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SOUTH AFRICAN JUDICIAL EDUCATION JOURNAL

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TRIBUTE TO AKHO NTANJANA



Why should young and promising eagles suddenly perish and be taken away from us forever? I am gutted and unable to understand why.

Akho Ntanjana was on a meteoric rise – he was excelling in his career and slowly transforming into a trailblazer in his own unique way. He was a quiet, focused, forward looking young man and destined to reach great heights.

Akho worked tirelessly on the accreditation of this journal by the Department of Higher Education and Training – a long and arduous process. The receipt of the accreditation letter made him smile – he was relieved and fulfilled when he achieved his objective. He reminded us all that the real work was about to begin to maintain the accreditation.

Akho will be sorely missed by his SAJEI colleagues, the SAJEI Editorial Board members, the authors, the JUTA team and, more specifically, by his mother, wife, and siblings. May his soul rest in peace and rise in glory.

DR GOMOLEMO MOSHOEU

Production editor

Well done, Akho!

You have run your race; now, it is for us to take the baton
and continue on your well-defined route.

Thank you for being our guiding light.

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The *South African Judicial Education Journal* is published by the South African Judicial Education Institute (SAJEI), Office of the Chief Justice. The mandate of SAJEI is to provide judicial education to aspiring and serving Judicial Officers in order to enhance judicial accountability and transformation of the Judiciary.

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GREAT REFLECTIONS IN CELEBRATION OF 100 YEARS OF WOMEN IN LAW

100 YEARS OF WOMEN IN LAW IN SOUTH AFRICA – A CENTURY OF (SLOW) PROGRESS AND CHANGE FOR WOMEN IN THE PRACTICE OF LAW

ADV SESI BALOYI (SC)

Advocate of the High Court of South Africa

I first happened to the practice of law as a candidate attorney in 1995 when only about 15% of attorneys and advocates were women and fewer than 5% held senior positions in law firms and legal institutions. My employer's law firm was owned by two dynamic no-nonsense women who weirdly, however, had a strict policy of no trousers at work. These women were not prudes, not in any way conservative or traditionalists. In fact, they challenged the norm, except the pants thing, which did not make sense. Perhaps they were realistic about the many hurdles and hoops women in law faced and thought one less to deal with meant more time to focus on lawyering and being the best one could be in the circumstances.

When I started in 1995, my daughter also started grade 1. I was fortunate enough that my life partner, at the time himself starting out as a candidate attorney, was a hands-on dad to our daughter and therefore equally shared the struggles of juggling starting a career in law and being a present parent, partner and social being in general. Among others, we shared the responsibility of drop-off at and pick-up from school, which was nowhere near where we both worked and as a result we were often late for work and pick-up. Needless to say, we were regularly in trouble with our respective Principals for being late at work, or with the aftercare teacher (and said daughter) for late pick-ups.

At least, unlike my partner, I was spared the sexist, patriarchal and privileged view of my partner's Principal, a balding white male director feared in the firm, who, in exasperation for the often late arrival at work of my candidate attorney partner at work, shared his opinion that I, as the wife, must drop-off and pick-up said daughter, just as the Principal's wife did, to which my brave candidate attorney partner answered, 'my wife is a professional just like you and me' (at least that is what he reported to me and I believed him

because he beamed with genuine pride when he recounted this). Even for said Neanderthal, there was no comeback to this very logical and truthful answer. I suppose said Principal could have offered his wife to assist with our daughter or pay for a driver to do this, or on a serious note, saw and took the opportunity to instigate within his firm practical provision to support staff with small children whose wives had to work. But, it was 1995, and I guess not long enough since the Legal Practitioners Act 7 of 1923 was passed, recognising women as persons possessing the physiological and mental ability to meet the demands of practising law. Of course, the baseless assumption in this regrettable and deeply offensive view about women in law is still very much alive albeit in more sophisticated nuances, ask any female, especially black female, practitioner.

It is true that much has changed since that choppy start to my life as a legal practitioner. It is no lie that those of us who came into the practice of law from 1995 onwards, whilst we did not have a smooth ride, and still do not, we had it easier than the pioneers such as Ms Constance Mary Hall; Ms Desiree Finca; Ms Cissy Gool; my two principals Ms Priscilla Jana; Judge Kathy Satchwell; Mrs Victoria Mxenge and Advocate Khomotso Moroka SC, to mention but a few of those who started the journey to normalise the presence of women and those who look like me in the practice of law. Thank you to these women, our *masupatsila* (trailblazers), and to government's action to lessen the barriers to entry into legal practice, thereby transforming the profession.

The face of the profession has changed dramatically with female law graduates surpassing their male counterparts and more entering the profession every year – unlike in 1995 when I started motion court. Where I practice there is a fair representation of female practitioners on any one day and it is said that in 2025 women constitute nearly 50% of the legal profession. And yet many in practice get lost to the profession because it continues to be a (white) man's world with very little support for female practitioners, including in the quality and quantity of work that comes their way. They do not leave the practice of law for big salaries and big cars, as is often the dismissive excuse for failure to meaningfully transform the profession – but because they become exhausted by the everyday struggle and sacrifices to survive and thrive in a still stubbornly untransformed environment which refuses to recognise that they are no lesser and are equal to the task. They do not leave out of choice.

The time is now upon us to focus on retaining female practitioners in the profession, removing the hurdles responsible for high attrition rates and to demand from both government and the private sector to publicly and meaningfully account for their part in retaining female practitioners in the profession. Account not just for the numbers and rands, but the quality of work distributed.

Still, there is lots to celebrate and be proud of. For the first time, we have a female Chief Justice, Chief Justice Mandisa Maya, and President of the Supreme Court of Appeal, President Mahube Molemela. Our High Courts are increasingly headed by female Judge Presidents and the overall face of the Bench is increasingly female. The Magistracy similarly reflects a continuing increase of female presence – and they are fierce on the Bench and in their judgments. The rest of us continue with the struggle to assert our rightful place in the profession and show that we are equal to even the most complex of matters of law and we do so because we know the unspoken word of doubt when we open our mouths to speak in new company for the first time. The existence of the many women lawyers' organisations and support networks is testament that the struggle continues 100 years on. I am proud to be a beneficiary of the struggles of those who came before me and who made the struggle a little lighter for me and I hope that I have done the same for those who came after me. Those who enter the profession today must admit that, hard as it still is, those who preceded us made the space gentler.

ALUTA CONTINUA