

SABWiL Founder, Adv. Ayesha Tiry, is lauded in the BLAsc a Luta Continua publication, August 2016 edition, in celebration of Woman's Month

Adv. Ayesha, SABWiL Founder

Igama lamakhosikazi malibongwe! And let the name of women be praised!

I hail from Port Elizabeth, Eastern Cape, the land of Tata Madiba. I matriculated from Theodor Herzl High in 1993 with A passes for Higher Grade Mathematics and Biology. I missed an end aggregate A, as I chose French as a final year subject albeit that I only started the subject in grade 10, with no regret as now I can say '*Je voudrais un te si vous plait*' if I am again in Paris. Mathematics was a passion and I secretly wished to be a mathematics lecturer. I then studied for two degrees at the Nelson Mandela Metropolitan University (NMMU) for five years as a full-time student. I first completed a B.Comm degree with majors in Private Law and Economics and then pursued a two year LLB degree.

My dad is late since 5 November 2012. He lived a full life as an entrepreneur, politician and father. He was always an activist for Dignity, Equality and Freedom. Later, in 1994, he was elected as a Member of Parliament and served in the first democratic election under Tata Madiba. He also served as a Councillor in the Nelson Mandela Bay Municipality. On 15 August 2014 a tree was planted beside a stone inscribed in his honour in the Garden of Remembrance, near the Donkin Reserve Monument, Port Elizabeth. He died a wise Being with great humility. My mother is a second-to-none mother of five and a retired foundation phase teacher and entrepreneur. She is a wise and constant support who provides unconditional love.

I was in primary school when my dad took us to the public pool for 'Whites only'. The sign read 'no dogs and Blacks allowed' yet my dad said to swim in the pool and we did. The security guards arrived to chase us out. We left. As I walked out of the gate I carried my dad's gun secretly in a towel. This childhood with an activist father in an apartheid era steered me into law. It is my life's call to fight for Dignity, Equal Opportunity and Freedom and stand against the universal enemies of Poverty, Disease and Oppression.

In matric I opened the telephone book and called an advocate in Johannesburg to ask him many, many questions about being a lawyer. He then suggested I contact his colleague in Port Elizabeth and I did. The Port Elizabeth counsel met with me in his chambers and showed me what he did daily and, consequently, I registered as a BComm. LLB student in 1994.

At university I was involved in many of the activities such as ballroom dancing and voter's education under Black Sash. I even participated in the modelling show.

In 1995 and 1996, my last BComm years, I registered as a part time student at Port Elizabeth Technicon for the National Certificate in Information Technology (NCIT). Technology was new at the time and I wanted to know all that I could about it. I even wrote COBOL and Pascal programmes, albeit elementary.

One of the lesson's I value and apply daily I learnt in my Economics course. It is about opportunity costs. Opportunity costs differ from accounting profit and loss as an opportunity cost is '*the cost of foregoing the best next option*'. I have always and still do apply this cost analysis when exercising choices. What is the next best option and what is the cost of foregoing this option? For example, if I had a voluntary training workshop invitation and I declined to stay home and lie in, what is the cost of not attending the workshop? The cost may include loss in valuable training knowledge, the loss of meeting those in an industry that I enjoy and who can facilitate my growth into a better Advocate. All choices have opportunity costs. Staying home and vegging may be great in the short term but is it worth the cost? I choose that which adds to my evolution whenever I can bearing in mind that at times we require rest. Rest is critical as we rejuvenate and assimilate our learnings in this phase.

As a student in my first year I sought out attorneys that would allow me to work with them during vacation time. I offered to work in exchange for being taught. Port Elizabeth attorney Harry Lamprecht took me in and I worked with him for most of the five years as a student albeit only in the vacation time. He was kind and voluntarily paid me. He set aside time and took a clear interest in teaching me about the law and answering my questions. I remember him saying 'The law is logic'. He allowed me to prepare and consult with estate agents on property contracts in between answering the phones and filing. Students need those of us with the skills to share their knowledge and so pave the future.

I also squeezed in vacation work at Price Soni Attorneys as a receptionist for two weeks. I met NMU current Dean of Law at this firm as he, too, was on vacation work at the time. In 1997 I participated in the student vacation programme hosted by the then Edward Nathan and Friedman. I also tutored Commercial Law 101. All this exposure to law influenced my elections on the way forward.

In 1999 I worked for judges as a clerk. First, I clerked for Frabricius J, who was a Senior Counsel acting as a Judge at the time, in the Gauteng Division. I was with Judge Fabricius for

a month in Motion Court. I then clerked with Judge D. le Roux in Circuit Courts in Potchefstroom and Klerksdorp when I filled in for Judge le Roux's clerk who was on study leave. Finally, I was an associate in the Labour Courts of Braamfontein, Durban and Port Elizabeth for about five months with Judge A.A. Landman. I used these opportunities to learn and asked the learned Judges many questions. I am grateful for experience. I was also able to observe counsel in court and work closely with learned Judges. Judge Landman handed me his book 'Technique in Litigation' by Morris to read and even asked me to draft a judgment as a learning experience! Ever since, I respect and understand the skill it takes to write judgments. My passion for the advocacy was kindled.

Thus, in 1999 I rushed off to submit my application for pupillage at the Johannesburg Bar. I took a pupil-advocate loan from Standard Bank in January 2000. My degrees were all that the bank required to approve the R25'000 loan. I settled this debt in June 2002. I required the financial assistance as I was paying personal and business expenses without any guarantee of an income.

On 28 March 2000 I was admitted as an Advocate of the High Court of South Africa and signed the book as a member of the Johannesburg Bar on 3 July 2000 after passing the Bar examination set by the General Council of the Bar and fulfilling the practical requirements. At that time the pupillage period was six months whilst now it is a year.

I also practiced as a founding member of Thulamela Group of Advocates which is led by Chair Adv. P. Mokoena SC. Gender and racial transformation of the advocacy landscape and junior development are intrinsic to my values borne out by the period of my membership in Advocates for Transformation (AFT). I support the transformation objectives of the Black Lawyers Association (BLA) and National Association of Democratic Lawyers (Nadel) which are consistent with the founding values of our Constitution and remain in dialogue with BLA's senior leader attorney Busani Mabunda and Nadel's senior leader Adv. Gcina Malindi SC.

I appear in all the High Courts in South Africa and argue in motion and appeal courts and litigate in trial courts. Around 2001 I sat as an assessor with Acting Judge Shakanovsky and Judge Mailula in criminal courts. I argued my first civil appeal in the Gauteng Division on 25 May 2001. I have argued four criminal appeals in my career and litigate extensively in civil matters. I have argued several appeals on property, contract, employment and personal injury disputes. I argued my first reportable appeal in the Supreme Court of Appeal in February 2004 which concerned issues of property rights and a nominee holder. In 2008 I was appointed as a Small Claims Commissioner albeit that I no longer hold this appointment. I have acted as a *Curatrix ad Litem* on many occasions. In 2012 I voluntarily assisted in training grade 9 pupils on the fundamentals of our Constitution at the Constitutional Court. I have appeared in our Equality Court.

From October 2005 until October 2006 I served as a member of the Johannesburg Bar Council. I was nominated for this role by my peers when the Johannesburg Bar was in a leadership crisis. I served on the Johannesburg Bar's Transformation Committee in the aforesaid period. In 2007 I served on the Women at the Bar sub-committee. For the 2009 to 2010 period I served on both the Library and Liaison sub-committees. I also served on the Professional Committee from November 2010 to May 2011.

During my career I have mentored four pupils, those being, Adv. N. Adam in 2006, Adv. N. Motala in 2007, Adv. and Dr. R Latib in 2009 and Adv. H. Mutenga in 2012. All four of my former pupils passed without orals with two being awarded prizes from the Johannesburg Bar for being the top achieving pupil in their year. They are practising advocates of the High Court of South Africa ever since.

I am a yoga lover. To dance a different melody I sometimes swim. I find yoga and swimming quite restorative. Recently I manifest a love for meditation. Meditation leads to such a place of peace and is a wonderful way to process. I am interested in developing as an artist and need to make the time for this luxury. Since Economics 101 I observe the market and enjoy studying the trends of the economy. I action my opinions on the stock market and consider myself a value investor. My other passion is traveling. My dad always said: *'Traveling is the University of Life.'* I know that each time I embark upon a travel adventure he is smiling wherever he rests. Traveling is a wonderful way to leave a comfort zone, challenge our beliefs and stretch the mind. As Einstein said or words to this effect: *'Man's mind stretched never reverts to its former dimension.'* I also love spas and delight in massage treats.

On 14 February 2016 I launched SABWiL (South African Black Women in Law) as a Consciousness Movement. SABWiL is founded on Dignity, Equality and Freedom infusing the philosophies of Ubuntu and Zenzele. We celebrate South Africa, Blacks, Women and Law. To join our SABWiL conversation link up on our various social media platforms. Subscribe to your SABWiL YouTube Channel. We are a respectful, international and public platform that welcome those who subscribe to our values. We pioneered the SABWiL Human Rights Court and SABWiL Shadowing. Thulamela Chambers hosted a SABWiL initiative in association with KPMG on Technology Assisted Review (T.A.R). T.A.R has yet to be endorsed by South African Courts. The T.A.R workshop was interactive and attended by practising advocates to ensure that our advocates are better equipped in dealing with electronic evidence in our Courts. This is for the benefit of Lady Justice.

SABWiL keeps me busy in my spare time as do my amazingly supportive friends and family. I believe being around people that love me true is the best place in the World to be. I

aspire to contribute to the changing landscape of our beautiful country so that we all have equal opportunity as we stand with dignity, free.

Vukuzenzele! ‘Stand up and do it for yourselves!’

Ubuntu.

Adv. Ayesha

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