

# Editorial

---

The De Jure editorial board has the pleasure of presenting the second volume of 2011. This volume joins the first on the journal's open access website which is set to be a true asset to legal research. With its effective search function and well organised layout, the website embodies the essence of the open access environment. This essence is exquisitely described by Jason B Jones who states that "because ideas complete, rather than compete with, one another, creativity and innovation ferment most noticeably when ideas are allowed to circulate openly and freely."

The editorial board extends its congratulations to Prof Frans Viljoen, who earlier this year delivered his inaugural address as the Director of the Centre for Human Rights. De Jure is also pleased to feature an article taken from Prof Viljoen's thought provoking address on international human rights law and the role of human rights education.

It is a disappointment that throughout 2011, cases of misconduct amongst legal professionals have regularly gained attention in the media. Following an investigation by the bar's ethics committee ... six advocates were struck from the roll and seven more were suspended for double briefing and overreaching. Millions owing to the Road Accident Fund and the sheer number of lawyers involved have led to the image of the legal profession being severely undermined. Questions of professional regulation and ethics have been raised in the minds of legal practitioners and everyday citizens alike. But it seems that unethical behaviour in the legal profession is, unfortunately, not a new phenomenon. Liezel Wildenboer provides an historical look at these questions in her extensively researched article on the history of the legal profession in the *Zuid-Afrikaansche Republiek*, a history which includes incidents of misconduct and overcharging.

The submissions contained in this volume cover a variety of subjects, but have in common that they are all highly relevant in today's legal arena. Amongst others, the submissions address a wide variety of issues on commercial law matters in the form of both articles and case notes. Readers also have the benefit of two case notes providing two distinct perspectives on the Constitutional Court's ruling regarding the infamous case of *The Citizen v Mc Bride*.

*De Jure* has the pleasure of welcoming Prof André Boraine as Dean of the Faculty of Law at the University of Pretoria and congratulating him on his appointment. Prof Boraine joined the the Department of Mercantile Law at the University of Pretoria in 1985 and served as Head of the Department of Procedural Law between 1999 and 2010. He has contributed extensively to legal research in the fields of insolvency law and civil procedure, amongst others. Prof Boraine has also contributed to this volume and we trust that the pressures of the job will not prevent him from contributing in future. We wish him all the best in his important new position.

**Clare-Alice Smith**  
**ASSISTANT EDITOR**

