

## NORTH-WEST UNIVERSITY, POTCHEFSTROOM CAMPUS

On 24 May 2017 the degree LLD (honoris causa) was conferred on Alewyn Petrus Joubert. He delivered this speech at the celebratory lunch held after the graduation ceremony. Present were the Professors, the newly capped Doctores, their families and friends.

- [1] Dear Prof van Rensburg, Prof van Niekerk, Prof Visser, Prof Letšosa, Prof Le Roux, Prof Smit, Prof Kotze, Doctores, family and friends:
- [2] This is one of the most gratifying days of my life. Recognition by your peers is always the sweetest accolade for any professional. So much the more when it emanates from a university steeped in a proud tradition of embracing excellence. I am deeply humbled by the honour you have bestowed upon me.
- [3] Congratulations to all the newly capped Doctores assembled here amongst family and friends. This is your day, for your doctoral degree will always rank amongst the great achievements of your lives.
- [4] We have today read and heard many brilliant and interesting CV's, but the true fabric of life often lies hidden away in the in-between lines of a CV – the struggles fought and lost, the demons slain, the disappointments at so many levels and the energy and commitment that made the achievements possible. In each of our lives few know anything of this, except ourselves, our family and our closest friends. We salute you for the contributions you have made to our lives and the effort you have made to be here, some even in frail health, having travelled far.

- [5] First and foremost I am an advocate. My profession has been a source of great pride to me, for it has done so much to cultivate our civilized society. It is a noble profession, founded on skill, work ethic and integrity. Advocates are independent, for it is a referral profession. We may not accept briefs from members of the public, only from attorneys. We do not advertise. We are not permitted to form partnerships. Every advocate, in short, is a stand-alone professional.
- [6] The cab-rank rule obliges advocates to take all cases offered to them. We do not and may not choose our clients; they choose us. Refusal to accept briefs are limited only to counsel's unavailability, conflict of interest or lack of the special skills required in a matter. One cannot refuse a brief for lack of merit or on grounds of morality. The political, religious or moral persuasions of a client are of no consequence. You are bound to accept the brief, regardless. The cab-rank rule is a cornerstone of the advocate's profession: Firstly it affords every litigant the right to have access to any counsel that he or she can afford. Secondly, the cab-rank rule also protects advocates, for they are not tainted by the morality of their client's conduct.
- [7] Advocates are bound by strict rules of ethics founded on honesty and integrity. Based, in a sense, on the notion of the "old school tie" – that is to say, the instinct to do the right thing because it has become so imbedded in the culture of the profession and in the psyche of advocates. It obviously follows that you cannot present a case at court knowing the facts to be false. That would be to make yourself party to perjury for which an advocate would be struck from the roll. That

aside, the highest calling of advocates, so required by their professional rules, is to fearlessly uphold the rights of their clients in the highest traditions of the Bar.

[8] Life at the Bar, despite being so full of risk and without any financial security whatsoever, is a wonderful profession and a great place to make a living. There is little boredom, for every case has new and fresh facts. You are, in a busy practice, more often than not at the coal face of life. I find such an existence exhilarating. One is also surrounded by clever and interesting colleagues. We are briefed by skillful attorneys and often work with brilliant experts from different walks of life. I am thankful that several of them are here to share the day with me.

[9] But life at law is not only serious. It is often filled with humor and lighthearted wisdom. I'll tell you two stories:

[10] Alick Costa, now retired and sitting at my table, has been one of doyens of South African matrimonial law. He loves to tell stories of his hometown Hendrina, in Alick's youth part of the outback of the Eastern Transvaal. As a child he often served behind the counter in his uncle's café. One day a stranger walked into the café to buy a newspaper. Alick says he knew the man was from out-of-town, because he wore a suit. The man bought the newspaper, paid and walked out, but was soon back again, complaining that it was yesterday's newspaper. To which Alick replied: "Meneer, hierdie is Hendrina. As jy vandag se koerant wil hê, moet jy dit môre kom koop."

[11] Charles Stride, also honouring me with his presence, has for several decades been one of the country's most eminent forensic auditors. Right now he is the expert in

five of the trials and applications that I'm involved in. One of Stride's outstanding attributes is that he also has great insight into financial matters, over and above the more narrow world of strict forensic auditing. He was, after all, once economic adviser to the State President. One evening, while packing up to leave chambers for home, I asked Charles: What are the great truths of financial management? He was quick to answer – quoting two great captains of industry with whom he had worked a lot.

[12] The first he gathered from a rather uneducated man who made hundreds of millions of Rand. "People make finance too complicated," said the man. "There is really only one rule – the deposit book must always run ahead of the cheque book."

[13] The second wisdom Stride also got from a very successful businessman, who used to say:

    "Turnover is vanity

    Profit is sanity

    But cashflow is reality."

[14] Advocates are typically the hired hands called in when all other measures have failed to resolve an issue. Quintessentially, we earn our daily bread dealing with the pathology of relationships and life in general. It is a profession not well-suited to the meek and the faint-hearted. I am attracted to such a life, but I always knew that it would never be quite enough for me, for I find inspiration in the physiology of life, that is to say in healthy endeavours and creativity. It was this desire, I think, that drew me to education, farming and landscape-architecture in the first place.

- [15] For the past 16 years or so prof. Ben Farrell (formerly the head of the Department of Landscape Architecture at Pretoria University) and I have spent hundreds of hours debating, dreaming, planning and scheming to transform the farms at Stilbaai into something that is somewhat out of the ordinary. Ben's contribution to this pleasure of my life has been invaluable.
- [16] For the opportunity to teach all these years, I owe a huge debt of gratitude to this university and its faculty of law.
- [17] We all know that a civilized society needs doctors and auditors, engineers, scientists, bankers, educationalists, captains of industry and others to function well. However, the imperative of a well-functioning, reliable, clean legal system has all too often been overlooked, or not given due weight. Without the law no-one will be able to enter into a contract of any kind. No-one will be able to buy a car or a house, for no credit will be granted without the bank having protection of the law. There could be no transfer of property, no inheritance will be protected and no unlawful conduct will be visited with legal sanction. No copyright or patent will be recognized or protected. Companies could not be registered and limited liability honoured. Worse still, no-one would be able to walk the streets without fearing assault or unlawful arrest. Such a world would be, in short, uncivilized at the most basic level. None of us would want to live in it.
- [18] South Africa has a long and proud tradition of an independent and competent judiciary. The judiciary was once hampered by the principle of the supremacy of Parliament, but the Bill of Rights in our new constitution has given the Bench

extensive powers to reach much further than before. We all have, especially in the recent past, seen the fruits thereof.

- [19] A brutally independent and courageous judiciary, bar and side-bar have fearlessly guarded our Constitution and have been standing tall against the excesses of a corrupt executive. They have done the country proud and all of us can draw courage from that.
- [20] Success in life generally starts with **talent** – that cocktail of genetics for which we all have to thank our parents. It may be intelligence, or the gift of music, or the ability to run fast or play with a ball. Tragically, many talents have slipped by undetected or undeveloped.
- [21] Secondly, talent **must be developed and nurtured into skills**. That function lies especially with family, schools and universities. To develop skills and thus enable people is a noble calling.
- [22] But mostly, at this juncture, there is still only the promise of possible success lurking somewhere in the future. The ignition of this potential is **energy**, a work ethic if you wish. Lazy people rarely succeed at anything.
- [23] However, poorly channeled energy seldom leads to achievements of note either. Energy must be **focused**.
- [24] All of that may still not be enough. More often than not, **perseverance** is critical for success. Lack of resolve to finish what you have started has caused the floundering of many careers. “Jy moet die doringdraad kan deurbyt.”

- [25] Lastly, one often needs a bit of **luck** – some would call it fate, others God's will. Some luck may be obvious, such as good health; other more subtle, like quite fortuitously being at the right place at the right time.
- [26] My alert mother is almost 93 years old. Nonetheless, she made the journey all the way from Ceres to share in my joy. I have learned so much from her and my father, from my siblings and from my two sons. Also from my friends. We are all the product of such influences. As I dedicate these values of life to my mother and all others mentioned, I'll do so in my mother tongue:
- [27] "**Streef uitnemendheid na.** Daar lê tog geen toekoms daarin om standarde te verlaag en om van gemiddeldheid 'n deug te probeer maak nie. Daarvan is daar reeds veels te veel in ons wêreld.
- [28] Om **groot te droom is opwindend en aansteeklik.** Gee vleuels aan jou ambisies en aan jou drome. Selfs al word ambisieuse doelwitte nie bereik nie, is die blote poging om dit te verwesentlik 'n groot vreugde in 'n mens se lewe. Die lewe is per slot van sake 'n reis en nie 'n bestemming nie.
- [29] Moet nooit voor **uitdagings** terugdeins nie, hardloop hulle eerder tegemoet.
- [30] Dien **jou land en sy mense.** Wees trots op jou taal en kultuur en vereer die goeie uit die verlede.
- [31] Skud **geestesarmoede af** en stry ongenaakbaar teen onkunde.
- [32] **Sê onreg en vooroordeel die stryd aan** en streef met fokus en energie die goeie na.

- [33] **Omhels die lewe** en stry teen swartgalligheid.
- [34] **Wees 'n ordentlike mens.**"
- [35] In conclusion I wish to say this to our celebrated Doctores: You are all gifted with exceptional intelligence and have shown great resolve to complete the arduous journey required to obtain a doctorate. You are standing at the threshold of life and I have no doubt that you are earmarked for great service to your family, your community and your country.
- [36] We all wish you well. Live your lives with focused energy and perseverance. You have a valuable future. Embrace it.
- [37] I thank you all.
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