the legislation that was in contention read as follows:

“Subject to the proviso in section 12, no person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to –

- (a) be hurtful;
- (b) be harmful or to incite harm;
- (c) promote or propagate hatred.”

It was held that the first two subsections, which appear after the dash, are not connected by the word ‘and’ after the semi-colons and, therefore, it cannot be intended that it be construed conjunctively. In *Firmani*, the conjunction ‘or’ featured

after the semi-colon, causing the interpretation to be inclusive of all phrases, while in this case, the absence of a conjunction, ‘and’, causes exclusivity.

In the recent case of *Samsung Electronics SA (Pty) Ltd v Commissioner for the South African Revenue Service* [2021] JOL 49988 (GP), the following paragraph was considered:

“Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network) (excluding transmission or reception apparatus of heading 84.23, 85.25 or 85.28)”.

The respondent in this case contended that the semi-colon is indicative of a mutually exclusive division between telephones and other machines, other than a telephone. It would seem that, as in *Qwelane*, the lack of a conjunction after a semi-colon will cause the interpretation of distinctiveness and exclusivity.

Do not be confused by the use of the semi-colon after examining these cases. Remember that the purpose of a semi-colon is not to bond phrases and clauses together but rather to link them. As you start to take note of the use of a semi-colon in various contexts, it will become easier for you to recognise how it should be used, and how it can affect one’s understanding.

Born in the Renaissance, living through wars and plagues, and never meeting its death, this “half-blood” punctuation mark is here to stay and we would be wise to acquaint ourselves with its usage. ♦

***Balaram is an Editor with Lexis Nexis. She writes in her own capacity.***

<sup>1</sup> Section 19(3) of the Constitution of the Republic of South Africa, 1996.

# The correct approach to determining urgency

VERLAINE DE WIT

While John Henry Wigmore may have been correct when he wrote that cross-examination is the greatest legal engine ever invented to discover the truth, I think it may safely be said that the urgent application is the greatest legal engine of all. It allows for any person faced with an immediate need for any legal protection to approach a court at any time, for any shape of order that will protect their rights. But for the urgent application, countless injustices and tragedies would befall people awaiting their turn at justice, in the drawn-out process of bringing a suit in due course.

Since any client may be faced with an immediate need to approach the court, the urgent application is the one court process upon which every practitioner should, even if he does not do litigation work, have a firm grip. That is because, in

such cases, time to decide on the path forward may be so limited that the practitioner will have to hurriedly there-ardent advise the client whether their case warrants engaging counsel and rushing to the Urgent Court. If the practitioner is not sure what route to take and makes a wrong call, it may well scupper his relationship with his client.

When you consider how many applications are struck off the roll in our courts for lack of urgency every week, then it may be that not all practitioners grasp the essence of when an application will pass muster as urgent. In what follows, I will set out the correct principles for determining when a matter is urgent, to better enable all practitioners to advise their clients correctly and sharpen up their drafting skills when it comes to preparing papers for an urgent application.



Put briefly, an urgent application is an application in which the applicant does not follow the normal process because they cannot afford to wait to ask a court for help. The client immediately approaches the court with an application that does not meet the prescripts of the Uniform Rules of Court and is unique. At the hearing, they must first convince the court that their application is urgent, so that the court will grant them condonation for not following the Rules and permit them to enroll their application on the Urgent Roll for immediate hearing, despite its defects.



De Wit

The Uniform Rules of Court in Rule 6(12) contain the regulatory framework for bringing an urgent application. Rule 6(12) reads as follows:

- “(a) In urgent applications the court or a judge may dispense with the forms and service provided for in these rules and may dispose of such matter at such time and place and in such manner and in accordance with such procedure (which shall as far as practicable be in terms of these rules) as it deems fit.
- (b) In every affidavit or petition filed in support of any application under paragraph (a) of this subrule, the applicant must set forth explicitly the circumstances which is averred render the matter urgent and the reasons why the applicant claims that applicant could not be afforded substantial redress at a hearing in due course.
- (c) A person against whom an order was granted in such person’s absence in an urgent application may by notice set down the matter for reconsideration of the order.”

Rule 6(12)(b) thus sets out the test for when an application will be regarded by a court as urgent: whether the applicant can seek substantial redress in due course to protect his rights. It is as simple as that. Despite a seemingly widespread view to the contrary, the test is not whether there is harm – no matter how serious – or of what duration. Harm is not the requirement laid down by Rule 6(12) and should not be read into it.

Granted, it is natural to see harm as the equivalent of urgency, since without harm or some threat there would never be a need to bring an urgent application. However, the notions of harm and a lack of substantial redress in due course should be kept separate, and the test for urgency should not be obscured by a confusion between the two. This was possibly made the clearest in *East Rock Trading 7 (Pty) Ltd and Another v Eagle Valley Granite (Pty) Ltd* [2011] ZAGPJHC 196, a judgment that was not reported but deserves to be the locus classicus on the general principles of urgency.

In *East Rock Trading*, the court succinctly set out the test for urgency as follows: “[T]he procedure set out in rule 6(12) is not there for taking. An applicant has to set forth explicitly the circumstances which he avers render the matter urgent. More importantly, the Applicant must state the reasons why he claims that he cannot be afforded substantial redress at a hearing in due course. The question

of whether a matter is sufficiently urgent to be enrolled and heard as an urgent application is underpinned by the issue of absence of substantial redress in an application in due course. The rules allow the court to come to the assistance of a litigant because if the latter were to wait for the normal course laid down by the rules it will not obtain substantial redress.

It is important to note that the rules require absence of substantial redress. This is not equivalent to the irreparable harm that is required before the granting of an interim relief. It is something less. He may still obtain redress in an application in due course but it may not be substantial. Whether an applicant will not be able obtain substantial redress in an application in due course will be determined by the facts of each case.”

The import of this is that the test for urgency begins and ends with whether the applicant can obtain substantial redress in due course. It means that a matter will be urgent if the applicant can demonstrate, with facts, that he requires immediate assistance from the court, and that if his application is not heard earlier than it would be in due course, any order that he might later be granted will by then no longer be capable of providing him with the legal protection he requires.

As such, harm does not found urgency. Rather, harm is a mere precondition to urgency. Where no harm has, is, or will be suffered, no application may be brought, since there would be no reason for a court to hear the matter. However, where harm is present, an application to address the harm will not necessarily be urgent. It will only be urgent if the applicant cannot obtain redress for that harm in due course. Thus: harm is an antecedent for urgency, but urgency is not a consequence of harm.

As an aside, Rule 6(12) does not limit the rights in respect of which an applicant in an urgent application may seek relief. He may bring an urgent application for relief in respect of any right, whether intimately personal, purely commercial or any else.

By now, the criterion for judging urgency should be clear. That it is an absolute requirement was echoed in the simplest of terms in *Mogalakwena Local Municipality v Provincial Executive Council, Limpopo and Others* [2014] ZAGPPHC 400:

“It seems to me that when urgency is in issue the primary investigation should be to determine whether the applicant will be afforded substantial redress at a hearing in due course. If the applicant cannot establish prejudice in this sense, the application cannot be urgent.”

Once urgency is established, a court will often take further considerations into account when exercising its discretion to enrol an application on the urgent roll. In the main, the considerations are whether the applicant unduly delayed before bringing the application; whether he/she unnecessarily truncated the time periods for the parties to take procedural steps; non-compliance with local practises and the Rules in general; whether they approached the court without notice to an affected party; and the effect on the administration of justice if the application is heard as and when requested. These may be called the secondary considerations.

None of the secondary requirements are employed in Rule 6(12) as a yardstick for determining urgency and should never take the place of lack of substantial redress in due course as the determining factor for urgency. For a court to show an applicant (who cannot obtain redress in due course) the door for not meeting a

secondary consideration would usually be an improper exercise of its discretion, since a court cannot turn a blind eye to a person in need of legal assistance. A court should only refuse to enrol urgent applications in cases where the applicant's failure to observe a secondary consideration demonstrates that, as a matter of logic, his application lacks the urgency or that despite the presence of urgency, the non-compliance goes so much against our notions of administration of justice that hearing the application would set an unacceptable precedent, which would open the urgent application process to abuse. In cases where an applicant cannot obtain substantial redress in due course but did not comply with the secondary considerations, it would be preferable to remedy the latter with undertakings, costs orders, stand-downs, building protection for affected parties into orders, granting interim relief orders or a rule nisi et cetera, rather than simply throwing the application out of court and denying justice to a person in need of it.

In *East Rock Trading*, where the secondary consideration in issue was an alleged undue delay, the Court held:

"In my view, the delay in instituting proceedings is not on its own a ground for refusing to regard the matter as urgent. A court is obliged to consider the circumstances of the case and the explanation given. **The important issue is whether, despite the delay, the applicant can or cannot be afforded substantial redress at a hearing in due course.** A delay might be an indication that the matter is not as urgent as the applicant would want the Court to believe...

The correct and the crucial test is whether, if the matter were to follow its normal course as laid down by the rules, an Applicant will be afforded sub-

stantial redress. If he cannot be afforded substantial redress at a hearing in due course then the matter qualifies to be enrolled and heard as an urgent application."

The same reasoning should apply to all secondary considerations. A court must dispense justice when it is needed. In an urgent application, a court should always investigate whether an applicant cannot be afforded substantial redress in due course and, upon affirmation of that, be loathe to refuse to enrol and hear the application, even if a secondary consideration was not met. As such, a judgment like *Luna Meubel Vervaardigers (Edms) Bpk v Makin* 1977(4) SA 135 (W) is questionable since, in it the court struck the matter for non-compliance with local practises, for setting down applications without first considering in detail whether, on the facts, the applicant could or could not obtain substantial redress in due course.

With all of this in mind, it should be clear that when a client approaches a practitioner about an urgent application, the practitioner should determine the facts of the matter and whether the client can obtain real relief to protect his rights in due course. If not, then urgent proceedings should be recommended. The founding affidavit for the urgent application should contain a separate chapter, supported by explicit facts, devoted to why the applicant cannot obtain substantial redress in due course and, consequently, why he must be immediately assisted by the court. ♦

*Adv de Wit is a Member of the Johannesburg Bar and keeps Chambers with the Maisels Group.*



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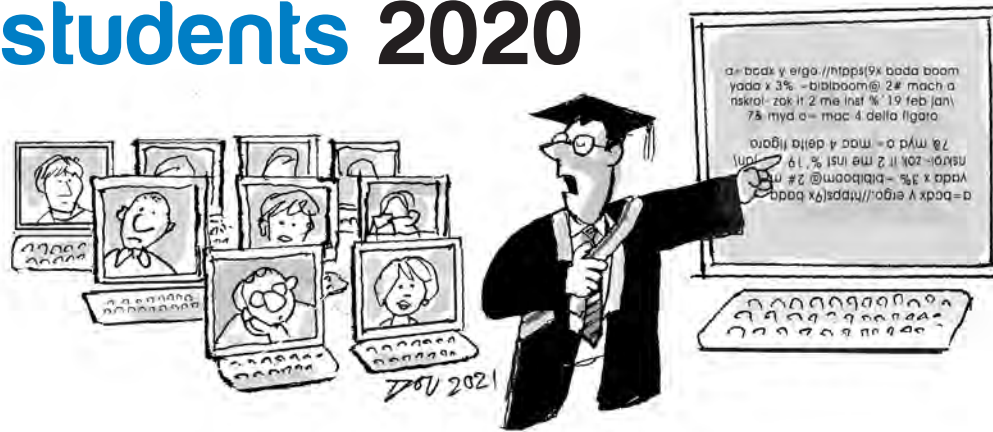
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# Top students 2020



## University of Cape Town

### 2020 caught all of us by surprise

The Dean's view

DANWOOD CHIRWA

The pandemic first brought us face to face with our own mortality and then, in quick succession, with the challenge of completing the academic calendar on time. The two challenges were intertwined at least to the extent that the dread of catching the disease, about which so little was known at the time, affected students and staff alike and, for a time, threatened the possibility of completing the academic calendar.

Unlike in the protest period when class disruptions occurred after a substantial part of the academic activities had been completed, the pandemic struck at the very beginning of the academic year. The university also had to work within the restrictions imposed at national level by government, and internationally by inter-governmental organisations and states.

Crises can be debilitating, but they can also spark innovation. As the pandemic worsened and the hard lockdown was imposed, the university had no choice but to think about creative ways to continue teaching and learning. This required a dramatic change in mindset from staff and students. Our world had changed, we needed to support our students in ways that we had not done before. Remote learning was not the norm and the university simply had no institutional memory to draw from. Nor did it have systems in place to support such a large-scale mode of teaching and learning. Our first year students had only been on campus for about five weeks. All these challenges seemed insurmountable.

It required unprecedented goodwill and commitment from our academics, administrators and students to confront and accept reality, and make the necessary adjustments and changes.



Danwood Chirwa

With input from students, academics mobilised to change their teaching methods, course requirements and delivery. Remote learning modalities were developed and drew on new formats, platforms, technologies and "classroom" dynamics. Support staff developed new ways of assisting students remotely. Our alumni and donors offered financial support.

Perhaps the biggest challenge was how to ensure that the teaching and learning we provided was accessible to all and that no student was left behind. UCT led the way in implementing a massive, university-wide initiative to support students through, for example, the provision of laptops, data, and mental wellness support. Perhaps in some ways we had an advantage over other universities in that we had considerable technological resources.

Nevertheless, the transition to remote learning was taxing – on both students and staff. It was not just the transition that presented challenges, but the fact that the world was in lockdown. This had a wide range of additional impacts on families, their health and their livelihoods.

There are several lessons from what happened here. One is that our institution is capable of adjusting and dealing with crises more readily than we had assumed. The other is that students are more capable of planning their studies and adjusting to new realities than we had assumed. The last is that there are technologies for teaching and learning that we had not previously used optimally. The pandemic forced us to embrace ways of organising the workplace and culture that can significantly improve our efficiency. These are some of the lessons that we can take forward and ensure that when we return to normalcy, the 'normal' will no longer what it was at the beginning of 2020, but something different, fresh and dynamic.

This has been a huge learning curve for all of us, and we could not have successfully overcome the challenges we faced without the cooperation, support and commitment of staff, students, alumni, our donors, government and other stakeholders. In unity, no challenge is insurmountable. ♦

*Prof. Chirwa is Dean, Faculty of Law, University of Cape Town.*





### Alex Gloor

I am currently serving my articles with Bowman Gilfillan Inc., in their Cape Town office.

In the medium-term, I hope to be exposed to diverse fields of law to gain a well-rounded understanding of how the law is practiced, and successfully complete my

articles. Beyond that is yet to be determined.

For me, the most difficult aspect of studying during the pandemic was the isolation from peers and lecturers. Support from and interaction with peers is a vital aspect of the LLB degree and one learns certain things “by osmosis” through day-

to-day interactions with and questions to lecturers. The absence of these opportunities made the learning experience more challenging.

Switching from in-person to online learning was less challenging than anticipated. However, it was not without teething problems and adjustment issues. It required a shift in mindset and approach to learning and engagement. But it opened my eyes to the possibility of online learning going forward.



Alex Gloor

In addition to the previously mentioned academic interactions, I missed out on the carefree nature of student life and the milestones commemorating the university journey, and our final year together as a class.

I thought I enjoyed my isolation, but lockdown made me realise what a social animal I really am!

Social support groups are pivotal. I was blessed to be part of a small circle who worked hard, played hard, and supported each other, even though we were on different career journeys. None of us is as good as all of us.

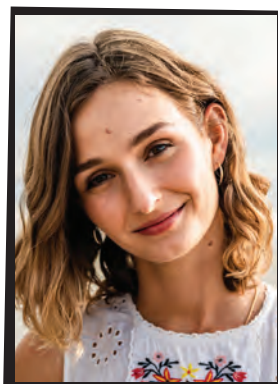
### Claire van Son

I am currently serving articles with Allen & Overy in Sandton.

I am from the Netherlands and would like to do a Masters there and live abroad for some time. In the long-term, however, I want to return to South Africa. Professionally, I would like to explore international private law, and particularly conflicts of laws. Outside of the legal field, my future plans are to develop my other passions, such as writing and snorkelling, and to continue to find happiness in these pursuits.

I found it difficult, especially in the first bit of the pandemic, to adjust to the new style of learning. Throughout university, I learnt well through speaking and listening. As most of the material in 2020 was in the form of written notes or slideshows, this needed to change. I do think this was beneficial – to be able to learn in new ways.

I found it surprisingly easy to keep in touch with friends and fellow students. This made the



Claire van Son

Dear Student,

I have been advised by your alma mater that you were one of the top LLB graduates of 2020 – congratulations. This is a major accomplishment at the best of times and, I imagine, considerably more difficult to achieve during a year like 2020.

The Quarter 2 issue of **without prejudice** will carry the traditional Top Law Graduates feature. May I ask you to complete the questions below and send your responses to me?

1. Are you currently:
  - a. serving articles – if so with which firm? or
  - b. serving pupillage – if so with which Chambers? or
  - c. studying further – if so what and where? or
  - d. none of the above – if so what?
2. Do you have medium and long term plans if so what are they?
3. What was the most difficult aspect of completing your studies during the COVID-19 pandemic?
4. What was surprisingly easy?
5. What do you believe you missed out on most because of COVID-19?
6. What did you learn about yourself during the 2020 lockdown that most surprised you?
7. What will you take away from 2020 that you believe will stand you in good stead for the rest of your career?

I look forward to hearing from you.

Best regards  
Myrle

year a lot less lonely and kept the social aspect of university life alive, even in a very different form to before.

I feel I missed out on my final year of university. I was at UCT for five years and felt very happy there. I would have liked to have my final year, with friends and the wonderful lecturers at the university, as a closure of that chapter.

The 2020 lockdown taught me, and I think most other students, that I can push myself further than I thought possible. I also learnt that I quite like my own company. That might sound strange, but after years of living in digs and student houses, surrounded by people, it was a refreshing thing to realise.

Last year taught me the ability to regulate stress without depending solely on outside distractions. Not being able to leave the house for a few months, I needed to further develop healthy ways of overcoming the anxiousness of that time. I now try to handle stress by practising mindfulness or yoga, or taking some time out to play guitar or go for a walk. It was a good lesson from 2020: to learn how to self-regulate and self-soothe stress.

### Kate Dewey

I am currently serving pupillage at the Johannesburg Bar, as a pupil member of Advocates Group 21.

My long-term plans are to stay at the Bar. I have thoroughly enjoyed my time so far, and am excited by the idea of a career here. I hope to keep a general practice,

as I enjoy constantly facing new challenges and being confronted with new ideas.

The most difficult aspect of studying during the pandemic was certainly losing the opportunity to work closely with my peers. While our lecturers took great efforts to ensure we were still able to connect with them, I found that what I missed most of all was having legal debates over coffee with friends in the breaks between classes.

Re-adjusting to working with others when the lockdown ended was easy.

It is difficult to comment on what I have missed out on, because I feel that compared to so many others, I've been extremely fortunate. I feel lucky to say that the thing I missed out on most was an opportunity to say goodbye to UCT before moving back to Jo'burg.

I learnt just how much my passion for law depended on my being able to mentally connect it with real people. I missed hearing other people's takes on cases, or ideas of where the law should go and how it should be developed. Without that interaction and debate, law started to feel a bit too abstract and I found it difficult to motivate myself. But fortunately, this year I'm working closely with others again and the law has come back to life for me.

I will take with me the knowledge of how happy work actually makes me, and that even though it is difficult and draining at times, it's still much better than having nothing to do!

### Liam King

I am currently serving articles of clerkship with Mooney Ford Attorneys in Durban.

My main priority at the moment is to complete my articles and be admitted as an Attorney of the High Court. I absolutely love litigation and am quite enticed by the possibility of going to the Bar at some stage; but for the immediate future, I plan on building a solid network as an attorney.

The most difficult part of lockdown was probably the worry I had for the physical and mental wellbeing of those I love. The fear that something might happen to them, especially with some of my more "at risk" friends and family, was a more strenuous burden on my mind than anything one might find in a course outline.

Working remotely was not nearly as difficult as I expected it to be. A part of me was concerned that being at home might be distracting and that the temptation to procrastinate that comes with online learning would be strong. I found early on, however, that the same promptness with which I completed campus work had come back home with me, always motivating me to put my head down and get the work done on time.

What did I miss out on? Most definitely, my social life in Cape Town. I am quite the opposite to most university students, who begin their studies as outgoing so-



Kate Dewey

cialites and retract as the years go by into focused and dedicated hard workers with little leisure time. I started off as the hardworking hermit and had to force myself out of my shell a bit. By final year, I was really enjoying social life in Cape Town. A part of me always knew I was going to be moving back to KZN, but to have done it so abruptly, without any chance to properly say goodbye – that was tough.

I learnt that I'm not a terrible cook.

I will remember that it is important to prioritise the things that mean the most to you. Modern life tends to consume us in despair and worry over really petty and meaningless things. When the going gets tough, stand back for a moment, and if you are lucky enough to have people in life who you care about, and if those people are happy and healthy, be grateful. Everything else is ancillary.

### Mikhail Kolabhai

This year, I am working as the research assistant in the Refugee Rights Unit at the University of Cape Town.

In the medium-term I'd like to complete my articles, so I'm now in the process of applying to firms. The long term is less certain, there are so many possibilities. I'd like to find a way to straddle research and legal practice, but exactly how or in which area of law I don't yet know.

Studying law is already a solitary exercise — it's mostly independent reading and study, which is as it should be. However, without the usual reprieve of in-person classes and interaction with classmates, solitary study became rather tedious and sometimes lonely.

The (only?) benefit of online learning is that, for the most part, I could set my own hours, so it was surprisingly easy to find balance between university and home life. Time expanded when I wasn't required to leave home and be at university all day, Monday through Friday. Personal interests and study were no longer in competition. I could attend to one or the other whenever I could, and with my full attention.

I found our final year class to be full of kind and generous people, which is rare for law school. I wish I'd had more time to get to know more of my classmates – or know them better – in our last year together. Similarly, for my electives, I had chosen mostly small-group research seminars which, during the lockdown, became either completely independent research projects or virtual seminars. These couldn't quite provide the level of individualised engagement I had looked forward to. However, I am grateful to my professors who tried valiantly to replicate the classroom experience as best they could!

I think most people had to confront their personal limitations during the 2020 lockdown. I couldn't have finished the academic year completely on my own. I came to learn how much easier and more rewarding it is to work collaboratively with others. In fact, the study sessions I had with my friends over the phone were some of the best parts of my final year.

Any professional must possess the ability to get on with things despite terrible circumstances, whether those circumstances are a national disaster or a personal crisis. The work is so much larger than oneself.



Mikhail Kolabhai



Liam King

**Nicholas Moss**

I am currently working as a teaching assistant in the UCT Private Law faculty.

In the medium-term, I have two broad goals that I want to achieve: I want to do my articles of clerkship at a small – or medium-sized firm, and I also want to get my LLM in private or commercial law. My long-term goal is to work towards becoming a judge, but I am also interested in the field of legal education.

I think the most difficult thing for me about 2020 was being able to get the right work/life balance. I found that I struggled to disassociate between the place where I worked and studied, and the place where I would relax. Because there was nothing to break up the day – like 15-minute breaks between lectures, or the drive home after varsity ended – I found that I would take fewer breaks during the day, and I would work much later into

*Nicholas Moss*

the night, than I did before COVID. Although I seemed to be spending more of my time working, I wasn't any more productive. It took a while to find the right balance.

Although it was a bit awkward at first, I found having to self-learn the course content was actually not that bad. I've always been quite comfortable with self-learning, so I think that helped me quite a lot when it came to remote learning.

One of the best things about law school is that a lot of your learning comes from your peers. I know that I learnt a lot in my other years at law school from the answers and questions that other students have raised in lectures and tutorials. The online environment didn't really allow for that to happen fully, and I think we lost out on a lot of collective knowledge that we all could have benefited from.

I learnt that I'm not that bad of a cook!

I think the most important thing 2020 taught me was not to take things for granted. It may sound cynical, but if 2020 shows anything, it's that nothing in life is certain, and it may not always be a bad idea to prepare for the worst, because it just might happen. ♦

## University of the Free State

### Rising to the challenge of COVID-19

The Dean's view

**JOHN MUBANGIZI**

Amid fears and uncertainty about the impact of COVID-19, the University of the Free State – like most tertiary education institutions in the country – suspended its academic programme on 16 March 2020. Reducing the number of staff and students on campus became critical to lower the risk of transmission of the global coronavirus.

When the first positive case of COVID-19 was reported at the UFS in March 2020, we knew going forward was no longer business as usual, but business unusual. Containing the spread of the disease as far as possible and minimising the gathering of people in one space, including contact classes, became critically important. With students no longer able to access campus due to the national lockdown, the university swiftly moved to online learning.

The Faculty of Law is among the best in the country, and we are proud of our high academic standards. To continue exposing our students to the practice of law in both the lower and higher divisions of the courts, we followed the University's lead and moved our learning and teaching model online.

Moving from face-to-face classes to online teaching and learning has, however, brought a new set of challenges; the most crucial being bridging the digital divide. We realised that although online learning provides a solution to continue with programme delivery, access could be a barrier.

The first priority for the Faculty of Law – and by extension the UFS – was to assist vulnerable students who have no or limited internet access due to household socio-economic conditions, resulting in barriers such as lack of 3G network, data, smart devices, electricity, and inaccessible internet cafes.

During the high levels of the national lockdown last year, academic and support staff also had to adapt quickly to provide students with the necessary academic support. In a short space of time, they had to adjust rapidly to become more conversant with technology, remote learning, and new ways of working. I am happy to say that my colleagues have risen to the occasion and are still doing an excellent job.

This year alone, more than 1 000 qualifications have been awarded in the Faculty of Law, opening doors to a wide variety of career opportunities for our graduates.

I am humbled by the dedication and sacrifice of both our staff and students over this past year. Of the seven UFS faculties, mostly students in the faculties of Natural and Agricultural Sciences and Health Sciences have returned to campus. I look forward to welcoming our Law students back on the UFS Bloemfontein Campus as soon as it is reasonably safe for them to return. ♦

*John Mubangizi*

*Prof John Mubangizi is Dean, Faculty of Law, University of the Free State.*





### Carika Stander

I am currently serving my articles at Gerbers Junius Attorneys Incorporated in Bloemfontein.

My short-term plans are to complete my articles at a bigger law firm which does a variety of criminal matters. This will allow me to gain a lot of experience and knowledge in criminal law, in order to achieve my medium-term plan of becoming a state prosecutor.

After a few years of working as a state prosecutor, I would like to complete my pupillage in order to become an Advocate, specialising in criminal matters.

My long-term plan is to have my own firm or be a partner in a firm mainly focusing on criminal matters. My ultimate goal is to become the female version of Mr Gerrie Nel.

The most difficult aspect of completing my studies during the pandemic was that I needed to adapt my learning method as my friend/study group could not get together to study for our tests and exams, as well as the fact that we had to rely on technology as a method of writing tests and exams.

I was surprised by how quickly I could adapt to the new class environment and method of teaching. Surprisingly, the online tests and exams were a lot easier than I expected.

I was unable to enjoy my final year among friends and fellow graduates, not even to speak about our online "Graduation Ceremony".



Carika Stander

**I will take away from 2020 the ability to adapt to unknown situations and learning, to rely more on technology as a way of doing things, and to accept it as part of our "new normal" during this pandemic.**

I was really stressed and worried about my final year and how we would successfully complete it, since 2020 was a year full of unknown situations and a lot of surprises. However, when it came to attending online classes and writing exams, it was actually easy and comfortable, since we could attend classes and write exams from the comfort of our home, and even do all this while still in bed and wearing pyjamas.

I will take away from 2020 the ability to adapt to unknown situations and learning, to rely more on technology as a way of doing things, and to accept it as part of our "new normal".

### Nosipho Lethokuhle

I am currently studying further at the University of the Free State, doing Masters with a specialisation in Private law.

My medium-term plan is to complete my Masters and secure a place for articles, whereas my long-term plan is to proceed with my Doctorate studies.

The most difficult aspect of completing studies in 2020 was having to learn remotely, which came with its shortcomings of data costs and sometimes connectivity issues.

It was easy to adjust to the new mode of learning because I was already familiar with the databases used, and I had a supportive family that motivated me to stay positive. Also, despite learning from home, it was easy to cope as I continued to prioritise my time management by having a schedule that kept me abreast of my work.

The pandemic definitely made me miss a traditional graduation ceremony that I was looking forward to. I also missed out on engaging with both my peers and lecturers.

During the lockdown I learnt that I am a flexible person who can easily adjust to new and unpredictable circumstances. Also, I noticed that I am a consistent person because, in spite of being faced with the pandemic, I was able to navigate and cope through it all without compromising my academic excellence.

I will take away from 2020 that I have learnt to be adaptive, resilient, self-motivated and determined.



Nosipho Lethokuhle

### Francis Mayebe

I am studying a Masters of Commerce specialising in International Taxation at the University of Cape Town through the Mandela Rhodes Scholarship.

After completing my Masters I intend to pursue articles at a global commercial law firm. I have a strong passion for working on complex multi-jurisdictional transactions so I intend to specialise in cross border tax and merger and acquisition transactions.

Mainly the uncertainty around the structure of our assessments was particularly challenging in completing final year.

The amount of extra time we managed to dedicate for our studies made it easier than during the normal times.

I most definitely missed out on enjoying campus life, particularly in my final year it would have been great to spend the last year of my studies on campus.

As an extrovert I always believed I am most productive in a public space with peers and so forth, but due to COVID-19 I was stuck at home alone for over four months and was able to increase my productivity and get more work done than usual.

I believe I will take forward knowledge of the increasing influence of legal technology, how massive a role it played in 2020 and the importance of bracing myself with this new age - investing in increasing my tech knowledge and ability to adapt to change and uncertainty of life. ♦



Francis Mayebe

# University of Johannesburg

## 2020 – an extraordinary academic year

The Dean's view

**WESAHL DOMINGO**

2020 was an extraordinary academic year! When lockdown was announced, our immediate challenge was to embark on migrating all our modules to remote, on-line teaching and learning. As such, we were fortunate because 12 of our modules were already using an online exemplar module.

Our learning management systems – Blackboard, ULink, Zoom, Skype and Teams – were instrumental for online teaching and learning. One of the biggest challenges that we as a Faculty of Law at UJ faced, and that may be of interest to the readers of *without prejudice*, was how to accommodate the Law Clinics and especially the consultations during lockdown and online learning. We opted to move towards a simulated consultation process to provide our final year students with an experience as close to the real thing as possible. Students were given sets of facts based on the type of matters that normally occurred in the past at the clinics. They also received a reading pack and all material related to their Applied Legal Studies



*Wesahl Domingo*

module. Students were then required to “consult” with their supervisors (the attorneys at the clinics) online and upload the exercise on different platforms. Although UJ mainly uses Blackboard, students were given the option to also make use of Zoom, Skype, WhatsApp and e-mail. After the assessment by the supervisor, full feedback was given to each individual student.

Another key challenge last year was online, open-book exams, as there was no control over which texts and other resources students could access, and this necessitated an entirely different approach to setting, structuring, and marking the examinations.

Staff and students must be commended for the resilience and strength they displayed, despite the many hardships they faced. Last year, a student informed one of our lecturers that she was studying by candlelight because she had no electricity at home. The Law Faculty, together with members of the Faculty of Engineering, installed solar panels at the home of the student. This is but one of the many ways we have worked together to impact the lives of our students positively. While we are not sure what the future holds, we do know that at the UJ Faculty of Law, we will embrace hybrid online teaching and learning methods in our classes, we will continue our research and teaching in the area of the Fourth Industrial Revolution and we will continue to transform and innovate for a future re-imagined! ♦

*Prof. Domingo is Dean, Faculty of Law, University of Johannesburg.*



### Imaan Hartley

I am currently serving my articles at SQM Inc. It is a commercial firm based in Hyde Park. Thus far, my time with them has been nothing but enthralling and educational.

In the medium to long term, my goals would be to complete my articles and thereafter to become an admitted attorney and continue my journey at SQM Inc. Long term, I do see myself returning to my studies and getting my LLM in Commercial Law.

The most challenging part of studying during COVID-19 was the change in my educational medium, as we had to resort to strictly online classes. This was a huge adjustment as it made interacting with my fellow/former students and lecturers more difficult, in comparison to how easy it was to communicate when there were normal face-to-face lectures. Another trying aspect of online learning



*Imaan Hartley*

was that all tests and exams were done on an online platform. This was an entirely different ball game to previous times, as testing styles changed; not to mention the challenges with unreliable technology versus test time constraints.

However, my time management was a lot easier as my schedule became more flexible.

As a result of COVID-19, I missed out on the advancement that comes with face-to-face lectures. This is fully grasping vital information that would assist me in the near and far future, such as interacting with people who are already working or have already completed their degree so that I could gain guidance as to how to go about applying myself and/or conducting

**During lockdown, I learnt that I can go two to three days without any sleep in order to study/ prep for an exam ahead... Ha ha, just kidding! I learnt that I have a good sense of self-discipline and responsibility. I learnt that I am not a product of my circumstances, but rather a product of my attitude towards my studies and decisions.**

myself in a corporate environment. This is especially true when it comes to my practicals – Law Clinic. Due to the pandemic, half of my Law Clinic experience was done by way of online work submissions and correspondence. I feel this hampered my real life law field experience.

During lockdown, I learnt that I can go two to three days without any sleep in order to study/ prep for an exam ahead... Ha ha, just kidding! I learnt that I have a good sense of self-discipline and responsibility. I learnt that I am not a product of my circumstances, but rather a product of my attitude towards my studies and decisions.

2020 taught me to roll with the punches. Whatever life throws at you, you have to learn to accept it in order to keep afloat. Life is unexpected and unpredictable. Therefore, you need to constantly adapt and evolve to keep going. Never give up on your dreams and aspirations, no matter the challenges/obstacles. Hard work always pays off!

### Mathaabe Scott

I am currently serving articles at Allen & Overy.

My medium-term plans are passing my upcoming board exams so I can fully focus on the second year of my articles.

The most difficult aspect of completing studies during the COVID-19 pandemic was writing tests and exams online. I am a naturally slow writer, so having to think on the keyboard was really difficult, and then there was the race to submit my scripts before the cut off time, which always had me feeling like my heart was about to jump out of my chest.

The aspect that was surprisingly easy was adapting to online learning/virtual classes.

What did I most miss out on because of COVID-19? Graduation! Having one slide customised with my photo is not the same.

It surprised me during lockdown how determined I am. During Level 5 lockdown, all I was worried about was what was going to happen to the 2020 academic year, not the fact that we were in the middle of a deadly pandemic.

I will take away two things from 2020 that I believe will stand me in good stead for the rest of my career – adaptability and taking initiative. 2020 forced us



Mathaabe Scott

(students) to navigate through uncharted territories of online learning, and we were forced to work hard and be responsible. It was important for me to take the pandemic and remote learning as an opportunity to become more independent and work even harder. 2020 taught me that we should never be too comfortable with how things are. We should always leave room for change, and always be prepared for anything! I mean, one minute I was a final year LLB student taking pictures with my friends in class and the next I am navigating through online classes and online exams. Shortly thereafter, I had to commence with my articles during COVID times, which came with a lot of anxiety. The ability to quickly adapt to situations and/or surroundings and taking initiative is what has helped me navigate through online learning to serving articles.

### Menachem Gudelsky

I am serving articles at Cliffe Dekker Hofmeyr Inc.

My medium-term goals are to become an attorney and to travel to Rome. Long-term, I look forward to learning and growing at Cliffe Dekker Hofmeyr, hopefully specialising in the Corporate and Commercial sphere with a focus on Banking Law, starting a family and travelling the world.

The most difficult aspect of completing studies during the COVID-19 pandemic was the lack of in-person classes. I found it way harder to learn from a screen. Interacting with a lecturer in class, asking questions and taking notes as we went was my *modus operandi* until COVID-19. When virtual classes started, it became much harder to enjoy lectures.

Getting into a good routine while studying from home was not as difficult as I thought it would be. In the early days of the pandemic, it felt like every second article about COVID-19 was about adjusting to working from home, so a lot of the tips that were bandied about helped me to adjust.



Menachem Gudelsky

**It surprised me to find that when I have the time alone at home, I am quite a good cook!**

What did I miss out on because of COVID-19? I definitely missed the feeling of going onto campus for the last time and, especially, leaving an exam hall for the last time. Finishing my final exam in my home study was not what I had in mind when I began my university career.

It surprised me to find that when I have the time alone at home, I am quite a good cook!

What will I take away from 2020 that will stand me in good stead for the rest of my career? The fact that not everything is certain and that the way things are now is not necessarily the way they will always be. I'm glad I had the opportunity to further develop the ability to adapt to unforeseen circumstances on the fly. Apart from that, the ability to listen to recordings of lectures on 1.5 times speed. ♦



# University of KwaZulu-Natal

## Disruption often leads to progressive innovations

The Dean's view

**MANAGAY REDDI**

The hard lockdown period, 26 March – 30 April 2020, was declared a student recess at UKZN. Therefore, our biggest challenge was devising plans for making up the lost teaching and learning time to ensure the academic year could be completed successfully. Contact teaching and assessments were not an option. Our plans, therefore, had to focus on migrating all academic activities online. Although several academics had adopted a blended learning model of teaching before the pandemic, this did little to alleviate the inherent difficulties encountered in migrating solely to remote teaching and learning.

Two fundamental technological matters had to be addressed to ensure that remote online teaching and learning could occur: (i) staff and students had to be provided with sufficient data to meet their online needs, and (ii) students without devices needed to be capacitated. Through herculean efforts on the part of the university management, both issues were successfully navigated. While the odd student may have still claimed to have connectivity or device issues, our experience has been that technology worked remarkably well in supporting the academic project at UKZN. Furthermore, for those students who encountered technological problems, catch-up programmes were devised to ensure that no student was left behind. Thus the 2020 academic year ended successfully, thanks mainly to technology.

The migration to online remote teaching was difficult. Staff had to upload all relevant materials such as notes, texts, PowerPoint presentations, video-recorded lectures, audio files, articles, and cases, among others, onto the online platform. Additionally, new ways of conducting and marking continuous online assessments had to be mastered whilst ensuring their integrity. For students, the lack of contact with their peers and lecturers caused the most stress. Many also

had to work remotely in environments that were not conducive to learning.

The human capacity for resilience in the face of calamity was demonstrated in no small measure by staff and students alike in 2020. Both learnt the importance of adeptness in embracing change. But, most importantly, we learned that disruption often leads to progressive innovations that we would not otherwise have considered. One hopes that this lesson will have a long-term impact on our outlooks.

Several staff members lost family members to COVID-19 related causes. Several were also stricken by the virus. There were also palpable feelings of sorrow, grief, and fear in the School. My biggest challenge was to provide emotional support and confidence to my struggling colleagues whilst experiencing similar adversities myself.

What stands out the most are the levels of humanity, care and support that colleagues displayed towards each other. We came to realise that people matter more than work. This sentiment will be defining my approach to everything I do now and in the future. ♦



**Managay Reddi**

*Prof. Managay Reddi, Dean and Head: School of Law, University of KwaZulu-Natal.*



### Ethan Chetty

I am extremely fortunate to have been awarded a Fulbright Scholarship to pursue an LLM degree in the USA, on legal developments

surrounding FinTech and Corporate Cyber Law generally, and Biomedical Law, which have become especially relevant in the era of COVID-19.

I am working as a candidate attorney at V. Chetty Incorporated before I go overseas.

My experience as a research clerk under Justice M.J.D. Wallis at the Supreme Court of Appeal, together with my work as a candidate attorney so far, has galvanised my goal of becoming a legal practitioner, actively involved in commercial litigation work.



**Ethan Chetty**

The most difficult aspect of the COVID-19 pandemic for me could be encapsulated by a single word: uncertainty.

Nothing about completing my final year as a law student in 2020 was easy.

A lot of opportunities for me to travel and compete nationally and internationally, in intramural and extramural activities, only became available to me in my fourth year. I had hoped to participate in the Abe Bailey Travel Bursary, Telders International Law Moot Court Competition, African Human Rights Moot Court Competition and the World Universities Debating Championships in my final year, but

was deprived of the opportunity to do so due to COVID-19. I have yet to reach my full potential as a law student; I look forward to having the opportunity to do so when I study my LLM later this year.

The lockdown period forced me to reflect on what I wanted to achieve through my law degree. During four years of routine lectures, studying and exam writing, it's easy for students to become comfortable with the relatively instant and tangible gratification that university marks represent; I believe this leads many promising law students to become 'career students' (a trap that I nearly fell into) owing to the fear created by constantly being told that 'your degree is meaningless once you start to practise'. Fortunately, lockdown galvanised my resolve to actively practise the law, largely thanks to the influences of various judges, advocates and attorneys that took the time to mentor me through the delicate 'make or break' months when I began as a candidate attorney.

2020 was a year of social distancing and self-isolation that taught me the value of human relationships. A senior attorney whom I greatly admire reinforced the concept in a straightforward manner: "You could draft the most beautiful combined summons in history, but if no one in the general office at court likes you, it will never be issued."

### Kimberleigh Saamlal

I am currently serving articles at Bowmans' Durban Office.

I aim to pass the Legal Practitioners' Admission Exams, and be admitted as an attorney. I want to develop the skills I require to become a successful legal practitioner, with the ability to think outside the box. My focus is on articles and working towards being retained by Bowmans. From a personal perspective, I would like to establish my independence and work on developing strength, and humility of character.

Career-wise, I would like to be amongst the best legal practitioners, with the ability to come up with innovative solutions to complex problems and deliver the best advice to clients. In my personal life, my long-term plan is to live a comfortable life where I am satisfied and happy.

COVID-19 brought with it numerous challenges, but perhaps the most difficult of these was learning how to adjust to a different way of studying and learning. The change in lectures from contact to virtual (via Zoom) was a big adjustment for me. The convenience of being able to speak to a lecturer and address queries on a one-to-one basis was no longer there, since Zoom lectures started promptly and there was little room for run-over time. Data considerations played a role in limiting the number of lectures per module – less than half the usual number a week.

I found that the new form of assessments (open-book assignments) was less stressful than having to commit hundreds of pages to memory for a normal venue-based exam. Since the assessments were more application than theory based, I was able to apply my mind and got greater value from the course than I had in the past.

The biggest absent factor was human interaction and the ability to foster, build and develop relationships. The 2020 class of law students missed out on

many milestones: the annual prize giving and awards ceremonies, and most notably, the annual "LAW BALL". COVID-19 also robbed us of the campus experience we had become accustomed to. The buzz and liveliness of being on campus was taken away in the blink of an eye.

I learnt that I am able to adapt to changing circumstances and be resilient in the face of challenging and unforeseen circumstances. I became more aware of the fact that I am able to work collaboratively. 2020 has also given me the opportunity to develop technological skills.

The ability to be agile and quickly adapt to changing circumstances will definitely stand me in good stead. The law is dynamic and must adapt to the ever-changing social and economic landscape; a good lawyer must be able to adapt accordingly.

### Lukrisha Ramadu

I am currently serving articles at Werksmans Attorneys in Cape Town.

I am focused on making the most of these two years and learning as much as I can, as well as passing my board exams and being admitted as an attorney.



Lukrisha Ramadu

It was difficult to adjust to online learning at first, because it was something brand new that we had to get used to in what was the most important year for most of us. I realised how important it was to make a routine for myself so that I didn't get overwhelmed, but it wasn't easy to stick to it at times.

I don't think any particular part of 2020 was easy for anyone. Trying to keep up with work while also always trying to remain safe and healthy during a global pandemic really took a toll on us at times. I am very grateful to

have been at home. Having my family around made 2020 a lot easier.

It really upsets me when I think about all the time I missed out on with my friends on campus. I had a great group of friends and we were a huge source of support for one another. It's sad that we lost an entire year together.

I learnt that I could adapt to change and try to make the most out of tough situations. More importantly, I learnt how to prioritise work and just try to tackle tasks one at a time, instead of trying to do everything all at once. Whenever I've submitted tests and assignments, I've always doubted myself and worried that I didn't do enough. 2020 has taught me to just give everything my best possible effort and focus on what I can control, instead of always second guessing and doubting myself.

After getting through 2020, I really feel like I learnt a lot about time management and perseverance. There were weeks when our workload was extremely intense, but I managed to push myself and get through it. I think I've learned how to space out my work so that I don't put myself under too much pressure. I've also realised the importance of taking a break to reset your mind and body, to avoid having a mental burnout.

### Regina Ticharwa

I finished my LLB degree in one of the years that will go down in history as the most difficult year for the whole world, all because of COVID-19.

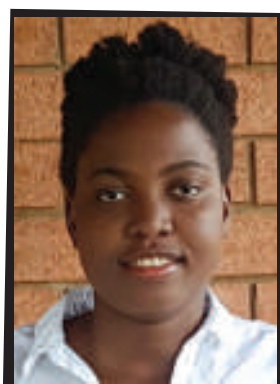


Kimberleigh Saamlal

I am studying further, pursuing a Master's degree at UKZN and, to be more specific, Master of Laws in Business Law.

My medium-term goal is to serve articles straight after completing my LLM and become an admitted attorney. As for long term goals, my plan is to become a law lecturer one day and hopefully a professor as time goes on, because I am very passionate about teaching.

Studying at home while staying with others and without my own study room was the most difficult aspect. Firstly, I was not used to studying at home and secondly, the environment was not conducive to learning. That, together with the emotional stress of COVID-19 cases that were always on the rise, especially during the beginning



*Regina Ticharwa*

of the lockdown, not to mention the death toll, caused me a lot of anxiety.

I am one person who never liked studying using softcopy material. I used to print my notes and make annotations on the hard copy. With eLearning, everything had to be online and I thought I was not going to cope but, surprisingly, I found it very easy.

I really wanted to have my moots face-to-face with the quorum, just to get that feeling of how it's done in practice. Unfortunately, because of COVID-19 and the restrictions, we had to do the moots online and I believe I missed out on something that could have prepared me for reality.

I did learn that I am good at following schedules. I planned how I was going to deal with each module, and I followed that schedule perfectly. Furthermore, I was able to follow my assessments schedule too. There was a time when we had submissions after every 48 hours, and I never missed one.

I would take away COVID-19. The lockdown restrictions caused financial problems that my family will probably never recover from. ♦

## Nelson Mandela University

### Leveraging the #feesmustfall experience to tackle COVID-19

The Deans' views

**PROF AVINASH GOVINDJEE AND DR LYNN BIGGS**

The onset of COVID-19 as a global pandemic was a relatively sudden phenomenon. It shook the walls of academia, and Nelson Mandela University was no exception. The immediate challenge was to ensure the safety of staff, students and the general public. Closing our campuses and assisting students to return home was the first step to safeguarding our space. Simultaneously, it was imperative to keep the academic project alive and to move swiftly to online forms of interaction and education. On this score, it was immediately apparent that we had come a long way from the #feesmustfall protests of 2016/2017 and that we could leverage the advances in technology to enable our students to operate virtually using our online platform (Moodle). As such, #feesmustfall suddenly became our most important reference point for our future conduct!

All lecturers had been forced to become accustomed to this form of presentation during the student protests, and could now work from home to place relevant material, including online presentations, voice-over power-points, audio and video presentations online. We soon realised, however, that not all our students enjoyed appropriate connectivity to benefit from this material, even though the university had managed to provide thousands of devices and made arrangements for access to data, courtesy of a partnership



*Avinash Govindjee*

with the mobile network providers. As a result, we adopted a 'data-lite' approach, coupled with invitations to return small groups of students back to campus in cases where access to devices, data or connectivity was proving to be an impediment to learning.

Serious challenges remain. Students and staff, in particular, seem to have lost something during this lengthy move to online interaction. The 'feel' of the Faculty is compromised and it is really difficult to feel part of a broader, shared purpose through interminable Zoom calls and Teams meetings. This is probably our greatest challenge: to maintain our identity whilst adapting to all the change that is taking place around us, and to strike the appropriate balance between consolidation and innovation.

The standout positive is that our staff and students are incredibly adaptable and able to pivot to a changed 'normal' very quickly. The long-term impact of COVID-19 remains to be seen. For this Faculty, it is likely to result in more options and greater flexibility for staff and students, both in terms of the nature of our offerings and our manner of delivery. ♦



*Lynn Biggs*

*Prof. Avinash Govindjee is Dean and Dr Lynn Biggs Acting Dean, Faculty of Law, Nelson Mandela University.*



## NELSON MANDELA UNIVERSITY

### Brandon Price

I am serving my articles at Bowmans, in their Sandton office, currently in the M&A rotation.

I am focused on taking in as much learning as I can, striving to perform to the best of my abilities and developing my legal skillset, with the goal of being retained at Bowmans after my articles. This is one step towards my ultimate long-term plan of eventually becoming a partner in a top South African law firm.

Completing your final year of studies is naturally already a stressful endeavour; when you add a global pandemic and uncertainty about the future to the equation, it only serves to increase stress. Dealing with the additional stresses brought on by the events of 2020, while ensuring to maintain a commitment to

my academics proved to be the greatest challenge brought on by COVID-19.

With all academic activities moving online in 2020, it was necessary to become comfortable with technology and new methods of examination; this was a change that I believe was well facilitated and easy to manage.

Throughout university, we all dream of the day we will graduate. Not being able to have a traditional graduation ceremony and share the day with your family and friends is a missed experience.

I learnt that I am resilient. The lockdown forced everyone out of their comfort zone and brought on unexpected challenges; I found that in such situations, having the right attitude is vitally important.

The most important lesson I learnt from 2020 was that everything you know can change very quickly, and having the ability to adapt to changing circumstances is a necessity to ensure you do not lose out or get left behind when inevitable change occurs.

### Lindsay Young

I am currently doing a Masters, as well as working for Nelson Mandela University as a post-graduate associate. My Masters topic combines the fields of International Trade and Developmental Law by looking into Fairtrade and its impact on small-scale farmers in South Africa.

My medium-term plan is to complete Masters by the end of 2022. I am not someone who makes concrete plans very far in the future, but I do envision myself working for an organisation that operates on an international level. I would love to have a job that requires me to travel and actually see the impact of policies and plans that are put into place. Another possibility is to do articles after my Masters, and then practise in South Africa.

The most difficult aspect of the lockdown for me was the lack of variation in my day. Not having to go in for classes meant that most days were spent at

home behind my computer. For me, this was demotivating, and so I had to make an effort to bring some variation to my days. Getting out of the house to exercise, going to work at a friend's house, or spending time cooking a meal are some things I did to break the monotony of studying from home.

The group work assignments were surprisingly easy. I was extremely lucky to have communicative, hard-working group members, and so these assignments were relatively painless.

I am lucky in that the COVID regulations came at a relatively 'good' time in my life, when I needed to really focus on university. I don't think I missed out on too much, but I do miss making plans without having to factor in COVID and the regulations.

I learnt how to really relax and be okay with my own company, without needing to make plans or have something to look forward to.

Various experiences last year taught me that I need to 'back myself' and go confidently in whatever direction I choose. I realised that doubting myself and second-guessing my choices is unnecessary and time-consuming. I know I am capable, and I just have to remind myself of this every now and then.

### Shaun Botha

I am currently serving my first year of articles at Brown Braude & Vlok Inc. in Port Elizabeth.

My medium-term plans consist of practising as an admitted attorney and gaining expertise in the fields of law I find passion in. My long term plans are to eventually branch into academia and become a lecturer. I hope to one day become a lecturer in the faculty of law at Nelson Mandela University.

The most difficult aspect of completing my studies during the pandemic was the uncertainty the pandemic brought about. It was strenuous to try to continue with my accustomed concept of academic structure and daily routine. There was a lot of uncertainty regarding whether the academic year would finish in time, how effective online learning would be and what it would all entail. These factors made it difficult to practise self-control and diligence in keeping up-to-date with the course work.

It was easy to "self-teach" myself the content of many of the modules. Lecturers were not as accessible during the pandemic as they were before, and we students had to rely more on our own understanding of the work. I also managed to find a healthy balance between study time and personal time during the 2020 academic year.

I missed out on all the perks of being a final year student. We were not able to enjoy the last year of student life before joining the working world. I missed out on a lot of quality time with my varsity friends. It was sad to not be able to have a proper graduation ceremony or a proper phasing out of such an important chapter of our lives.

I learnt that I can adapt very quickly to change and to new environments. I quickly became adjusted to 2020's way of living. I also learnt that I am a lot more perseverant than I ever thought I was. Throughout all the uncertainty of the pandemic, I managed to stay motivated to complete my studies.



Brandon Price



Shaun Botha



Lindsay Young

A lesson that I will take from 2020 is to never get too set in routines or make your lifestyle and goals inflexible. Things can change in the blink of an eye and the unexpected can truly happen. Always be ready to adapt and embrace change willingly. If you do not go with the flow, you can be left behind.

### Thina Ntsaluba

I am currently serving articles at ENSafrica.

Efficiency is the cornerstone of being a good practitioner. At its core, my medium-term plan is to settle in and take time growing into myself as an efficient legal practitioner. The plan is to also prioritise visiting other African countries, starting with Botswana, Uganda and Rwanda.

Along South Africa's very complicated history has always been two types of people: those holding the country back and those who would like to move the country forward. As women in South Africa have borne the brunt of those who have tried to hold this country back, my fundamental long term plan is to use my access to information and opportunities attributed to being in a big firm to contribute to moving the country forward in a meaningful way, to see a more inclusive and accepting South Africa, not just to those with access but especially to those without.

The expected normalcy of having to study like a normal student under conditions that were so abnormal, that even people I usually looked to for guidance and assistance were as perplexed by our "new normal" as I was, was the most difficult aspect of studying last year.

The transition to the use of technology and moving from learning in physical spaces to cyberspace was made incredibly easier for me by assistance from the university's ICT personnel.

I would have loved to have a normal final year at university. I think I missed out on my lecturers seeing me come into my own. In my final year, something changed in my engagement with the law and I wish I had had more meaningful engagements with my lecturers because they were the reason I was able to get to the point of being a final year law student with a firm understanding of the law.



Thina Ntsaluba

**How deeply the philosophy of *Ubuntu* and what it really means to say *umntu ngumntu ngabantu* resonated with me, and realising the value of community when I got isolated.**

How deeply the philosophy of *Ubuntu* and what it really means to say *umntu ngumntu ngabantu* resonated with me, and realising the value of community when I got isolated.

2020 taught me that humans can adapt and that nothing is as urgent, important or even as permanent as we make it out to be. The pandemic showed

that everything can be interrupted and that being legal practitioners, with urgent and demanding practices, is about understanding that outside family, community and safe and clean environments, very few things are as urgent and important. I realised that "*We, the people of South Africa*" can adapt to preserve the underlying sense of justice in South Africa through interventions such as CaseLines and other interventions geared towards providing greater access to justice.

### Miche-Lee van Schalkwyk

I am a first-year postgraduate student at Nelson Mandela University. I am registered for a LLM (Private Law) Research. My research focus is on the functional purpose of testamentary formalities and the authenticity of electronic wills. I have been appointed as a postgraduate associate in the Department of Private Law and as a Supplemental Instruction leader for The Law of Succession for this 2021 academic year.

My medium-term goal is to finish my LLM Research within two years. Thereafter, I want to apply for articles. My long-term goal is to specialise in Wills and the Administration of Deceased Estates and to register for a LLD in Private Law.

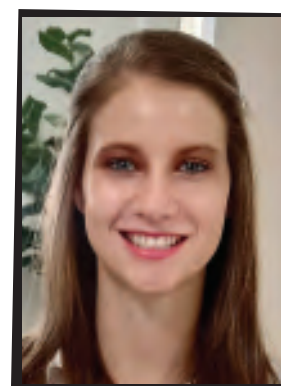
The most difficult aspect of completing my final year during the pandemic was very limited face-to-face interaction with academics and learning to engage with academic material without attending face-to-face lectures.

Adapting to online learning and teaching was surprisingly easy. By adopting a humanising pedagogical approach towards online learning and teaching, Nelson Mandela University cultivated an efficient, effective and accessible digital learning environment. Moreover, the Faculty of Law, by providing academic support through additional study material, online lecture recordings and virtual lectures via MS Teams, made the online learning and teaching journey possible and even enjoyable.

There are two occasions which I would have enjoyed, had it not been for the pandemic. Firstly, my graduation – although we were able to celebrate our graduation virtually, I would have enjoyed attending an *in persona* graduation ceremony. Secondly, attending the Annual Private Law and Social Justice Conference – although the 12th Annual Private Law and Social Justice Conference will be held via Zoom in 2021, I would have enjoyed an *in persona* engagement with academics in their respective areas of expertise.

The pandemic has taught me that I am adaptable and creative. Moreover, I enjoy online learning and teaching, and the responsibility in respect of time, effort and discipline that follows. I realised that technological development occurs rapidly and that there is a need to embrace the movement towards becoming digitally / virtually united.

The pandemic, together with online learning and teaching, cultivated my interest in Wills and the Administration of Deceased Estates and how the law should develop in line with the current technological advancements. Thus, it contributed to reformulating my perspective on how the law should embrace technological advancements, even in the midst of a pandemic. ♦



Miche-Lee van Schalkwyk

# North-West University

## The resilience of the human spirit

The Dean's view

DR NEO MOREI

Since NWU is a contact university the immediate challenge when lockdown was announced was how quickly the faculty could adapt to online learning environment.

Although the Faculty had embraced blended learning in all its offerings for sometime, with the announcement of the lock down, all offerings had to be online. The online quality protocol had to be developed to ensure quality of the offerings; lecturers had to be trained on the use of technology; students had to be provided with laptops and data. The provision of these was centralised and had its own challenges such



Neo Morei

as deliveries not effected on time; incorrect student contact details etc.

We faced challenges with lack of adequate training on the use of technology, extra workloads necessitated by extra preparations of online materials, videos multiple continuous assessments, and videos, connectivity issues, unstable electricity supply by Eskom, anxiety, students not adequately participating on the on-line activities, and lack of adequate financial resources.

Although I was not the Dean of the Faculty in 2020, I know the greatest challenge was to complete the academic year at the end of 2020, maintain quality of the assessments, student support with limited resources and capacity.

What stands out is the resilience of the human spirit - despite everything, both students and lecturers never gave up and we are one of the few universities able to complete the academic year in 2020. Students, academic and support staff were able to adapt to the new normal and it is a bit easier in 2021. ♦

*Dr. Neo Morei, Executive Dean, Faculty of Law, North-West University.*



### Alicia Cusack

I am currently serving my articles with Van Velden-Duffey Inc in Rustenburg.

I hope to pass all my admission exams, as well as the notarial and conveyancing

exams, within the next two years. I cannot say that I currently have any long term plans, as these are very much dependent on what happens within the next two years.

The most difficult aspect of completing my studies during the COVID-19 pandemic was definitely self-discipline and time management. This proved to be especially difficult once I got a part time job during the second semester of my final year. I take my hat off to all students who worked and studied full time – it's not easily done.



Alicia Cusack

Nothing turned out to be easy, to be honest. It was an entirely new experience with a lot of unexpected difficulties. Even something as simple as asking your lecturer a quick 'yes' or 'no' question could be taxing.

I missed out on a final-year student experience. I did not realise that the last time I sat with friends in a cafeteria, or studied in the library, or went out for a drink, or even sat in a lecture hall would be the last time. There were a lot of people I spent four years of my life with

that I did not even properly get to say goodbye to. Since the pandemic is still ongoing, we will not be having a graduation and, therefore, it's very likely that I'll never see those people again. I guess it feels like I missed out on a proper farewell.

During the lockdown, I was surprised to learn that I'm a bit of a hypochondriac! 2020, and especially the COVID-19 pandemic, really prepared me for working in a high stress environment. I mean, what is the corporate world compared to a global pandemic?

### Jacques Rheeder

I am currently serving my articles at well-established law firm, Harris Incorporated, based in Sandton. I assist in all aspects of the firm's practice with a particular focus on litigation, commercial and residential evictions, and collection matters.

My medium term plans will be finishing my articles and being admitted as an attorney. In the long term, I would like to pursue an MBA degree and possibly my LLM degree, depending on my field of interest. For now, I am very open-minded, absorbing what practise has to offer.

Probably the main aspect I struggled with was the fact that there were no set systems in place to accommodate the changes we have undergone. All the faculty



Jacques Rheeder



staff had to learn and adapt as the year progressed. Another factor was the absence of face-to-face interaction with lecturers and my peers. Should you struggle with certain concepts, you had to rely on email communication, and sometimes it took days to receive a response. In the end, all this taught me a great deal of patience and independence.

I was surprised by how accessible the university's online platforms were, once everything was in place. Study material was made available readily. Tests and assignments were provided seamlessly, and we had no trouble completing the tasks at hand.

Considering that COVID struck in our final year, I believe we were robbed of an opportunity to say goodbye. We did not have the opportunity to experience everything for the last time – talk about ripping off the band aid.

I have come to learn that I am a very adaptable and organised person. Proper planning and time management was the key to successfully completing 2020.

What will I take away from 2020 that will stand me in good stead in the future?

Nothing comes easy. If you want something, you will have to apply yourself, work hard and put in the hours. You alone are responsible for the outcome of your life. Set goals, make good choices and never deny yourself an opportunity or limit your mindset. You must do the things you think you cannot do.

### Hananja Jordaan

I am currently serving my articles at Strydom & Bredenkamp Inc in Pretoria.

At this stage, I am focused on gaining as much practical knowledge and insight into the legal profession as possible. I am fortunate enough to be serving my articles under a principal with more than 30 years' experience and an admirable passion for the law. I certainly have goals for the future – we would all like our “name on the letterhead” – but for now, I am set on building a rock-solid foundation to hopefully one day turn my dreams into a reality.

The most difficult aspect was adapting to the new “virtual world of studying.” Listening to a recording is just not the same as the interaction we as students were exposed to, not just with the lecturers, but also with each other - being able to debate and challenge each other to expand our legal knowledge.

Online learning opened a whole new world of resources to me. We were exposed to various forms of studying and equipped with essential researching skills which certainly made completing my studies much easier.



Hananja Jordaan

**Online learning opened a whole new world of resources to me. We were exposed to various forms of studying and equipped with essential researching skills which certainly made completing my studies much easier.**

I am a firm believer in not seeing certain events as “opportunities missed out on” but to rather have a mindset of “everything happens for a reason”. I was fortunate enough to find my niche, right in the middle of this pandemic that turned the entire world upside down. Right after provincial borders opened, I got an interview at the firm where I am currently serving my articles and after that, everything just fell into place. Today I am proud to be part of such a hardworking and dynamic team, where each day presents a new learning opportunity.

We as humans are extremely adaptable, much more than we give ourselves credit for. Regardless of planning everything in detail, I am still able to adjust my plans in accordance with my changing circumstances, a skill I mastered due to this pandemic and which certainly improved my career as a legal professional.

What I will take away from the whirlwind year we experienced in 2020 is that there are no shortcuts to success and to live life to the fullest each day. We never know what the future holds. I am committed to becoming the best legal practitioner I can be, whilst appreciating and remembering everyone who helped me get there along the way.

### Nadine Engelbrecht

I am currently undergoing practical vocational training at Schüler Heerschoop Pienaar Incorporate Attorneys.

**The new-found time that I had during the national lockdown enabled me to undertake thorough research in the preparation and settlement of my dissertation, relating to energy poverty and the measures that the government ought to implement in combating such poverty.**

My medium-term plan is to gain as much experience as possible in numerous fields of law so to enable me to begin my own practice.

The most challenging aspect for me was not having a fixed routine, and the lack of physical lectures.

The new-found time that I had during the national lockdown enabled me to undertake thorough research in the preparation and settlement of my dissertation, relating to energy poverty and the measures that the government ought to implement in combating such poverty.

I missed out on travelling and socialising.

My ability to adapt in challenging circumstances surprised me, especially considering the lack of in-person lectures.

I learnt to adapt and remain positive, no matter the situation or the circumstances I am faced with. This is something I will find of value in my career. ♦



Nadine Engelbrecht

# University of Pretoria

## Re-imagining the way we do things

The Dean's view

ELSABE SCHOEMAN

The global advent of COVID-19 immediately challenged the Faculty of Law (UP Law) to move teaching and learning (T&L) online as emergency remote teaching (ERT). Fortunately, since the University of Pretoria (UP) was already operating according to a hybrid teaching and learning model, we were well-equipped to move all our modules swiftly and successfully online.

However, for effective and successful ERT, staff and students required internet-enabled devices and access. We literally moved overnight from privileged to 'must-have' technology. Soon there was a shortage of laptops with concomitant challenges in getting these delivered to remote areas. In addition, data was prohibitively expensive and we had to secure solutions to avoid a financial burden on our students.

Despite a multitude of challenges, UP Law proudly declares that we concluded the 2020 academic year successfully, thanks to technology, hard work and dedication by all UP parties involved in the ERT process. The consequence of COVID was that we had to explore and introduce a variety of new T&L formats, ranging from narrated PowerPoints, short videos and cartoons, live virtual sessions, as well as computer games to cater for Generation Z. All assessments were conducted online, which provided challenges in terms of maintaining the integrity of our qualifications. For this purpose, various control mechanisms were introduced to ensure UP Law's assessment integrity and standard, as well as the reputability of our academic programmes.

Moving overnight from attendance classes to online was very intense for staff



*Elsabe Schoeman*

and students. All the usual contact support structures fell away while staff had to virtually teach and guide, devising, developing and implementing instantaneous adjusted teaching and learning methods – combined with dealing with a plethora of student queries ranging from academic queries to student well-being. Working or studying from home, often with a family, was a huge adjustment for everyone, and consequently the boundaries between home and work disintegrated completely.

Although UP Law gratefully confirms that we managed to complete the academic year successfully, the isolation, combined with the 24/7 work and study pattern, have undeniably taken its toll on well-being. While we have all upskilled technologically speaking, and there is a huge sense of achievement in having persevered and completed the academic year, the impact of the lack of social interaction and the (lasting) shadow and strain of COVID remain. Our hearts go out to all those who have experienced COVID's destruction and the loss of loved ones.

As Dean, my greatest challenge is to keep UP Law cohesive and motivated, and also to remain in touch with the student body. Initially the virtual platforms were new and exciting, but now the novelty has worn off and it becomes more difficult to engage meaningfully with staff and students. I remain concerned about staff and student well-being.

We now live in a different world and we will never return to where we were before the pandemic struck. We have reimagined the way we do things and people have shown great resilience in dealing with numerous challenges, as well as agility in terms of adjusting to new ways of teaching and learning and research. Virtual platforms have opened up many new opportunities for global engagement – although we may still be in lockdown, we can greatly expand our frontiers as far as scholarly endeavours are concerned. This will contribute to our global ranking, remaining 'A Global Law Faculty in Africa'. ♦

*Prof Elsabe Schoeman, Dean, Faculty of Law, University of Pretoria.*



### Anita Marais

I am currently serving my articles at Oak law.

In the long term I would like

to be an established legal practitioner practising in the commercial and corporate law sphere. I am also thinking of furthering my knowledge by doing an LLM in tax law in the future. My medium-term plan is however to gain as much exposure in different areas of the law as possible and learn from other already well-established law professionals.

I think the most difficult aspect of completing my studies during the COVID-19 pandemic was not having contact lectures and writing all my examinations online. This was a method of teaching and assessment that was unfamiliar to me compared to my previous years at university.

It was surprisingly easy to adapt to the university's new online method of teaching and learning. It made me realise that during my previous university years, our lecturers already taught us how to study independently and do research and that we were actually just using these already learned tools during 2020 in a more extensive manner.

I believe the thing I missed out on most because of COVID-19 was having a normal graduation ceremony with all my fellow graduates who started the journey with me. I was also sad that I missed out on being around other students and doing simple things with them like buying a cup of coffee on campus or studying together in the university's library.

I was surprised to learn how quickly it is possible to adapt and change the way of doing things that previously formed part of our everyday lives.

The 2020 lockdown also helped me to remember how important it is to take the necessary time off from working or studying for my mental and physical health.

The year 2020 helped me to remember the importance of being able to adapt to the ever-changing requirements and standards of the law profession, specifically how we should use technology and have the necessary technical skills required at that specific time.

### Daniela Erasmus

I am currently serving my articles at VZLR Attorneys in Pretoria.



Anita Marais

**At the time, I didn't know that that Monday in early March 2020 would turn out to be my last day on campus. I am saddened when I think of all the fun times on campus that I could have had with my friends in my final year. I wish I could have seen the Jacaranda trees in bloom in front of the Law Building one last time!**



Daniela Erasmus

After completing my articles and writing my board exams, I plan to sit for the notarial and conveyancing exams. In the next three years, I intend to pursue a LLM degree. Having an LLM degree will not only enhance my theoretical knowledge, thereby improving my insight in practice, but will also give me the additional opportunity of becoming a lecturer and giving back to the academic community.

I found the most challenging aspect to be the uncertainty in the early days of the pandemic, regarding whether we would commence contact lectures again or whether we would be studying online indefinitely.

With the benefit of hindsight, I am quite amazed at how quickly I adapted to online learning. COVID uprooted our academic plans in the final year of my studies, and somehow I still managed to flourish.

At the time, I didn't know that that Monday in early March 2020 would turn out to be my last day on campus. I am saddened when I think of all the fun times on

campus that I could have had with my friends in my final year. I wish I could have seen the Jacaranda trees in bloom in front of the Law Building one last time!

The 2020 lockdown taught me to be more flexible to changing circumstances and I was pleasantly surprised to find out how resilient I am.

An important life lesson that I gained from 2020 is the ability to be independent and to complete my work with minimal input or assistance from others. Due to the nature of online learning, there was a lot more self-study in most of my subjects, even though this was challenging at the time, I now know that this fostered a spirit of independence which will accompany me for the rest of my career.

### Felix le Roux

I am studying towards an LLM in Constitutional and Administrative Law at the University of Pretoria. I also work as an academic associate at the Department of Public Law, which involves teaching, research and administrative assistance to the lecturers in the department.

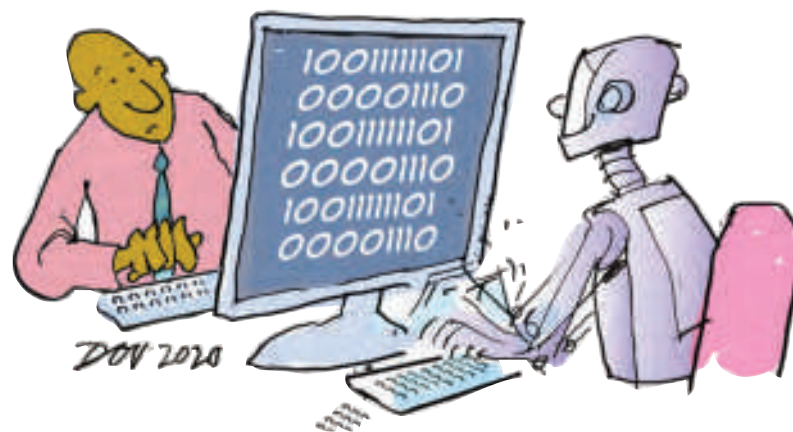
My plans are to commence articles at Norton Rose Fulbright in Sandton next year. I look forward to gaining valuable practical experience and learning from experienced attorneys.

In the long term, I plan to approach legal practice with an open mind and I hope to become an accomplished attorney in whichever field I work in. I also have a passion for research and writing and would like to continue with that after I start practising.

The pandemic was and still is challenging for everyone but I am fortunate to have a solid support base and to study at one of the best (if not the best) law faculties in South Africa so I believe the completion of my studies was much less difficult because of that. However, if I had to single out a particular challenge, it would be the sense of isolation that often crept in during the hard lockdowns in 2020.



Felix le Roux



I expected it to be difficult to remain focused and disciplined while studying online and at home but I quickly managed to find a routine that allowed me to keep up with my work and also leave enough time for myself.

I regret not being able to interact more closely with the lecturers of my favourite final-year subjects. They were always reachable through the online plat-



forms but it was not the same as a classroom environment. In a similar vein, I regret not being able to interact more closely with the administrative law and international law students that I taught as part of my role as tutor at the Department of Public Law.

I never previously thought of myself as a tech-savvy person but I was pleasantly surprised to find that I could utilise various online platforms and computer programmes very efficiently both as a student and a teacher. Especially in my role as tutor, I found it easier than I expected to conduct online classes and create educational videos.

The most important lesson I will take away from 2020 is to neither over-celebrate my successes nor overemphasise my failures. I found that one experiences many ups and downs that are often out of your control and all that you can do is to remain consistent in your work ethic and mindset and let the final outcome take care of itself.

### Heidi Davis

I am currently serving articles at Norton Rose Fulbright South Africa in Sandton.

I hope to study a Masters at some point in the next few years. It would be a privilege to be able to study a Masters overseas and be able to bring what I learn back into practice in South Africa. I would also love to study an Honours in English overseas to enrich my love of reading.

In my experience, the most difficult part of completing my studies during the COVID-19 pandemic was the lack of normality and routine such as being unable to see my friends between classes to provide that much needed comic relief, being unable to go to the gym or browse the bookshop or even just leave the house when you get cabin fever. My parents are also both health care professionals, so it was very difficult knowing they were working on the front lines.

While most people found online learning to be a massive challenge it was surprisingly easy for me. As a night owl, having recorded classes that were posted that you could watch anytime also made sure I got enough sleep which made online learning easier.

I think I missed out on a few university experiences that I kept pushing back to do in final year such as attending the Law House Dinner and buying Law House merchandise.

I am someone who never likes to relax until the work is done and I am happy with it, and during the pandemic I learnt to take more breaks and time off when I needed it and do something I loved such as reading a book or listening to a record. This helped me to work quickly and more efficiently and to produce higher quality work.

I think what I will take away from 2020 that will stand me in good stead for the rest of my career is to take opportunities when they come to me and not wait to take them until I deem it to be the best time for me - the best time may be now because I do not know what the future holds. I also think 2020 has taught me to never take anything for granted and to appreciate what I have while I still have it.



Heidi Davis

### Jason E sa

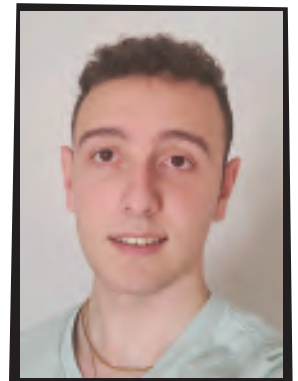
I am currently serving articles with Hamilton Attorneys in Johannesburg.

Within the next five years, I aspire to qualify as a legal practitioner in both South Africa and a separate jurisdiction such as Canada or the United Kingdom. Further, my long-term plans include starting, and running, a law firm/legal related business.

I found adapting to the novel and differing methods of examination, along with the inaccessibility to campus resources and staff, the most difficult hurdles to overcome when completing my studies during the COVID-19 pandemic.

Due to e-learning facilities and amenities, I found that I was able to manage my time more efficiently and maintain a better work-life balance during the COVID-19 pandemic.

During the COVID-19 pandemic, it is my belief that I missed out most on experiencing the traditions and customs relating to graduation that were long practised by alumni of the educational institution I was graduating from, as well as, those customs and traditions practised by members of my cultural group.



Jason E sa

**During 2020 I had become more curious about fields that were otherwise directly unrelated to the law and accordingly I started developing skills and learning about these unrelated fields. I believe that these new skills, when coupled with my newfound curiosity, have made me a more versatile individual who is open to learning about subject matter which I was not formally trained in.**

During the 2020 lockdown, I learned that I had little to no common practical skills and so I undertook to experiment with and develop some basic practical skills such as basic handyman skills, basic computer programming etc. During this period of experimentation, I was surprised at the level of enjoyment I derived from completing more practical tasks.

During 2020 I had become more curious about fields that were otherwise directly unrelated to the law and accordingly I started developing skills and learning about these unrelated fields. I believe that these new skills, when coupled with my newfound curiosity, have made me a more versatile individual who is open to learning about subject matter which I was not formally trained in. This versatility and curiosity will assist me throughout my future career in law by not only enabling me to better understand the contexts and merits of a case but also, allowing me to more meaningfully engage and network with clients and experts. ♦

# Rhodes University

## Considering alternative ways of assessing performance

The Dean's view

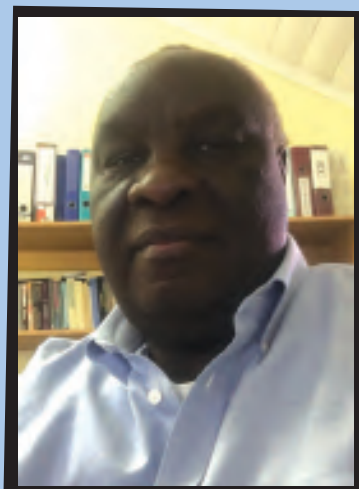
LAURENCE JUMA

After students left campus, we scrambled for the best substitute for face-to-face lectures. The traditional way of giving lectures was not now possible; our skills training component, which involves face-to-face consultations with clients and court, attendance was also not possible. Since our LLB structure puts considerable emphasis on this skills component, it was imperative that we find a way to do this.

Staff were required to work from home and those who did not have facilities and good infrastructure, struggled to adjust. Perhaps the greatest challenge was the emotional aspect. The lockdown turned both students' and staffs' lives upside down! It was hard internalising it and then adjusting well enough to be able to function as either a student or a lecturer. Added to this, the modules themselves needed adjustment so that they could be delivered through the online platforms, and this had to happen extremely quickly.

Although Rhodes University has a reasonably well-developed infrastructure for tech teaching, we have always blended it with face-to-face lectures so any deficiency as far as the use of technology is concerned was never an issue. However, with the lockdown, everyone had to be tech savvy and well prepared to deliver lectures and do assessments using technology. It became apparent very quickly that lecturers needed to be trained, not only on general use but also specifically on teaching of law. This imposed great strain because the time lines were very short. The majority of our students come from rural communities so there was the issue of internet accessibility. There are constant problems with electricity and connectivity. In addition, students needed laptops and adequate assistance to be able to use them. This was a great challenge for us.

There is the additional burden of course administration – attendance tracked and assessments completed. Many students struggled too and need extra assistance. Since the University has adopted the position that no student should be left behind, lecturers have much more work to ensure that all registered students are engaging with the materials and learning. In addition, it means that in-



Laurence Juma

terventions are necessary when power cuts and lack of data make it difficult for students to learn.

The faculty has had to deal with the particular needs of each student. At one point, the faculty had to do a fundraising for laptops at short notice.

The experiences of 2020/21 have changed the manner in which law is taught and examined. The lesson learnt is that we must embrace technology and make it work for us. Even if we revert to face-to-face teaching, it will not be the same. The idea too of examining law subjects through open book methods will now have to be considered (even embraced) and perhaps developed so that we bring variety in the ways in which we assess the performance of our students.

Managing the abrupt transition from face-to-face lectures to online teaching was perhaps the greatest challenge for me as Dean. There were so many uncertainties and lecturers needed answers that I could not provide. In the beginning, we elected to send course packs to students who had no laptops or could not access the internet. This was such a nightmare; some parcels were delivered to wrong addresses, others simply got lost.

As a faculty we have always had uniform methods of assessment. These methods were no longer feasible and we had to change. We also realised very quickly that we had different technological strengths and that our courses were different. So while accommodating flexibility, the Dean had to ensure that whatever was done met the academic standards required.

Some colleagues simply refused to engage – some due to frustration, for others it was just too much work. Some viewed the lockdown as a kind of holiday and had to be tracked down whenever we needed to have a meeting to resolve a problem. They posted material online and were not available to their students. My responsibility as Dean was to track them down when students raised queries or needed some sort of assistance.

On the upside, we saw:

1. Technology can improve teaching and learning if appropriate equipment and support are available.
2. We must take matters of health seriously and make appropriate adjustments to work and study environments.
3. It is absolutely crucial that we consider alternative ways of assessing performance in law subjects. ♦

*Prof. Laurence Juma is Dean, Faculty of Law, Rhodes University.*



**RHODES UNIVERSITY**  
Where leaders learn



**Keegan Williamson**

### Keegan Williamson

2020 definitely was a very challenging year.

I am currently studying a modified Post Graduate Diploma in Law at BPP University in London.

My medium-term plan is to remain in London and qualify as a solicitor. My long-term plan is to become a specialist in an area of law, write a book and start a charity.

The most difficult aspect of studying during the lockdown was having a work-life balance. It was difficult to adapt to an environment in which I was not used to studying, and to online teaching and learning.

It became very easy to eat a lot of food, drink a lot of coffee and watch too many series.

I most missed the social part of being in final year with a group of friends, attending lectures together and enjoying various events.

I learnt a lot about myself during this period. The thing that surprised me the most was how important it is to focus on your relationships and enjoy the little things.

I will take forward my ability to adapt to challenging situations. This skill was developed during the pandemic and will stand me in good stead when future challenges arise.

### Varaidzo Paradza

I have accepted a training contract offer from Linklaters LLP, and will be relocating to London later this year.

My medium-term plans are to complete a Post Graduate Diploma in Law, and afterwards join Linklaters to complete my training contract. In the long term, I aim to become an associate with the firm and progress through the ranks as I gain more experience. Another long term goal that I have is to make meaningful contributions to human rights law projects in whatever capacity I can, as this is a cause I am passionate about.

The most difficult aspect of completing my studies during the COVID-19 pandemic was the adjustment from contact lessons to online learning. It was an unfamiliar way of learning that required discipline and good time management. Another difficult thing was remaining focused on academics while there was so much chaos and uncertainty in the world. The pandemic created anxiety and concerns about safety, and, at times, this made it difficult to create a conducive study environment for myself.

What was surprisingly easy was staying up to date with lectures and holding myself accountable for the work I had to complete each day, once I had established a routine.



**Varaidzo Paradza**

I believe I missed out on the full experience of being in final year with my peers and interacting in person. Lockdown was an isolating experience, which meant no contact lectures with peers who can relate to you and who face the same challenges you face in your learning. It became more difficult to discuss work and exchange ideas because we could not meet in the same space, and this engagement is something I missed out on.

What I learnt that most surprised me is that I am more resilient than I thought. The lockdown was challenging, but I managed to motivate myself to work towards my academic goals, while maintaining a healthy balance with other aspects of my life.

What I will take away from 2020 that will stand me in good stead for the rest of my career is the ability to accept circumstances that are out of my control, and adapt as necessary. The lockdown and the transition to online learning were completely unexpected, but realising that changes had to be made to adjust to the new "norm" helped me to find ways to reach my goals despite the unexpected obstacles.

### Aleska Winetzki

I am currently studying a Master's degree in European Private Law at the University of Amsterdam (Universiteit van Amsterdam) in the Netherlands.

My medium-term plans involve securing an internship which aligns with my thesis topic (yet to be decided) for the second half of the year. In the long term, my goal is to act as a policy adviser in the European Parliament or practise at an international law firm.

There were various challenging aspects to completing my studies during the COVID-19 pandemic, specifically relating to re-orientating my study routine from an interactive, in-person learning style to a completely remote online one. By far, one of the most difficult aspects was consistently maintaining my self-motivation in the face of the adverse and detrimental effects the pandemic was having on my family, friends and our global community.

Despite the challenges, I found the manner in which online exams were conducted to be somewhat easier than the traditional sit-down exams. Due to the nature of open-book exams, the questions were geared toward testing our problem-solving skills and ability to reason, as opposed to being heavily theory-based. Logical reasoning and problem-solving is an area that I enjoy, so it came easier to me.

I definitely feel as though I missed out on the opportunity to partake in fiery legal debates between fellow peers during lectures and even in the library!

Pandemics have historically forced people apart, so I was surprised at the extent to which I and my peers would use creative ways to foster connections and support despite social distancing regulations.

2020 taught me that I was far more resilient and adaptable to change than I had anticipated I could be. It helped me refine my self-motivation and consistent work ethic, allowing me to overcome several curveballs without being thrown off my path. This is definitely something that I will carry with me throughout my career.



**Aleska Winetzki**



# Stellenbosch University

## Inspired by staff and impressed by students

The Dean's view

NICOLA SMIT

Upon lockdown commencing, our first concern was to communicate with students and staff regarding the way forward, which was difficult due to the uncertainty.

Arrangements were made for staff who could continue working from home (although many still had to plan for childcare) and for their data and internet connectivity needs, which included Faculty assistants and tutors. Students who had to travel home on short notice did not anticipate the length of lockdown, and thus many students did not take all their textbooks and other study materials with them. When Stellenbosch University (SU) resumed, arranging access to study material, laptops and data were, therefore, top priorities (we were fortunate in that SU was able to arrange laptops and/or data packages for affected students).

The Faculty had to migrate all teaching and learning activities to fully online, which required staff to attend various workshops regarding different platforms, preparation of data-light materials, online assessments and many other "emergency remote teaching and learning" factors. After an initial scare on the very first day of online classes, SU's SUNLearn platform, coupled with MTeams, provided stable and accessible technology that, overall, enabled lecturers and students to communicate, collaborate and, ultimately, pursue student success.

I believe that the greatest difficulty for the Faculty and lecturers was the sudden-



Nicola Smit

ness and unexpected nature of the transition to online learning, coupled with family responsibilities and health concerns, the additional time spent on preparing new materials and learning aids, besides infrastructural challenges for some staff in areas with poor connectivity and/or load shedding. Based on two comprehensive surveys conducted among our students, I would say that students initially found it difficult to adapt to the online mode of teaching and that they spent more time on working through lectures trying to transcribe everything in a podcast, which they would not normally have done in an ordinary lecture. Students also experienced high levels of anxiety during assessments, with reference to both the adjusted nature of open book assessments, as well as technological challenges to ensure the timely completion and uploading of answer scripts in accordance with SU quality guidelines.

I believe most students and lecturers have surprised themselves with their resilience and adaptability. Several staff members have also indicated that going forward, they will incorporate some of these newly-acquired hybrid aspects of teaching and learning into their courses.

Academic leadership during 2020/21 has required rapid and detailed decision-making within a fluid context, clear and regular communication with students and staff, mobilising resources to meet new needs of students and a greater measure of compassion and support. I have been inspired by the passion and commitment of staff to do the impossible daily to successfully complete the academic year. Similarly, our students have impressed me with their determination and flexibility despite the loss of student life as they knew it. The positive standout for me is that I feel reassured that when we work together as a team, great things happen and in true Maties fashion, we move forward together, saam vorentoe, masiye phambili! ♦

*Prof. Nicola Smit, Dean, Faculty of Law, Stellenbosch University.*



UNIVERSITEIT  
STELLENBOSCH  
UNIVERSITY

### Carma Botha

I am currently completing my articles at Webber Wentzel in Cape Town. I aspire to be a successful and respected lawyer. For now, that means completing my articles and learning, growing and developing as much as I can.

The most difficult aspect of completing studies during the pandemic was that COVID-19 made my world very small. I spent most of the year in my room, studying. This meant that I often had to remind myself that there is a whole world outside of my room and that I should not take myself and my studies too seriously.

I was pleasantly surprised at how easily I transitioned into online learning. Although it was strange not going to class, the syllabus felt less rushed. This



Carma Botha

meant that I had more time to work through all the content, understand it and reflect on it.

However, I missed having intellectual and social interactions in the classroom and learning with and from my classmates. I also missed the student life – walking around campus, going for coffee between classes, going out with friends and attending social events.

During the 2020 lockdown, I learnt that I am far more adaptable and resilient than I thought. I also realised that I cannot succeed without the support of my family and friends.

2020 tested and strengthened my character. I realised that it is okay to struggle, but that, at the same time, it is important to remain grateful, humble and positive. 2020 also confirmed that there is great value in helping and uplifting others, and being part of a community.

### Claudia Grobler

I am currently doing a general LLM at Stellenbosch University, with my dissertation focused on the law of unjustified enrichment.

I have been signed to do my articles at Cliffe Dekker Hofmeyr in 2022. At this point, I'm hoping to remain at CDH and work myself up to Director, either in corporate and commercial or litigation.

The most difficult part of the lockdown was definitely right at the beginning, during level 5, where we were first introduced to online classes. It took quite a

while to get used to it and I felt like I was spending the whole day on work which would normally only require half a day to do.

What did I find surprisingly easy about 2020? Dedication! You would think it would be hard to get yourself to sit down and complete your online classes when nobody is checking up on you and when there isn't necessarily any urgency to do them. But I found that I easily adopted a routine and, once I got used to online classes, was actually very focused and productive. Towards the end, I had managed to follow a routine

where I would complete all my classes in the morning and have my afternoon free.

I definitely missed the social aspect of university. I realised that I actually really enjoyed the interaction with students and lecturers during and between classes.

I learnt that I have the ability to adapt to my surroundings. The online learning took some time to get used to, and I got quite frustrated at how long it took me to complete the classes, constantly comparing it to how long it would have taken if it was a normal face-to-face class. I also noticed that my marks at first weren't as high, probably due to the transition from physical exams to online open-book exams. But I quickly adapted the way I approached working and studying and, soon enough, I felt like I was on top of it again.

As may be clear by now from my answers, I am very much a creature of habit and enjoy my routines. But what I learned from 2020 is that there are multiple ways to do things, and trying a new method every now and then is actually a good idea. Never be too set in your ways and think everything is falling apart when you are forced to change. It is probably, actually, a good thing!

### Jaime Gray

I am currently doing my vocational training at Luckan Heyns t/a LH Law (part of the Lighthouse Law group).

My medium to long-term plans are to develop my knowledge base and skill set on various fronts, including my legal skills, innovation and leadership. I aspire to cement myself as a valuable asset to the industry and to foster my abilities to further my career as an Associate.

The most difficult part of studying during the pandemic was the sudden and

somewhat difficult switch from face-to-face classes to online lectures and recordings. However, this was mitigated by excellent support from peers and academic staff who helped facilitate the changeover.

I found studying and working through the workload to be surprisingly easy and more efficient than in-person learning. Having the ability to manage my own time and determine the order in which I studied and attended lectures strengthened my self-discipline and allowed for a more productive use of my time.

I think the thing I missed out on the most was attending a graduation ceremony in December with my peers, family and friends.

I learnt that I am very adaptable to major changes and that I can flourish in rapidly different situations. I also discovered an unexpected love for painting watercolours.

My biggest take away from 2020 will be that just because things have always been done in a certain way, does not mean that they should not change and be improved through innovation and critical thinking. We should constantly be looking for ways to advance and enhance existing traditions.

### Joshua Peebles

I am currently serving articles with Bowmans, at its Sandton office.

I don't really have any long or medium-term plans. For now, my immediate goal is to learn and get as much exposure as possible during articles, and hopefully I will find the practice area of law in which I would like to specialise. I am

definitely open to new experiences and trying new things. I think it is better, this early in one's career, to be as flexible as possible.

I battled with the lack of face-to-face lectures during 2020. Much of one's experience at university is class interaction, be it with your friends, peers or lecturers. To listen to pre-recorded lectures alone behind a computer screen made online learning incredibly boring.

I think settling into online learning and finding a routine was surprisingly easy. It required a lot more discipline to get through the lecture

recordings, which had to be listened to in your own time, compared with attending class according to a fixed schedule, but I managed to find that discipline.

I believe I missed out on my final year. Studying at Stellenbosch was an amazing experience and I was lucky to have been there for four years, but I would have loved a fifth. You are a student only once and that time I felt was cut short. It would have been great to give the place a proper send off. At the same time, it was also really nice to get an unplanned extra year at home, which was a bonus!

I wouldn't say I learnt anything about myself that was too surprising, really. I did learn that I am someone who can adapt, and who has a strong drive when I put my mind to something. I wanted to do well academically last year, and I was able to achieve that, despite the change in circumstances.



Claudia Grobler



Jaime Gray



Joshua Peebles

I think my work ethic is my biggest takeaway from last year. I worked incredibly hard and that will undoubtedly stand me in good stead for what will be a career that already has and will require hard work. I am certainly up for the challenge.

### Olivia Bernstein

I am currently doing articles at ENSafrica, in the Johannesburg tax department. It is a privilege to learn from experts from whom I am gaining much insight and encouragement.

At the moment, my goal is to qualify as an attorney, and to soak up as much knowledge and experience as I can along the way. Ultimately, however, I aspire to progress through the ranks to become a Partner.

It was really difficult, at first, to adjust to the different type of testing style. We moved from closed book tests that were largely theory based, to open book tests with a focus on application. By the end of the year, however, I had adapted to the new testing style and found that I actually preferred it.



Olivia Bernstein

Before COVID-19, contact lectures were instrumental in my learning, and without them, I thought that I would struggle. Stellenbosch University did a great job of supplementing the in-person support, however, and as such, I did not find the transition to distance learning quite as difficult as initially anticipated.

I think that due to COVID-19, I am missing out on the in-office experiences, and specifically the opportunities to observe superiors, engage in the general corporate experience, meet with fellow colleagues, and enjoy the natural exchanges that such an environment would typically facilitate. Working permanently from home, however, has its perks, most of which I appreciate in the meantime, until we can re-enter the physical office space.

I learnt that I am more resilient than I had realised. 2020 was a giant test in this regard, as things were constantly changing and little was truly certain, but I was able to adapt as necessary.

2020 and COVID have reminded me that life is precious, and that treasuring each moment, as well as valuing those around me, is fundamental. Going forward, I believe that this will stand me in good stead for the rest of my career, as I have learnt that I need to strike a balance between work and private life. Putting in the time and effort to achieve your goals is essential, but so is making time for those who are important to you. ♦

## University of the Western Cape

# COVID-19 brought not only challenges but also opportunities

The Dean's view

JACQUES DE VILLE

The 2020 academic year was marked by the COVID-19 pandemic, which forced the UWC Law Faculty to move off-campus from mid-March. So-called 'emergency remote learning' started on 20 April 2020, and continued for the rest of the academic year. UWC had been using the iKamva online teaching platform for quite some time, in support of contact lectures, and the platform was thus ready to be utilised during the pandemic, though now playing a much more important and central role. Once teaching and learning started again in April, now fully online, lecturers used narrated slides, videos and live classes on a variety of platforms, as well as discussion forums, in the place of traditional face-to-face lectures. Online teaching in these formats also took place on an inter-university level, e.g. with the University of Missouri and Symbiosis Law School in India. In order to ensure the integrity of assessments, which was a big challenge, several modules, across the year levels, employed research and writing-based assignments as an alternative to the traditional 'sit-down' tests and exams.



Jacques de Ville

The Law Faculty, of course, does not only engage in teaching, but also in research, postgraduate supervision, community engagement, and the hosting of and participation in academic conferences. All of these activities continued during the 2020 academic year, in one form or another. In fact, in 2020, the Law Faculty staff produced more research publications than ever before in its history, including 12 books. One of the most important innovations during the pandemic has been the move from seminars and conferences to webinars, which has been championed especially by the Faculty's Dullah Omar Institute, and which attracted large audiences from around the world. The Faculty continued to re-invent itself during the pandemic, by inter alia establishing four research and postgraduate centres over the course of last year, in fields such as labour law, environmental law, criminal justice, and legal pluralism.

The pandemic has led to many staff members losing family and friends, has affected the psychological health of staff members, and can be said to have, in general, led to a sense of alienation. The Faculty has, nevertheless, been able to continue to operate effectively, showing the resilience and adaptability of staff members. The pandemic thus brought with it many challenges, but also opportunities, which have prepared the Faculty well for a future where technology will play an increasingly important role. ♦

*Prof. Jacques de Ville, Dean, Faculty of Law, University of the Western Cape.*





### Aalia Mahomed

I am currently completing my articles at De Klerk & Van Gend Inc, in the Commercial department.

My goal is to become a well-established attorney, specialising and practising in the areas of Commercial, Information Technology and Intellectual Property Law.

I see myself as being a driver of digital transformation by building sustainable legal practices that will improve access to justice, either through making valuable contributions in academia or creating meaningful changes in my community through entrepreneurship and social upliftment endeavours.



Aalia Mahomed

The sudden shift from the last four years of having structured routines, access to resources and communicating face-to-face with lecturers and peers has brought about the uncertainty of each day. These events, which affected everyone equally and unexpectedly, were difficult. The need to adapt to the new normal, along with personal fears and concerns for the well-being of family and friends, was a challenge.

I was fortunate enough to complete my studies from the safety of my home and surrounded by my loved ones. This past year has made me more appreciative of things we take for granted, especially the time spent with our families and their well-being. To go through this difficult time with those who are the closest to me provided tremendous emotional support and comfort.

I have missed out on celebrating the final chapter of my studies and the beginning of my career. Some of my most memorable years I have spent at university, and not being able to complete my degree amongst my peers and lecturers, who shared this journey with me, is the thing I miss the most.

The self-discipline practices that I have built from years of continuous effort have steered me towards the finish line of my studies. In light of this, I think that I have acquired the necessary tools and strength to overcome unexpected difficulties. I believe that no matter how burdensome the obstacle may present itself, it does not diminish my drive to succeed.

What I take away from 2020 is that no matter how challenging life may be, human beings will adapt, display courage and embrace innovation. I have lived through and experienced these events, which has made me more resilient and optimistic about finding opportunities in times of hardship. I have learnt to embrace change and adapt to unpredictable circumstances.

### Carrie MacKay

I am currently employed at PSG Konsult as a Legal and Compliance graduate, and in 2022, I will be serving my articles at Webber Wentzel in Cape Town.

My medium-term plan is to become an admitted attorney with a high level of competence in corporate commercial contracts.

My long-term goal is to become a leading attorney in the field of law that I will practise in.

**I found it easy to manage my time effectively and create my own timetable, where I was able to work through modules in my own time and at my own pace. This helped me to understand my course material, as opposed to just working through it to meet a deadline. Effective time management has been the foundation of my success as it helped me stay abreast of all modules and develop a strong work ethic.**

A big challenge was figuring out how I was going to approach my studies for the year, and the uncertainties of 2020 definitely exacerbated the stress of assignments and tests.

I found it easy to manage my time effectively and create my own timetable, where I was able to work through modules in my own time and at my own pace. This helped me to understand my course material, as opposed to just working through it to meet a deadline. Effective time management has been the foundation of my success as it helped me stay abreast of all modules and develop a strong work ethic.

I believe I missed out most on embracing the final moments of my university experience, such as writing exams with my peers or enjoying that final hot chocolate and panini from B Block. This is something I will never be able to experience again as a student and definitely one I missed out on the most.

What surprised me most, was my dedication and ability to work consistently when I have a goal in mind. In addition to being flexible and responsive, my enthusiasm to learn continuously, regardless of the circumstances, has really shown me that my true potential outweighs any external limitations.

Well, if you can make it through 2020, you probably have what it takes to stand you in good stead for the rest of your career.

I think 2020 was the year of resilience and the ability to excel under pressure. It showed me how to deal with unexpected circumstances, to truly reflect on my personal and professional goals and harness my technical skills in order to significantly augment my abilities. I believe these qualities will help me make a substantial impact in any organisation going forward.



Carrie MacKay

### Dylan Theunissen

I am extremely blessed to currently be serving my articles with Webber Wentzel. I am in my first rotation, in the Corporate department.

I aspire to become a successful legal practitioner, with a well-balanced life. This entails being able to flourish in my legal career, without losing sight of my other passions, such as basketball and exercise, nature-exploration and most importantly, spending time with my friends and family. One of my major goals is

**Dylan Theunissen**

to be able to fully support my parents so that they can lead peaceful lives in retirement. Those are my very general medium/long term goals. However, my current mantra is to always live in the present, and soak up as much knowledge, skills and experience as I can from the world-class legal practitioners at Webber Wentzel.

The most challenging part of completing my studies in the midst of the pandemic was facing my final year without having the benefit

of seeing my fellow students and lecturers every day, and having to self-study a lot of the work without in-depth guidance and assistance. The added component of having to work from home, with many distractions, made it really difficult to find the motivation to keep pushing forward at times.

The part I found surprisingly easy was managing my time. Without set lecture and tutorial times, I was able to have a lot more freedom in planning my schedule, which allowed me to incorporate a great work-life balance. This was essential to maintaining my mental health during this time.

I definitely missed the feeling of being at campus. I never had that feeling of being at campus, knowing that it's going to be the last time I attend a lecture, or the last time I get to be around all of my fellow students at the same time. I especially feel like I missed out in terms of my LLB graduation. It would have been lovely to have a physical ceremony, where my parents and girlfriend could attend and see me receive my degree. It is still an honour to have graduated, but I feel like COVID-19 definitely downplayed it.

I learnt that I am much more resilient than I thought. 2020 challenged me in every aspect of my life. I realised that it was completely in my own hands to pull myself through the slump, which I managed to do. I was extremely proud of myself for my reaction to the adverse circumstances which I faced at the time.

My biggest lesson which will continue to serve me was that it is not so much about your circumstances, but rather your attitude and response toward those circumstances that will determine whether you emerge victorious. I learnt that positivity is an indispensable quality through the tough times, and to always remember that pain is only temporary. My mother summed this up, telling me, "this too shall pass".

### **Grant Allison**

I am currently pursuing my LLM in Transnational Criminal Justice at the University of the Western Cape. This LLM is a specialised course which focuses on International Criminal Law and Transitional Justice from an African perspective.

In the next five years, I hope to complete my Masters, clerk at the Constitutional Court, secure articles at a reputable law firm and subsequently be admitted as an attorney. In terms of my long-term goals, I hope to build a sustainable career at a law firm while holding space in the academic realm (something I am very passionate about).

The most difficult aspect of 2020 for me was shifting my physical academic life to one that is virtual. It brought many challenges, as it required a change in my study environment, time management and motivation. Additionally, as we did not have frequent and direct contact with our lecturers, more onus was placed

**Lockdown brought its own set of challenges. However, what I have learnt about myself is that it is easy to get caught up in the hustles of life and that sometimes you need to take a step back, reflect, gain perspective, acquire knowledge and re-centre in order to live a more fulfilled goal-driven life.**

on students to engage and understand the content.

The aspect I found the easiest was the freedom to work on your own terms. As someone whose productivity peaks in the morning and after hours, I was able to adjust my academic schedule to suit those respective peaks, which heightened my productivity.

The conclusion of my degree is something I definitely missed out on. I missed out on sharing a well-deserved graduation with my peers, friends and family. Additionally, as someone who thrives off networking and building relationships, the COVID-19 pandemic has deprived me of this in both the social and professional sense.

Lockdown brought its own set of challenges. However, what I have learnt about myself is that it is easy to get caught up in the hustles of life and that sometimes you need to take a step back, reflect, gain perspective, acquire knowledge and re-centre in order to live a more fulfilled goal-driven life.

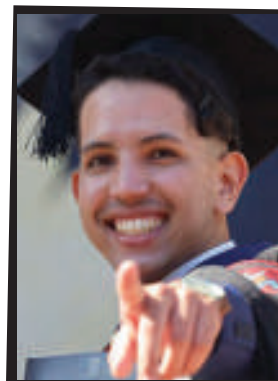
The year 2020 has taught me that everything can change within moments and it will be your ability to adapt that will be the distinguishing factor between your failure and success.

### **Heinz Hartzenberg**

I am pursuing my LLM in Multi Governmental law at the Dullah Omar Institute, UWC. I am employed as a Graduate Lecturing Assistant for the Law of Contract at UWC

Medium term goals include completing my LLM in one year and completing Law school at UCT. Completing one year of articles and being admitted to the Bar as an advocate. In addition, I would like to form an NPO focused on social justice and community work, predominantly aimed at teenagers. Also a focus on making the law accessible and applicable to those on the ground.

Long terms goals include being a respected and well-established lawyer; having my own law firm and serving in the top executive of National or Local government. The main

**Grant Allison****Heinz Hartzenberg**

goal is to become a member of parliament and use my Cape Flats background and law knowledge to advocate for the rights of the people and be a voice for the voiceless. I hope to be an agent of change and provide a platform that invests in the growth of our youth.

COVID-19 was extremely difficult. My entire household tested positive and my father was on his death bed. There were nights where I thought I was going to lose my dad, but I had to complete the assessments which were due and write a major test while taking care of my dad and my family. It was the darkest period of my life; I battled to take care of my dad and ensure my academics did not suffer. Thank God, we all survived and my father lived to see his youngest son graduate *summa cum laude*.

I cannot think of a simple task that was easy during the pandemic other than involving myself in community projects, such as a sanitary towel campaign that I ran as the chair of street law. I guess community work was the easy thing to do.

I definitely missed creating memories with my university friends during our final year. Oh, and I also had to cancel my trip to Bali after saving for a year! Not having a graduation was definitely a really sad thing we missed out on.

I learnt resilience. I defied every obstacle in my way and I exceeded my own dreams by graduating in the top three of my class. I pushed myself and believed in myself like never before.

I will take into my future career that nothing can stop me from achieving my dreams. Not even a pandemic. The word 'no' does not form part of my vocabulary.

### Kylynn Meyer

I have taken a gap year to pursue my dream of travelling the world and experiencing different cultures and people. I will be doing an *au pair* cultural exchange programme in the United States, starting 22 July. I am also obtaining a qualification to teach English as a Foreign Language to children with different native languages.

My five-year plan is to return home in 2022 and start my Practical Vocational Training in 2023. Once I've become an admitted attorney, I plan to work hard at passing the conveyancing exam and achieving my goal of becoming a Conveyancer.

It was very easy to become demotivated while trying to complete final year from the comfort of my home, and while trying to make sense of the scary and unprecedented times we face with the pandemic. Therefore, the most difficult thing was finding a structure and routine that would properly prioritise my studies.



Kylynn Meyer

**I have learnt that before anything else, you have to prioritise your mental health. Reach out to someone, speak about how you are feeling and never be ashamed to ask for help. Your mental health is your greatest investment. This will stand me in good stead in my career.**

The easiest aspect was definitely not having to wake up for an 8am class, not having to sit in traffic and being able to complete the majority of my final year in my pyjamas.

We are missing out on one of the most anticipated days of our university career, which is Graduation Day. I have always envisioned how the day would go: my name being called, walking across the stage and just having a big celebration with family and friends. Now we are having a virtual graduation, which is vastly different! However, still unique and special in its own way.

I learnt that I am stronger than I think.

I have learnt that before anything else, you have to prioritise your mental health. Reach out to someone, speak about how you are feeling and never be ashamed to ask for help. Your mental health is your greatest investment. This will stand me in good stead in my career.

### Layen Petersen

I am serving articles at Cliffe Dekker Hofmeyr Inc.

My current goal/plan is to utilise this opportunity to acquire as much knowledge and experience as possible. Cliffe Dekker Hofmeyr is full of bright attorneys who are passionate about the law and what they do. I hope that continued exposure to this environment will accelerate my growth as a legal practitioner.

The most difficult aspect of completing my studies during COVID-19 was the limited access to resources. Before the pandemic, consultations were interactive and engaging, as they happened in person. Despite efforts to recreate this in an online setting, the personalised nature of the curriculum was lost. The law is filled with complex and nuanced technicalities that often require further explanation. Sometimes this cannot be done over an email. This remote form of learning was introduced in my final year and students had to adapt quickly.



Layen Petersen

**COVID-19 did make other aspects of life much easier. Lectures were recorded and all course material was available online. More importantly, I was saving roughly three hours of travel time per day.**

COVID-19 did make other aspects of life much easier. Lectures were recorded and all course material was available online. More importantly, I was saving roughly three hours of travel time per day.

One of the more notable things I missed out on due to COVID-19 was a graduation ceremony. Now many tertiary institutions are doing this online. Anything that takes four years to achieve is a big deal and I wish we had the opportunity to celebrate our degree together as a class.

I discovered two major things during lockdown. Firstly, I realised importance of human interaction. It is easy to forget this when your weekdays are filled with



scheduled lectures and familiar faces. During lockdown, I discovered that human interaction is enriching and adds so much value to our daily lives. Secondly, I discovered that working from home requires a lot of self-discipline which came quite naturally. I found the added responsibility of managing my own time provided an incentive to work harder.

As a result of the lockdown, I have developed valuable skills in relation to technology. As people begin to discover the advantages of working remotely, reliance on technology will become greater. In times like these, simply being able to effectively use a laptop can go a long way.

## University of the Witwatersrand

Prof. Engela Schlemmer was recently appointed Head of the School of Law. She felt unable to comment, from the perspective of a Dean, on the impact of COVID-19 and its consequential challenges for the Law School.



### Azminah Jhetam

I am serving articles with Bowmans. 'In the short to medium term, I'm looking

to learn as much as possible, whether that's in practice or back in an academic setting.

I'm very lucky to have had access to a reliable internet connection and a stable working environment. I learn so much from my peers, so it was disappointing that online learning reduced student engagement in classes, even when these were live.

The positive aspect to lectures online was being able to wake up at 7:50 for an 8am lecture

Not being on campus means that I missed out on consulting with clients at Wits' Law Clinic.

I learnt that apparently I can keep up with deadlines without regular reminders from my classmates!

I have acquired (the beginnings of) the ability to work independently and consistently, which will stand me in good stead in the future.

### Gabrielle Berkowitz

I am serving articles at Fluxmans Inc. in Rosebank. At the moment, I am in the litigation department dealing with a vast range of matters, working under experienced and highly skilled attorneys.

I think if the pandemic taught me anything, it was that making plans is often not the most productive use of my energy. I am not sure whether I would

call them plans, but I definitely do have a few ideas. Obviously I expect to pass my boards and become admitted as an attorney in the next two years. Aside from that, I would definitely look to studying further, perhaps overseas, and I would like to spend some time in academia. Otherwise, my only real aspiration, that I know is realistic no matter the circumstances, is to improve consistently and to absorb as much knowledge and experience as possible.

The most difficult aspect of completing my LLB last year was without a doubt the abruptness that came with a transition from contact to remote teaching. I had to adapt not only as a student, but also as a tutor for my Property Law and Delict students.

What was surprisingly easy? Staying consistent for sure. I was lucky enough to endure lockdown in an environment which was actually conducive to my learning. Despite the chaos ensuing around myself and my family (and the rest of the world), I never lost sight of my focus to finish my LLB with distinction, something I had been working towards for the past five years. I was also absolutely committed to being an approachable and competent tutor, and I think I did well in maintaining that,

In final year Practical Legal Studies, we are allocated to a department of the Wits Law Clinic, and consult with indigent members of the public once a week. Not getting that experience was probably the biggest disappointment. I also really missed out on building stronger bonds with some of my peers and interacting with my students on a personal level.

During lockdown, while the world was seemingly imploding, I was surprised by my resilience and ability to juggle a multitude of tasks and roles well. I also discovered that the busier I am, the more time I find and the more efficient I become.

Probably becoming comfortable with uncertainty is my take away that will stand me in good stead in my career. The world and our economy are in constant flux and those who rise to the top are those who are able to overcome adversity and easily adapt to change.

### Harshul Mistri

I am currently serving my articles with Werksmans Attorneys, in the Johannesburg office.

The focus of my medium to long term plans is on growth and development. More specifically, in the form of successful completion of my board exams and subsequent retention at Werksmans. Thereafter, I plan to continue adding value to my chosen field of practice and to develop as a legal practitioner. Pursuing a Master's degree is also something that is on the horizon for me.

The most difficult aspect of completing my studies during the COVID-19



Gabrielle Berkowitz



Azminah Jhetam



Harshul Mistri

pandemic was the threat of loadshedding when submitting assessments. Also accepting that I would not be able to spend time with my friends and colleagues in person was isolating (pun unintended), which was difficult for me to reconcile. This notwithstanding the anxiety and uncertainty of the pandemic and its effects on my family, friends and the world at large.

Maintaining my degree of focus and commitment to my work in the online space came quite easily for me. The transition and adjustment to remote online learning and its processes in the virtual space was surprisingly easy.

I missed the opportunity to experience the camaraderie with my friends and colleagues in the final year of our LLB degree. More generally, I missed out on the potential to cultivate and enhance relationships both on and off campus.

During the 2020 lockdown, I learnt that I am capable of adapting to change in a short space of time, without compromising the quality of my work; and that I am able to endure and overcome challenges in the pursuit of my goals.

I have learnt from 2020, the significance of personal, meaningful relationships and the value of people and community. I believe this will enhance the focus of my career and empower me to shape my field of practice into one that adds real value.

I take the lessons I have learnt as reminders to persevere, and I take my accomplishments as reminders of what I am capable of.

### Maria Stathoulis

I have opted to prioritise breadth over depth by investing in a year of self-study, exploring areas of Corporate and Commercial Law that I have not had exposure to, completing an eclectic array of online courses ranging from office productivity to Finance and Investment, and developing computational, analytical, and problem-solving skills.

I intend to obtain a Master of Laws in Commercial and Business Law, and to complete my practical vocational training in the medium term.

The COVID-19 pandemic has taken the challenge of long-term planning in an age of uncertainty to new heights, but I hope to strike an appropriate balance between, on the one hand, pursuing my legal career in the corporate environment and ideally finding my niche within Commercial Law and, on the

other hand, honouring my *pro bono publico* obligations as an officer of the court with the ability to positively contribute towards the materialisation of equal access to justice in South Africa.

What was the most difficult aspect of completing studies during the COVID-19 pandemic? 'When your home environment, a place where all areas of your life merge into one, additionally becomes your lecture and exam venue, the task of compartmentalising academic commitments, and ensuring that assessments receive your undivided attention, is considerably more challenging.

The change in the form of assessments to predominantly open book meant that the nature of the assessments closely simulated a working environment, where the relevant resources are at your disposal for ease of reference and,

consequently, minimised rote learning.

Although the supervisors at the Wits Law Clinic were dedicated to facilitating a valuable experience through Practical Legal Studies, and to minimising the negative consequences of COVID-19 on the Wits Law Clinic, there were certain insurmountable limitations that detracted from my ability to contribute to the Wits Law Clinic in as meaningful a manner as I would have liked to.

During 2020, I learnt that I am open to and see value in exploring a year of self-study as an alternative to either formally furthering my studies or starting practical vocational training immediately after completing my Bachelor of Laws.

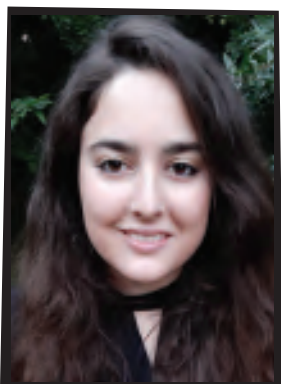
I learnt that the negative impact of unforeseen circumstances can be softened through a willingness to grow and adapt within the bounds of your means and available resources.

### Ruth Kruger

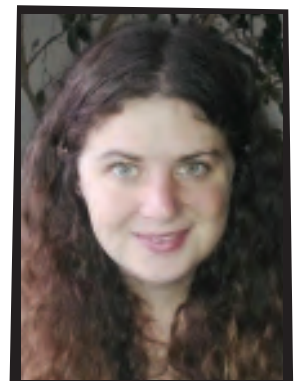
I am currently clerking for Justice Majiedt at the Constitutional Court – and feeling very lucky to have the chance to do so! It's only for a year though, unfortunately, and after that I plan to do my articles, hopefully at a smaller law firm or NGO with a strong focus on fundamental rights. My long-term goal, you see, is to work primarily in human rights and environmental law. I studied sustainability science before my LLB, and I think it would be useful to bring the two together. Ideally, I'd like to be doing that with communities in the Eastern Cape, because it's where I was born, and I love it. I believe that there is a lot of potential there, but quite a few challenges too.

One challenge we could really do without is COVID-19. Finishing my law degree under COVID conditions was rather an experience, I must admit... I think what was most difficult – and saddening – was to lose out on the stimulating discussions in lectures, and regular one-on-one engagements with lecturers and other students. It was also a pity to miss out on the full experience of Practical Legal Studies, as the Wits Law Clinic was closed to the public for much of the year. Having said that, I found that I suddenly had more time and was surprised at how much easier time management became when I didn't have to factor in travelling, and in-person lectures... and time for chatting to friends in the hallways! On the other hand, it became too easy to work too hard, and I had to learn to check myself. I do think that I learnt about balance in 2020, which I'm sure is something that will be useful going forward. That, and how to make pasta from scratch!

But jokes aside, I hope that we can learn from this terrible COVID time, all of us, as a larger society. I hope we can take stock of our development trajectory, and think about what works and what doesn't. Most of all, I hope we can identify the multi-layered inequalities that are so shockingly clear at the moment. I hope we don't just see them now, but also remember them later. I suppose that is my very long-term goal, what I hope to do with my LLB: I want to use the law to get rid of those inequalities, as much as I can. ♦



Maria Stathoulis



Ruth Kruger

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### Required Documentation:

- Motivational letter
- CV
- Academic transcripts
- Matric Certificate
- ID copy

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Once you have registered, applied online and completed the Situational Judgement Test, you will receive an automated email confirming application.

Applicants may direct their queries to  
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**ANDERSEN.**

### Required Documentation:

- Letter of Motivation
- A comprehensive CV
- Academic transcripts
- A copy of your ID document
- Any other supporting documentation

### How to make sure we have received what is sent:

You will receive a notification email confirming receipt of your application. You can submit via the Careers section of our website at <https://za.andersen.com/careers>.

### What Anderson is looking for:

We recruit and nurture exceptional talent and strive to build a collegial workplace that champions innovative thinking. Andersen in South Africa is a hybrid tax advisory and law firm that is part of the Andersen Global international association of legally separate, independent member firms, including 7,000 professionals in upwards of 256 locations worldwide, spanning more than 45 African countries.

Our vision is to build a firm that is not only known for providing world class legal services, but also offers a supportive, collaborative working environment where everyone is respected and has a voice. We encourage leadership, integrity, performance and progress to inform every aspect of our work.



WHO

- 082 708 0090  
 Lindie Saunderson-Meyer  
 lindie.saunderson-meyer@bakermckenzie.com

# Baker McKenzie.

WHAT

**What to send:**

Motivational Letter  
 CV  
 Academic Transcript (University)  
 Matric Certificate  
 Other Certificates of Achievement (where applicable)  
 References (if applicable)

CHECK

**How to make sure we have received what is sent:**

Apply by clicking on a link - applications are automatically received by the recruitment team.

**What Baker McKenzie is looking for:**

We take a holistic view of candidates. We typically look for an all-round student, with a good academic record, supported by an enthusiasm about making a difference as a lawyer. Performance in key subjects is considered. An understanding of the importance of teamwork and collaboration is vital and we look for candidates who will thrive in the Firm's global and diverse network. Another important consideration is a candidate's personal willingness to contribute to society for the greater good, as well as their philanthropic contributions or charity work. We give due consideration to applicants' personal motivation for wanting to join Bakers, their leadership experience in the broadest sense as well as any other significant achievements. Most importantly though, we look for candidates who will thrive in an environment where they act as owners, where they care widely and where talent is nurtured.

EXPECT

WHO

- 011 669 9000  
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 Kasheer Singh: Graduate Recruitment Consultant  
 Reatile Molefe: Graduate Recruitment Administrator  
 graduates@bowmanslaw.com  
 PO Box 785812, Sandton, 2146



# BOWMANS

THE VALUE OF KNOWING

WHAT

**What to send:**

Go to the online application portal on [www.bowmanslaw.com](http://www.bowmanslaw.com), create a profile and submit your application. Please upload copies of your Matric Certificate, ID, latest academic transcript, and a marked legal assignment. Applications are open throughout the year until all available positions are filled.

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The online application system will confirm receipt of your application and keep you informed regarding the progress of your submission via email. You can also view the progress of your application by accessing your profile on the system.

**What Bowmans is looking for:**

We recruit students that are studying towards B.Com (Law); BA (Law) and LLB degrees. We look for well-rounded people with a high level of academic achievement and commercial awareness. Our lawyers are team players who demonstrate the behaviours associated with our firm's values. They show commitment and deliver the highest standards of service. They are optimistic, engaging and enriching. Most importantly, they understand the value of knowing.

EXPECT

WHO

- 011 562 1509 / 011 562 1453  
 Boipelo Mathodlana /  
 Hlumelo Mtanga  
 gradteam@cdhlegal.com  
 Private Bag x40, Benmore, 2010, South Africa



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WHAT

**What to send:**

Visit [www.apply4law.africa](http://www.apply4law.africa)  
 Click apply and have the following documents ready:

- Cover Letter
- CV
- University Academic record
- ID
- Matric

CHECK

**How to make sure we have received what is sent:**

We confirm receipt of applications that are sent through directly to our email [gradteam@cdhlegal.com](mailto:gradteam@cdhlegal.com), for an even more efficient application process we encourage you to visit our graduate microsite [www.apply4law.africa](http://www.apply4law.africa)

**What Cliffe Dekker Hofmeyr is looking for:**

Our CAs must be able to work in a team-based environment, possess good communication skills (written and verbal), be deadline driven and have a positive attitude towards the nature of the work that they are allocated. This will ultimately be determinative of their success in their candidate attorney training period and the beginning of their legal profession in general.

EXPECT

WHO

- 031 536 8500  
 Tania Kooverjey  
 tkoooverjey@coxyeats.co.za  
 P O Box 913, UMHLANGA, 4320



COX | YEATS  
 attorneys

WHAT

**What to send:**

Prospective applicants must apply via our online application system located on the "Careers" page of our website : [www.coxyeats.co.za](http://www.coxyeats.co.za) indicating the year from which they wish to be employed as a candidate attorney.

- The online application must include a short motivation
- Supporting documents must be uploaded as indicated which include:
  - A copy of your identity document
  - A copy of your matric certificate
  - A copy of all your academic transcripts
  - A copy of any relevant degree certificates
  - Reference letters

CHECK

**How to make sure we have received what is sent:**

Online applicants will receive an email confirming that their application has been received. The applicant will receive a further email in due course to advise whether their application is under consideration or whether they have been unsuccessful.

**What Cox Yeats is looking for:**

We are consistently rated as one of the top commercial law firms in the country and are progressively growing. We are looking for ambitious, hard-working and academically excellent candidates who have a commercial aptitude and a passion for law to ensure we are able to continue to provide our clients with service excellence. Our firm focuses on wellness and encourages a good work-life balance and wish to recruit applicants who intend establishing a long term career with the firm.

EXPECT

WHO

- +27 11 269 7600  
 HR department  
 info@ENSafrica.com  
 PO Box 783347, Sandton, 2146

ENSafrica



## What to send:

To apply to complete Practical Vocational Training or to participate in one of our vacation programmes, email graduates@ENSafrica.com and be sure to include the following documents:

- motivational / cover letter
- updated curriculum vitae
- complete academic transcripts
- matric certificate, A-levels or equivalent high school certificate
- a copy of your identity document / passport or equivalent
- one reference letter / testimonial (optional)

Alternatively, use the following link: <https://www.ensafrica.com/trainees/> to complete the application form and upload your documents.

WHAT

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## How to make sure we have received what is sent:

The graduate recruitment team processes a large number of applications. However, all applications receive a response on how we will proceed with the application. Should you wish to contact us regarding your application, please email us using the following email address: graduates@ENSafrica.com

## What ENSafrica is looking for:

We are relentless in our pursuit of committed, passionate and hardworking individuals who are eager to learn, add value and want to make a difference to our firm and clients. We see our candidates becoming exceptional attorneys as they are individuals who continuously strive for excellence. If you are someone who wants to be part of a diverse, dynamic and high performance environment – ENSafrica is the place for you.

EXPECT

WHO

- 011 586 6201  
 Tokologo Moagi  
 tmoagi@fasken.com  
<http://fasken.erecruit.co>  
 Please register and apply directly on Fasken's e-recruit website.  
 P O Box 652057, Benmore, 2010

FASKEN

## What to send:

Motivational letter, CV, copy of ID and transcripts.

WHAT

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## How to make sure we have received what is sent:

Once you have registered and applied, you will receive an automated notification confirming successful registration and/or application. Applicants may direct queries via email to tmoagi@fasken.com

## What Fasken is looking for:

If you want to work for a firm that is dynamic and successful. A firm founded on teamwork that offers you support at every stage of your career. A firm that is not only steeped in tradition but one that keeps an eye on the future in order to be at the front of the pack. A firm that offers a strategic and business-minded approach to the practice of law while encouraging innovation and creativity. Then that firm is Fasken.

Fasken is a leading international business law and litigation firm. We have 10 offices with more than 700 lawyers across Canada, in the UK, Asia and South Africa. Our practice has evolved to include every area of business, industry and government.

We believe in long-term career development, focused on continual personal development and work-life balance. The firm's corporate culture is based on teamwork and commitment to our clients, promoting excellence in everything we do.

Fasken is always looking for motivated individuals to join our ranks. Our global success is due to the quality of the people we employ. We offer one of the best learning environments in the profession, one in which you'll be challenged to grow through a wide range of learning experiences.

EXPECT

WHO

- +27 21 405 7461  
 Anette Rezelman,  
 arezelman@fairbridges.co.za  
 P.O. Box 536, Cape Town, 8000

FAIRBRIDGES WERTHEIM BECKER



## What to send:

- Cover/motivational letter,
- indicate whether you are seeking articles in CT or JHB in the email subject line
- a comprehensive CV,
- certified copy of ID or passport,
- certified copy of matric certificate or equivalent,
- academic transcripts of all completed and current degrees,
- certified copy of your degree certificate (where applicable),
- certificate of good conduct from the Registrar of the University you are attending,
- 2 dated character references or testimonials (not older than 6 months).

## How to make sure we have received what is sent:

Contact Anette Rezelman, HR Manager +27 21 405 7461 or via email as above.

CHECK

## What Fairbridges is looking for:

We are looking for self-motivated applicants who have good interpersonal, leadership and communication skills. The candidates should have a well-rounded personality, very good problem solving skills with the ability to craft practical solutions. A good culture fit with the Firm is very important and the ability to interact with colleagues at all levels. A strong work ethic and the drive to add value wherever one can, are traits we value in the Firm. We look for candidates with the potential to grow and develop into mature and confident professionals.

WHAT

EXPECT

WHO

- +27 (11) 523 6079  
 Lindi Mengezeleli, Head of HR  
 lindi.mengezeleli@lawtonsafrika.com



## What to send:

If you meet our requirements you may apply by sending the following to [graduate@lawtonsafrika.com](mailto:graduate@lawtonsafrika.com)

- Academic transcript
- Matric certificate
- Motivational Letter
- Comprehensive CV
- Certified ID Copy

CHECK

## How to make sure we have received what is sent:

Applicants will receive an email in return

## What Lawtons Africa is looking for:

Currently enrolled or completed an LLB degree at a recognized South African University.

- The applicant must have strong academic with a minimum average of 70%
- Team player – able to work with colleagues effectively and efficiently
- Exceptional written and verbal communication skills
- Ability to demonstrate resourcefulness and work under pressure
- Highest work ethics with a client centric focus

WHAT

EXPECT

WHO



011 685 8500



Layla Akhalwaya –

CA &amp; Graduate Recruitment Business Partner

Norton Rose Fulbright South Africa Inc  
15 Alice Lane, Sandton, 2196, South Africa**NORTON ROSE FULBRIGHT****What to send:**

You will be required to register and complete an online application - [www.nortonrosefulbright.com/za/careers/](http://www.nortonrosefulbright.com/za/careers/)

The following documents need to be uploaded to your profile:

- Copy of your CV
- Copy of your matric certificate
- Copy of your identity document
- Copy of your full academic transcript
- References

**How to make sure we have received what is sent:**

Once all is submitted, you will receive confirmation. Candidates will then be able to track the progress of their application on their dashboards, the system will alert each candidate as they reach the following milestones:

1. Application has been viewed by HR.
2. Application has been shortlisted.
3. Application has been progressed to a first round interview
4. Application has been progressed to a second round interview.
5. Invitation to participate in vacation program is extended.
6. Offer of articles is made.

Invitations to interviews and vacation work program will be sent to the applicant directly from our recruitment team. If a candidate does not progress beyond any particular milestone, we will communicate in writing.

**What Norton Rose Fulbright Inc is looking for:**

We are looking for candidates studying towards B.Com (Law), BA (Law) and LLB/BAccLLB degrees. Prospective CAs should be well-rounded individuals, with a proven record of academic excellence and display an eagerness to learn, absorb knowledge and flourish throughout their two years of articles. We consider those candidates who are passionate about the legal industry, who engage thoughtfully in current affairs, are forward thinking, driven, self-motivated and understand and want to part of the technological disruption within the legal industry. At Norton Rose Fulbright we are more than just lawyers.

WHAT

EXPECT

WHO



012 676 1111



Harold Mdalose or

Fatima Moosa



articles@spoor.com



PO Box 454, Pretoria, 0001

**spoor • fisher**

patents • trade marks • copyright

**What to send:**

- Cover Letter
- A comprehensive CV
- ID document
- Latest Academic Transcript
- Grade 12 / Matric certificate

**How to make sure we have received what is sent:**

Applicants are required to apply through our on-line portal and will receive an automated response confirming receipt of their application.

**What Spoor & Fisher is looking for:**

As a boutique law firm focusing exclusively on the specialist field of Intellectual Property (IP) Law, we look for candidates who have a genuine and demonstrable interest in IP law.

We particularly seek individuals who are academically consistent and have shown commitment to their studies. All-rounders who are able to think outside the box, possess a high achievement orientation and are willing to work hard in an intellectually stimulating and challenging environment will thrive at Spoor & Fisher.

WHAT

EXPECT

WHO



011 646 0006



Bouwer van Niekerk



bouwer@smitsew.co.za



Private Bag 836

Saxonwold

2132

**SMIT SEWGOOLAM  
INCORPORATED**  
attorneys and conveyancers**What to send:**

Motivational letter

CV

Academic transcripts

Copy of ID

**How to make sure we have received what is sent:**

We endeavour to respond to all applications within seven days of receipt thereof.

**What Smit Sewgoolam is looking for:**

We are looking for academically consistent, well-rounded individuals who are eager to learn, work hard and thrive in a diverse firm.

WHAT

EXPECT

WHO



+27 10 612 0368



Pieter van der Merwe



info@vdmalaw.com



PostNet Suite 101, Private Bag x 32, Highveld Park 0169

**What to send:**

- Motivational Letter
- Comprehensive CV
- Academic Transcript and Grade 12/ Matric Certificate
- Copy of Identity Document
- Copy of degree certificates

**How to make sure we have received what is sent:**

An acknowledgment of receipt will be sent to you via email. Only shortlisted candidates will be contacted and invited for an interview.

**What VDMA is looking for:**

VDMA is a focused boutique commercial law firm priding ourselves on the exceptional standard of our unique service offering. VDMA is independently recognized as one of the top tier law firms in South Africa and provides advice to clients from sectors such as financial services, food and agriculture, and renewable energy.

VDMA is looking for a motivated CA to join our team. The candidate must be able to possess good communication skills, be deadline driven and have a positive attitude towards the nature of the work.

We want to recruit and develop people who have the potential to become leading lawyers and contribute to our ongoing growth.

If you understand the power of the law, value integrity and are looking for a working environment where difference is respected, VDMA is the place for you.

WHAT

EXPECT



WHO

+27 11 447 6848  
 Samantha Phillips  
 sam@warburtons.co.za  
 53 Dudley Road, Parkwood, Johannesburg 2193



Warburton Attorneys Inc  
 Environmental Law Specialists

CHECK

#### Required Documentation:

CV  
 Copy of SA ID  
 Matric results  
 Qualifications – LLM and LLB  
 Full academic record  
 Motivational letter

EXPECT

#### What Warburtons is looking for:

We seek to recruit individuals who are enthusiastic and goal driven and who have a demonstrable passion for environmental law. It is our intention to, not only guide successful applicants through the basics of the practice of environmental law, but to deepen their knowledge in our field of operation and to motivate and prepare them to pursue and thrive in a career in this field.

Warburton Attorneys Incorporated is a specialised firm with a team of highly qualified and recognised professionals who create a supportive, challenging and nurturing work environment. Warburton Attorneys represents an outstanding opportunity for suitable, dedicated and hardworking candidates to begin their career in environmental law.

WHO

011 535 8175  
 Shesnee Naidoo –  
 Graduate Manager:  
 Recruitment & Development;  
 Boitshepo Monedi –  
 Graduate Recruitment Consultant  
 graduates@werksmans.com  
 Private Bag 10015, Sandton, 2146



CHECK

#### What to send:

Applications can be made through our website: [www.werksmans.com/graduates](http://www.werksmans.com/graduates).  
 In order to apply, law students will be required to create and complete an online profile, as well as upload a copy of their ID, transcripts and matric certificate.

EXPECT

#### What Werksmans is looking for:

We welcome candidates who have a passion for life, learning, expertise and intellect. We seek students who are academically excellent and who also have interesting personalities and diverse interests. We want to know you beyond your lawyerly mask and for you to be free to explore your interests.

We accept applications from all law students i.e. BA Law, B Com Law, B Acc Law and LLB degrees. Students can apply to us from the second year of a LLB degree or in the final year of an undergraduate degree. If this is you, you can join us either on a Vacation Work Programme or as a Candidate Attorney. These programmes will open up a world of opportunity to work with some of the best legal minds in the country, for the highest calibre of clients.

WHO

011 530 5000  
 The Graduate  
 Recruitment Team  
 Phindile Hlabangane  
 Siyurie Moodley  
 articles@webberwentzel.com  
 PO Box 61771, Marshalltown, Johannesburg, 2107

**WEBBER WENTZEL**

in alliance with > Linklaters

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#### What to send:

To apply, visit the Early Careers page on our website  
[www.webberwentzel.com/Careers/Early-Careers](http://www.webberwentzel.com/Careers/Early-Careers)

You will be required to complete an online application form and upload the following documents:

- Updated academic transcript/s
- Matric certificate or equivalent
- Copy of ID

EXPECT

#### How to make sure we have received what is sent:

You will receive an acknowledgement of your application once submitted and you may visit your profile on the application portal to check on the status of your application.

You may also follow-up via email [articles@webberwentzel.com](mailto:articles@webberwentzel.com)

#### What Webber Wentzel is looking for:

If you understand the power of the law, value integrity and are looking for a working environment where difference is respected, Webber Wentzel should be your law firm of choice.

With over 150 years of experience and industry knowledge, Webber Wentzel is a leading full-service law firm on the African continent. We combine the collective knowledge and experience of our firm to provide clients with seamless, tailored and commercially-minded solutions.

Academic excellence, diligence, curiosity, a desire to learn and to teach, a generosity of spirit as well as the ability to adapt are all key characteristics of our candidates. We seek law graduates who resonate with our values.

WHO

011 341 4000  
 Natlie Rajah – HR and Office Operations Manager  
 Natlie.rajah@whitecase.com  
 Katherine Towers, 1st Floor | 1 Park Lane, Wierda Valley  
 Sandton, Johannesburg, 2196 | Republic of South Africa

**WHITE & CASE**

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#### What to send:

Applications can be sent to our Johannesburg training mailbox which is [johannesburgtrainee@whitecase.com](mailto:johannesburgtrainee@whitecase.com)

Your application must include your cover letter, CV, Academic Transcripts, Identity document and matric certificate.

EXPECT

#### How to make sure we have received your application/s:

You will get an automatic response from the training mailbox when your application is received. Only shortlisted candidates will be contacted for our vacation program and invited for an interview.

#### What White & Case is looking for:

Recruiting talented lawyers is integral to our success. We want to recruit and develop people who have the potential to become leading lawyers and contribute to our ongoing growth.

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