

Mosh Tulare

LRC Oral History Project

12 August 2008

Int This is an interview with Mosh Tulare and its 12th of August (2008). Mosh on behalf of SALS Foundation in the United States, we really want to thank for agreeing to participate in the LRC Oral History Project.

MT Thank you for inviting me.

Int I wondered if we could start the interview...if you could about your early childhood memories, growing under apartheid and where you think your sense of social justice and injustice developed?

MT I was born in Polokwane, I grew up in Polokwane, I don't know what to say....

Int Of course, tell me about Polokwane, is it is a rural area or what kind of area is it?

MT It is a township.

Int Where is it?

MT It is in Pietersburg, what was known as Pietersburg, they moved the township, it is (inaudible).

Int Right, okay. And then in terms of after that going to school what were some of the challenges and difficulties growing up in that area?

MT Bantu education. We were exposed to Bantu education and it was a difficult period of time.

Int This was the 1970s?

MT 1970s. I started schooling in 1974.

Int Okay, so you were very young when the 1976 riots happened.

MT Yes, I was very young. I was in Standard One at the time.

Int Did you understand what apartheid was and how did you understand it?

MT We were moved from, we were originally staying at a place near Polokwane. We were moved, forcibly removed to (inaudible) in 1969, I think it was. Poverty was rife. I come from a poor family...

Int So, you were forcibly removed...

MT Yes, we were forcibly removed to (inaudible)...

Int And what did your parents tell you about being forcibly removed?

MT They didn't talk about it much. Ja, they didn't talk about it much. They were accepting people, they accepted their lot.

Int Right. So you went to high school, where did you go?

MT I went to Hyso High School.

Int Right and then when you finished off?

MT I finished there and I went to Wits. I did a BA and an LLB at Wits, yes.

Int Okay and when you were at Wits, did you take the Practical Legal Studies Course.

MT Yes, I took that, there was a rural option. We went to...whats that place name? It will come to me just now. It is a rural area in Mpumalanga. Bushbuck Ridge. Wits had a rural facility there. They had...

Int An advice centre?

MT Like an advice centre. We would interview clients under a tree on a Saturday morning, all day.

Int And how did you get to know about the Legal Resources Centre?

MT I got to know about it when I was still at Wits. I think we had a talk by someone, who was at the Legal Resources Centre, who was at Wits.

Int Do you remember who that was?

MT I don't remember, it was a long time.

- Int Sure, of course. And then what made you decide there to be a Fellow?
- MT I was looking for Articles and....
- Int It was difficult?
- MT It was difficult to get into white law firms. The Legal Resources Centre, offered, 1992, was the first that it offered Articles of Clerkship and I applied there in 1991. I was accepted. I worked whilst I was at university for an advice centre, called City Advice Centre, they did para-legal work. I was also exposed to the Legal Resources Centre, through that city advice centre, because we refer clients who needed attorneys to the Legal Resources Centre.
- Int So, when you got the Fellowship in 1992, what happened in terms of who was your principal and who were the other Fellows? What aspects of Public Interest Law did you work on in terms of rotation?
- MT My principal was Jacob Francis (Ellem or Jakes).
- Int Ellem Francis?
- MT Ellem Francis. I worked with Diane Terreblanche for six months, then I rotated to Jacob Francis for the last six months. And I was lucky I got, I got a section of my Articles to go to Webber Wentzel and Bowens. In 1993, I ceded my Articles to Bowens and Bowens to get commercial exposure.
- Int So when you worked at the LRC, Diane Terreblanche was the first six months, what public interest law work did you do?
- MT We did a lot of consumer issues. One case I remember was of a woman who had to sue the hospital, because she was stopped from giving birth. The nurse had blocked the child's passage. The child died as a result. The reason was death. The nurse was waiting for the doctor. Apparently, if the patient arrived before the doctor arrived, the doctor would not get his fee.
- Int What was the outcome of the case?
- MT I don't know. We started it in 1992, it would have been finalized later. We also did Land Claims.
- Int What were some of the community Land Claims that you worked on?

MT We did land claim for (inaudible) Shaba, a community... not land claim. It was a squatter camp that had been demolished.

Int So, forced evictions?

MT Forced evictions by the QwaQwa police. We did the case there.

Int Right. And then working with Ellem Francis, what did you do?

MT We did police damages claims and Labour Law matters.

Int I am wondering how do you think the Legal Resources Centre, how did it equip you for the type of work, you wanted to do afterwards, do you think?

MT I was lucky because we worked with advocates, the likes of George Bizos, Arthur Chaskalson was there. It equipped me by giving research skills, I developed very strong research skills, whilst I was at the Legal Resources Centre and I did appearances at court, mainly for applications.

Int Right.

MT Yes.

Int And then subsequently, you went off to Webber Wentzel?

MT Went off to Weber Wentzel. I did my Articles, after completion of my Articles. I became a PA. A professional assistant. Now they are called Associates, I believe. I then left a year after that, to start my own firm with a few friends.

Int Oh, right. In Johannesburg?

MT In Johannesburg

Int Right, what was it called?

MT It was Pooe, Tulare, Nzimande attorneys. We ran the firm for about nine months. It dissolved, I went back to Webber Wentzel, I was promoted through the ranks of Webber Wentzel until I was made their first equity partner, black equity partner in 2000.

Int And then, did you stay on or...?

- MT I stayed on for...until 2005. I had a burnout.
- Int You had a burnout?
- MT Ja, I had a burnout. I had to take a break from Legal Practice and after that, I joined the Competition Commission.
- Int Right. What does the Competition Commission do?
- MT We evaluate mergers and acquisitions. We look for, whether mergers are, will affect competition, the economy. Regulate dominance of firms in the economy.
- Int Interesting. Coming back to the Legal Resources Centre...working with Diane Terreblanche, working with Ellem Francis, what was your experience. Some people would say that Ellem Francis was very strict but very good. I am wondering what your experiences were?
- MT He was very strict but good as you say. I learned a lot under him. That's where I developed my research skills, mainly.
- Int And what about working with Diane Terreblanche? What was that like?
- MT Diane (Terreblanche) was also strict, but she was a very friendly boss. It was easy to get along with her. She ran a very busy practice and I was, I would say that I was instrumental in that practice at the time, when I was with her.
- Int In terms of working at the Legal Resources Centre, who were the other Fellows that you worked with at the time?
- MT Webster Sekwati, Wendy Roskin, Daphne Chili, Daphne...who was the other guy. I have forgot his name.
- Int Sure. So what were your experiences just generally of working in the Legal Resources Centre?
- MT It was an exciting time. It was two years after the ANC had been unbanned. It was an exciting time in general.
- Int Did you...in terms of public interest law, did you feel that ,that was something you wanted to do, or did you feel that you really wanted to get commercial experience?

MT I preferred commercial experience. I enjoyed public interest law but as you know it is not very lucrative.

Int That's the other question I want to ask you: the LRC often says that it is unable to attract good quality black lawyers, because when they come out of university, they are immediately snapped by corporate law firms?

MT Yes.

Int What is your sense of that?

MT That is probably true. It is probably true. We see our black lawyers prefer to go to commercial law firms and with empowerment, in the country, now, the traditionally white law firms are sweeping them up.

Int And currently, in the post-apartheid South Africa, what do you think are some of the areas of public interest that should be addressed, particularly by the Legal Resources Centre?

MT Immigration law. The xenophobia attacks that recently arose are an indication that immigration law is an area that needs to be addressed. And Constitutional law and litigation, the Constitution is being tested sorely at the moment with the Zuma case, and other cases, before the court. I think that those are the areas that public interest law firm like Legal Resources Centre should focus on.

Int I want to ask is in terms of the recent attacks on the judiciary etc, do you think that in terms of the LRC, can potentially play a good role?

MT Yes, I think so, I think it would have been good, in fact, if the LRC act for the judges of the Constitutional Court.

Int I am just wondering if you had to share memories of particular cases that you did at the LRC. You mentioned the one, the childbirth and the land claims. Was there any other case that you found very rewarding while you were there?

MT I did a case, which was reported with Mahomed Navsa, Gambule vs. Minister of Law and Order.

Int Could you talk about that case?

MT It concerned a plaintiff, who had sued for wrongful arrest. He had been arrested and detained for more than four days for allegedly stealing stock, two oxen. The...he was

arrested without a warrant of arrest and the case turned on what was a reasonable suspicion, for arresting someone without a warrant of arrest. And it was concluded in the case that a reasonable suspicion must be...based on solid grounds. It was based on one based upon solid grounds. I did the research, the case. I drafted the heads of argument with Mahomed Navsa and I think George Bizos settled them. It was argued on one day in the TBD.

Int That sounds like a really important case and you did that while you were a Fellow?

MT Ja, I did that whilst I was a Fellow. That's an experience that one would not get in, in a law firm, in a commercial law firm working with counsel on important cases that get reported.

Int Do you ever think of going back into public interest law?

MT I would if I get an opportunity. I would go back.

Int They always say funding in a key issue. What is your sense of that?

MT I don't know, I have been out of that field for a long time, so I don't know whether it is still a big problem at the moment or not?

Int I have asked you a range of questions and I am wondering whether there is something I have neglected to ask you which you want to include in your oral history interview?

MT No, not really.

Int I wondered whether you could end the interview, if you could talk about a particular memory you might have, whether it is working with Mahomed Navsa, or Ellem Francis, or Diane Terreblanche or a case that is part of your memories that you treasure about the Legal Resources Centre.

MT It is Gambule case, the one that I just spoken about. It was reported and it was important for a Fellow to have worked on an important case, a very, very important case.

Int Right, I want to thank you Mosh for taking the time...

MT Thank you.

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