

# Forewords

## **FOREWORD TO THE 2001 EDITION**

The rulings were last updated in May 1989. This edition includes an update of those rulings, and also the updated Constitution of the Society.

The Red Book also incorporates, now for the first time, the fee parameters and important Bar Council resolutions.

J G VAN DER RIET SC  
Chambers  
5 July 2001

**FOREWORD TO THE RULES OF PROFESSIONAL ETHICS**  
**OF THE JOHANNESBURG BAR (MAY 1986 EDITION)**  
**AND TO THE CONSTITUTION**

In 1978 the last edition of the Constitution, Rules and Rulings of the Witwatersrand Division of the Society of Advocates of South Africa was published.

Since then the Uniform Rules of Professional Ethics of the General Council of the Bar have been adopted subject to local rules in relation to applications for silk, procedure in relation to defaulting attorneys and the Legal Resources Centre. In addition, far-reaching changes relating to the two counsel rule and to minimum fees came into operation on 1 May 1986.

At the Annual General Meeting of the Johannesburg Bar on 9 November 1984 a consolidated constitution which incorporated amendments up to that date was approved.

The Bar Council Rulings since 1978 are at present being collated with a view to making them available to members in accessible form.

However, in the interests of members having the Rules of Professional Ethics of the Johannesburg Bar and the Constitution in its amended form readily available, it has been deemed advisable not to delay their publication pending collation of the Bar Council rulings.

A grateful vote of thanks is due to D J B Osborn SC for the considerable time which he has devoted to putting this latest edition of the Rules into an accessible form.

Thanks are also due to van der Riet for attending to the preparation of the consolidated Constitution.

R H ZULMAN SC  
September 1986

**FOREWORD**  
**TO 1978 EDITION**

It is 22 years since the latest edition of the Constitution, Rules and Rulings of the Witwatersrand Division of the Society of Advocates of South Africa ("The Red Book") was published. Since that time some professional rules have been adopted by the General Council of the Bar of South Africa as being of general application, many significant changes in earlier rules have been introduced by the Bar Council and a vast number of detailed rulings in particular situations have been made.

Over a number of years, I. Isaacs QC maintained an annotated "Red Book", which made it possible to trace amended rules and new rulings, and I wish to record the gratitude of the Bar to him for all the time and effort expended in this very helpful operation.

At the request of the Bar Council, I. Isaacs QC and N. Philips QC re-edited the amended parts of the Constitution and the Rules, a task for which we owe them a very grateful vote of thanks.

During the past two years, Chaskalson SC and Zulman have carried out the task of editing and correcting all the Professional Regulations and rulings thereon, and introducing the very many new rulings. This has involved a very great amount of work, and I wish to record our collective gratitude to them as well.

J F COAKER

**PREFACE**  
**TO 1956 EDITION**

Sixteen years have passed since the publication of the last Edition of "The Constitution, Bye-Laws and Rules of the Society of Advocates of South Africa". But since that time the Society of Advocates of South Africa (Witwatersrand Division) has acquired a new constitution of its own and the General Council of the Bar of South Africa has come into existence.

The General Council proposes Rules of Professional Conduct for the members of all Divisions of Societies of Advocates federated to it but each division is at liberty to adopt or reject any such Rule. Our own Society has adopted many of the Rules of Professional Conduct proposed by the General Council as superseding several previous Rules of its own. This book contains the Rules of Professional Conduct applicable to our own Division, incorporating those Rules of the General Council which have been adopted.

This book is therefore a new publication rather than a new edition of a previous book, and its title is a new one.

I was requested by the Johannesburg Bar Council to prepare the Rules and bring them up to date, and I found the work much simplified by reason of preliminary work previously carried out by Messrs. W G Trollip QC and D M Williamson. The classification of Rules which I have adopted with the approval of the Bar Council has been designed to enable members to refer as easily as possible to any particular subject matter. The difference between "Rulings" and "Rules" is that the Rules deal with a subject in general and the Rulings are interpretations given to particular Rules by different Bar Councils.

The Rules and Rulings appearing in this book give the Code of Professional Conduct for members of our Society as at the beginning of June 1956. The Bar Council has by a Ruling passed them as a "declaratory code".

The Constitution of our Society is included.

I. ISAACS

**FOREWORD**  
**TO 1956 EDITION**

The task involved in this publication, particularly in the collation of the rulings of the various Bar Councils through the years, has been considerable. Some time ago W.G. Trollip QC, and D.M. Williamson laid the foundations of the new publication, and more recently I. Isaacs QC, took over the work that they had commenced and, with the care and devotion he has always shown in Bar matters, has completed it. In addition Isaacs has made many valuable suggestions and has been responsible for the preparation of an index and for seeing the publication through the Press. The Bar is indebted to these members.

In the preamble to Canons of Professional Ethics published by the Association of the Bar of the City of New York (1955 edition, page 214) there appears the following passage:

*“No code or set of rules can be framed, which will particularize all the duties of the lawyer in the varying phases of litigation or in all the relations of professional life. The following canons of ethics are adopted by the Association of the Bar of the City of New York as a general guide, yet the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.”*

Mutatis mutandis this statement is respectfully adopted.

I.A. MAISELS