

ALUMNI

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Jaargang 1 # 2:2007

STONEHAGE STUDIE- BEURSE

Stonehage ondersteun reeds sedert 2001 verdienstelike studente van Stellenbosch Universiteit en spesifiek die fakulteit Regsgeleerdheid. Op 13 Desember 2007 het verteenwoordigers van Stonehage en Links SA Trust die fakulteit besoek. Studente wat in 2007 ondersteuning van die Stonehage groep ontvang het was ook by hierdie geleentheid betrokke.

Vanaf 2008 sal Stonehage ook 'n medalje toeken aan 'n finalejaar-LLB student op grond van akademiese voortreflikheid en bewese betrokkenheid by gemeenskapsinteraksie en -opheffing.



Ralph Wichtmann, Daniel Terreblanche (Bestuurder: Private Kliënte, Stonehage Financial Services), Kuda Boyd, Joan Brown (Links SA Trust), Yvette de Witt, Prof GF Lubbe (Dekaan), Eddy Oblowitz (Hoof Uitvoerende Beampte, Stonehage Financial Services), Estee Calitz, Theron van Wyk (Besturende direkteur, TriAlpha Investment Management).

STELLENBOSCH UNIVERSITY STUDENTS RANKED IN TOP 20 IN INTERNATIONAL MOOT COURT COMPETITION

A team of law students from the University of Stellenbosch recently finished in 16th position out of 178 universities in the 14th Annual Willem C Vis International Commercial Arbitration Moot held in Vienna. The team was represented by Chrystal October, Malcolm Ratz, André Pelser and Franziska Myburgh, and coached by Prof Mustaqeem de Gama and Mr Louw Kriegler from the Faculty of Law. This is the University's best result to date following its overall ranking of 25th position in 2005.

The annual Willem C Vis International Commercial Arbitration Moot is the largest of its kind and is aimed at encouraging students to study international commercial law and arbitration, a method of dispute resolution that enjoys marked preference in the international business world, and to apply the knowledge so gained



Prof MM de Gama, Mr L Kriegler, Ms C October, Mr M Ratz, Ms F Myburgh, Mr A Pelser

NUUSBROKKIES

IN MEMORIA:

Prof Frik van Zyl (76) is op Maandag 9 Julie 2007 in Port Elizabeth oorlede. Prof van Zyl het in 1953 sy LLB graad cum laude aan die Universiteit van Stellenbosch verwerf en het ook 'n LLD in Privaatreg in 1981 aan die US voltooi. Hy was die dekaan van die regs fakulteit van die voormalige Universiteit van Port Elizabeth tussen 1972 en 1973 en weer van 1976 tot 1977.

PROF TJAKIE NAUDÉ was a visiting fellow at the Oxford Institute of European and Comparative Law from February 2006 until the end of November 2006, where she conducted comparative research on the statutory control of unfair contract terms. Whilst there, she was invited to address the Oxford Comparative Law Discussion Group on the introduction of unfair terms legislation in South Africa.



She will also present a paper on the introduction of unfair terms legislation in South Africa from a comparative perspective at the International Consumer Law Conference to be held in Cape Town from 11-13 April 2007, where she will disseminate aspects of her research. In addition, she conducted comparative research on the incorporation of standard terms into contracts at Oxford. For this purpose she also visited the Max Planck Institute for Foreign and International Private Law in Hamburg as the guest of Professor Reinhard Zimmermann. Whilst there, she gave a paper to a discussion group at the Institute on incorporation of standard terms under the Unidroit Principles of International Commercial Contracts from a comparative perspective.

PROF JACQUES DU PLESSIS van die Departement Privaatreg en Romeinse reg is in Julie vanjaar, na afloop van 'n internasionale kongres van die World Society of Mixed Jurisdiction Jurists (WSMJJ) in Edinburgh, Skotland, tot vise-president van dié liggaam verkies. Verder is daar ook in 'n uitspraak van Lord Hope of Craighead, House of Lords, *Sempra Metals Limited (formerly Metallgesellschaft Limited) v. Her Majesty's Commissioners of Inland Revenue and another* [2007] UKHL 34, na 'n artikel van Prof du Plessis verwys: "Towards a rational structure of liability for unjustified enrichment: thoughts from two mixed jurisdiction" (2005) 122 SALJ 142).



VISIT TO THE UNIVERSITY OF BOTSWANA, BOTSWANA

The Faculty of Law took part in a short visit to the University of Botswana at the end of April 2007. Other academic environments who also took part in this initiative include the Faculty of Education, African languages, the department of Economics and the Centre for Sustainable Development from Stellenbosch University. This visit was organized by the University's International Office and the main aim of the visit was to establish a personal relationship with our counterparts at the University of Botswana and for the respective vice chancellors to sign a Memo of Understanding. An information session was also held to provide prospective students with the necessary information and application documents. On the final evening of the visit an alumni function was organized which was also attended by Prof Russel Botman and Prof Walter Claassen.

to a concrete problem. In the process, students also gain experience in the techniques of litigation.

The magnitude of the competition is illustrated by the fact that 500 lawyers, advocates, judges and professors worldwide attended the moot this year in order to participate as arbitrators in the oral arguments. The competition started in 1993 with a handful of teams and has grown in popularity in the past few years to such an extent that this year 178 universities from across the world were represented, among them such well-known law schools as the University of Harvard, University of Leyden and Columbia University. More than 1 500 students participated in the event.

The competition consists of three parts. Students are presented with an international business transaction dispute and are required to write memoranda for both the claimant as well as the respondent. After the written memoranda have been submitted teams gather in Vienna where the oral arguments of the teams are adjudicated.

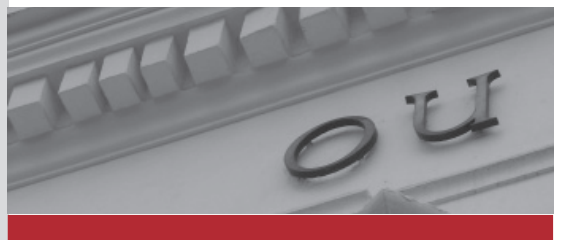
The University of Stellenbosch did remarkably well, considering the quality of universities we argued against, in progressing to the final round of 16 teams, where we were unfortunately eliminated by the University of Victoria, New Zealand. Stellenbosch University's law faculty has been participating in the event since 2001. In 2002 it achieved an honorable mention for the quality of its written memoranda and coached by Prof Mustaqeem de Gama and Mr Louw Kriegler from the Faculty of Law. This is the University's best result to date following its overall ranking of 25th position in 2005.

ALUMNI INLIGTING

Dit is belangrik dat u kontakinligting as alumnus korrek is die Stellenbosch Stigting. Besoek gerus www.matiesalumni.net of kontak **Malena Fourie** by mfour@sun.ac.za.

REÜNIE: LLB KLAS 1978

'n Reünie word beplan vir die LLB Klas van 1978. Vir meer inligting kontak asb **Mnr HP van der Merwe** by hpvdm@borhay.co.za.



COLLOQUIUM OOR VERRYKINGSAA- SPREEKLIKHEID

Die toekoms van verrykingsaanspreeklikheid in die Suid-Afrikaanse reg was die onderwerp van 'n colloquium wat op 27 Oktober in die Ou Hoofgebou gehou is. Dit is georganiseer deur Prof Jacques du Plessis van die Departement Privaatreg aan die Fakulteit Regsgeleerdheid. Sewentien regsgeleerdes, waaronder vyf regters van die Hoogste Hof van Appèl, twee van die Hooggeregshof, asook vooraanstaande navorsers op die gebied, het aan die colloquium deelgeneem.

Die doel van die verrykingsreg is om te bepaal wanneer 'n persoon sonder regsgrond ten koste van 'n ander verryk is, en dus tot teruggawe verplig moet word. Van die temas wat bespreek is was die rol van 'n algemene verrykingsaksie, die verhouding tussen die bestaande verrykingsremedies, en die erkenning van nuwe gevalle van verrykingsaanspreeklikheid op grond van onregmatige optrede.

'n Ongewone kenmerk van die colloquium, wat veral tot die sukses daarvan bygedra het, was die sterk betrokkenheid van lede van die regbank. Dit het daartoe bygedra dat navorsers enersyds 'n kritiese perspektief kon kry op voorstelle ter verbetering van die bestaande reg, en dat die regbank andersyds blootstelling kon kry aan nuwe perspektiewe vanuit die akademie.



Voorste ry: Regter D H van Zyl (Kaapse Hooggeregshof), Regter F D J Brand (Hoogste Hof van Appèl); Prof D P Visser (Universiteit van Kaapstad), Regter R W Nugent (Hoogste Hof van Appèl); Regter L T C Harms (Hoogste Hof van Appèl) Regter D G Scott (Hoogste Hof van Appèl) Regter C H Lewis (Hoogste Hof van Appèl) Prof G F Lubbe (Universiteit van Stellenbosch)
Agterste ry: Prof C-J Pretorius (Universiteit van Suid-Afrika) Prof J E du Plessis (Universiteit van Stellenbosch), Dr G Glover (Rhodes Universiteit) Mnr J-L Serfontein (Universiteit van Witwatersrand), Regter F Malan (Hooggeregshof) Prof J C Sonnekus (Universiteit van Johannesburg), Prof G Pienaar (Noordwes-Universiteit), Prof G T S Eiselen (Universiteit van Suid-Afrika) Prof P O'Brien (Universiteit van Johannesburg)

MOCK TRIAL PREPARES STUDENTS FOR REALITY: TWO PARTICIPANTS FROM STELLENBOSCH UNIVERSITY, FACULTY OF LAW -

Robert Kokozka & Ashley Williams

By Lee-Shay Collison * This article was originally published on page 9 of The Cape Argus on May 29, 2007

Law students from two Cape universities were given the opportunity to put their studies into practice at a mock criminal trial at the Cape High Court on Monday night.

The "moot" court case was part of the justice department's continuing effort to transform the legal profession and legal scholarships. Initiated by Justice Minister Brigitte Mabandla, the event, now in its second year, aims to encourage law students to have a theoretical appreciation of law and to apply it in a practical situation.

*'You don't usually get the opportunity to put what you have learnt into practice before the time'*The "theft" trial, in which three university students were accused of stealing a computer, involved law students from Stellenbosch University and the University of the Western Cape (UWC). The students acted as prosecutors, defence attorneys and witnesses. Cape High Court Judge Ntlupheko James Yekiso acted as presiding officer.

Raphael Masesa, a Masters student in law at UWC, played one of the accused. He said he enjoyed the mock trial. "It was good. You don't usually get the opportunity to put what you have learnt into practice before the time," he said. "This allows you to apply things from a practical point of view and improve on your confidence and public speaking."

Mabandla, local practitioners and students from various high schools attended. "I initiated the moot court case to make law more interactive," said Mabandla. "Justice shouldn't just sit up there. The idea is to make sure it is interactive."

Students were given certificates to show they had participated.

PROF MM LOUBSER ONTVANG TOEKENNINGS

Prof Max Loubser is vir die grootste deel van 2007 met navorsingsverlof en hy werk aan twee projekte. Eerstens skryf hy vir die International Encyclopaedia of Tort Law 'n volume oor die Suid-Afrikaanse deliktereg. Hierdie publikasieprojek van Kluwer-uitgewers beskryf die deliktereg internasionaal, by wyse van 'n reeks volumes. Prof Loubser se tweede projek behels navorsing oor die invoer van skuldlose aanspreeklikheid vir defekte produkte in Suid-Afrika. Skuldlose produkte-aanspreeklikheid word in die vooruitsig gestel deur die wetsontwerp vir verbruikersbeskerming (Consumer Protection Bill 2007) en prof Loubser doen hieroor navorsing in samewerking met 'n kollega van die Universiteit van Edinburgh, Elspeth Reid.



Hulle het in 2006 in 'n artikel in die Stellenbosse Regstydskrif kommentaar gelewer oor die eerste weergawe van die Wetsontwerp en beoog 'n omvattende kommentaar op die wetgewing soos dit uiteindelik aanvaar word. Vir hierdie navorsingsprojek het prof Loubser 'n toekening gekry van die Oppenheimer Memorial Trust, om gedurende September to November 2007 navorsing te doen by die Max Planck Instituut vir Privaatreg in Hamburg en by die Universiteit van Edinburgh. Sy navorsingsprojek oor produkte-aanspreeklikheid het ook in Mei vanjaar belangrike erkenning gekry deur die toekening aan hom van 'n HB en MJ Thom-Beurs deur die Universiteit van Stellenbosch.

US SE REGSHULPKLINIEK 'N LEWENSLYN VIR ARMES

Liezl Scholtz van US Kampusnuus 30/08/2007



Die US Regshulpklyniek het sy deure in 1988 oopgemaak met een prokureur en 'n sekretaresse. Vandag spog hulle met 'n span van sowat 48 personeel wat onder meer 3 toegelate prokureurs, 6 kandidaat-prokureurs, 32 finalejaar- LLB-studente, 2 paralegals en 2 skuldverligting-konsultante insluit.

Die Regshulpklyniek het tot stand gekom uit 'n behoefte wat binne die Regsfakulteit geïdentifiseer is. Finalejaar- LLB-studente moes beter voorberei word vir die praktiese eise wat die beroep aan hulle stel. Parallel hiermee is die Regshulpklyniek ook 'n trotse afdeling van die US se Gemeenskapsdiens Uitreikaksie in die breë.

Finalejaar- LLB-studente doen tans aansoek vir keuring en maksimum 32 studente per jaar werk dan weklíks onder toesig by die Regshulpklyniek waar hulle met kliënte konsulteer en die teorie wat hulle geleer het in die praktyk toepas. Die studente wat hulle praktiese jaar by die Regshulpklyniek doen, voel aanvanklik ontugter deur die aangeleenthede waarby hulle betrokke raak, veral as die sosio-ekonomiese implikasies in aanmerking geneem word. Hulle leer egter baie gou dat professionele optrede die wagwoord is en dat hulle insette 'n besliste verskil kan maak. Baie van hulle het nie voorheen besef hóé 'n skeisaak die gesin, die breë gemeenskap of skoolkinders se vordering kan beïnvloed nie. Die invloed wat die kliënte se probleme op die finalejaarstudent se toekomstige lewensbeskouing het, is verreikend.

Aangesien die Regshulpklyniek as 'n nuwingsgewende organisasie bedryf word, is daar 'n middeletoets wat kliënte moet aflê alvorens hulle vir die dienste by die US Regshulpklyniek kwalifiseer. Tog word niemand sonder meer weggewys nie. As iemand se inkomste te hoog is om vir regshulp te kwalifiseer, word die persoon na een van die prokureursfirmas in die dorp

met wie ons 'n goeie samewerkingsooreenkoms het, verwys.

Tydens die afgelope Vrouedagvieringe waar 'n aantal vroueplaaswerkers deur die Regshulpklyniek bederf is, het die direkteur van die Klyniek, mnr Kruger van der Walt, gesê dat 75% van die Klyniek se kliënte vroue is. "Ons visie hier by die Regshulpklyniek is eerstens om gratis regshulp aan minder-bevoorregte mense te verskaf en tweedens om praktiese opleiding aan finalejaar-regstudente te bied." Die Regshulpklyniek hanteer sowat 3 000 gesinsangeleenthede per jaar waarby ongeveer 17 000 mense betrokke is. Volgens mnr Van der Walt fokus die Klyniek op familiereg soos egskedings (waarvan hulle sowat 30 tot 40 elke maand hanteer), gesinsgeweld en kinderreg. Die US Regshulpklyniek is die enigste in sy soort wat 'n eie voltydse sielkundige berader in sy diens het. Gesinsgeweld en getraumatiseerde kliënte word gratis hanteer en sielkundig bygestaan, sodat hulle die regte keuses in moeilike omstandighede kan neem.

Die Klyniek hanteer ook verblyfreg vir plaaswerkers en staan die meeste plaaswerker-suitsettingsake in die omgewing teen, sê mnr Van der Walt. Verder werk hulle ook met algemene siviele sake soos motorbotsings, geldeise en klein boedels. Volgens mnr Van der Walt het die Regshulpklyniek twee jaar gelede met 'n skuldverligtingsprogram begin wat deur twee gekwalifiseerde beraders aangebied word. Hy sê sedert die nuwe kredietwet in werking getree het, het die getal sake vervierdubbel.

Die dienste wat die US Regshulpklyniek in die Boland-omgewing lewer, is van onskatbare waarde, hetsy opvoedkundig vir sy eie finalejaarstudente, of in diens van die breë gemeenskap wat op regsgebied dikwels niemand het om namens hulle te praat of op te tree nie.

FACULTY OF LAW: LLM PROGRAMME

The general Master of Laws (LLM) programme presented at Stellenbosch, offers a wide variety of modules from which students may choose, including: Law of Trusts, Sectional Titles, Comparative Private Law, Competition Law, Advanced Company Law etc. (For more information visit: <http://law.sun.ac.za>)

Students are required to complete four modules of their choice and to submit a short research paper for the successful completion of this degree programme. The programme is aimed at professionals with a LLB (or equivalent) degree who wish to obtain a further qualification in law and in doing so also attain specialized knowledge in a particular area of the law. The language of instruction for this programme is English and classes will take place in the evenings. Interested individuals are invited to contact the Faculty for more information.

For more information contact:

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