

Thami Mbatha

LRC Oral History Project**2nd July 2008**

Int This is an interview with Thami Mbatha. Thami, thank you so much for doing this interview, we really appreciate you being part of the LRC Oral History Project. It's also the 2nd of July (2008) and it's 2pm and we're in Pretoria. Thami, I wondered whether we could start this interview by...if you could tell us about, your early childhood, when you were born, where you were born, the circumstances under which you grew up in South Africa, and also, what was the influences that led you... to the legal profession; what was your trajectory?

TM Thank you. Thank you for inviting me. I didn't think I would qualify (laughs) as one of the people who would necessarily be invited. I grew up in KwaZulu-Natal, in Port Shepstone, a small little town on the South Coast. I was born in 1976, I guess you can say, a lucky year in South Africa. I was alone at home, I was the only child and I still am, the only child, and I grew up mostly staying on a farm with my parents, because they were working on a farm. So as I grew up, I sort of, you know, identified, with a lot of the hardships that people went through, in the sense of being the very under-privileged kind of community, part of the community. So I guess when you grow up and you see these things, you kind of think that maybe I can do something about it, you know. But there's always something that says look, maybe it's not your problem to solve, especially at a young age. There's a lot of people that actually influenced me into doing law, because if you know what it's like to grow up on a farm, all you're thinking about is ok, maybe I'll get my own farm one day, you know, and actually try and plant something, you know. But one person that actually played an important role in shaping my future is my uncle. He was a teacher, he actually took quite a bit of the initiative in terms of enquiring about universities and actually pushing me towards that direction. And luckily once I got into university, I was at University of Natal in Durban, once I got there, I sort of learnt pretty quickly, you know, that this is the way to go, I must learn to be able to assert my rights, and if it needs be, to protect the rights of other people. There is a lot of influence also that came from, once I was at university, a lot of influence came from law clinics. I was part of a group of students that did Clinical Law at university, and there I really identified with the clients that used to come to the Law Clinic, and that sort of, I would say further, encouraged me to look into this direction in terms of the legal profession, specifically, you know, for under-privileged people, human rights kind of legal practice. So that's pretty much how I got in. Obviously, the Law Clinic was a relatively smaller scale and then everybody, you know, is at the Law Clinic and they're hearing about the Legal Resources Centre, this very huge organisation that does human rights litigation on a very large scale, and you get a sense that, look, I want to be part of that, and luckily for me the dream came true.

Int I want to take you right back, because...you were born at a very important time, 1976. Having grown up in South Africa under apartheid, and also you said growing up on a farm, what were some of your experiences and your memories, the apartheid system? Were there things that made you realise something is not right here, or were you not politicised? How did it work for you in terms of your family?

TM Well, firstly, at my age I couldn't, like, recognize at the early stages of my growing, I guess that stands with everybody, you see things happening and you're thinking, maybe that's how it's supposed to be. And when we used to stay on the farm, like I said, I'd see a young boy calling my father by name, and I'm thinking, ok, maybe, maybe it's the way it's supposed to be, you know, and when they scream at him, again, maybe it's the way it's supposed to be, you know. Only as you grow and you think that maybe some of the things are a bit skewed...I have very interesting experiences when, for example, we didn't have as much interaction with other races at school. There was no such, you know, until my standard nine then we had a white teacher, and it was very difficult to interact with the teacher at that level. And when I got to university, I found it very difficult to call, to call...this one guy was the first year co-ordinator for the legals, for law students, he kept insisting, hey, call me by name, and I kept saying: But sir, I can't call you by name, you know. So I think I got into the system as it was, and I just accepted that this is probably how it's supposed to be. You know, only when you, as I grow older, then I realize but some of the things aren't exactly supposed to be the way they are.

Int Did your parents ever discuss... politics and apartheid and the way things were?

TM No, not at all. Like I'm saying, it was a sense of like, this is how it is and this is how it's going to be, you know. There was, for example, I was doing my Matric in '94, and I had just turned eighteen, luckily, and there was this whole excitement about everybody going to vote in April 1994, you know, and at the voting stations people were laughing at me and saying, you just got in there by three months (laughs)...ja, and there was a bit of excitement but a lot of question marks around, you know, what is it going to do to us, and is it going to change anything? There were always those questions.

Int Did you think that it would?

TM I was hoping, yes. I was hoping, because at that stage, you know, as I said, I'd just been introduced into the kind of almost equal interaction...

Int At the university?

TM No, no, at high school level when I had a white teacher and even though it was a bit difficult to interact, but you could see the kind of respect that they were giving us, and we thought but this is not supposed to be, because from growing up on the farm, as I indicated, was that everybody else was the boss and I'm the labourer.

Int You also mentioned earlier that there were lots of influences that actually led you to the legal profession. I'm wondering, from early on, what those influences were, because as you said, rightly, you grew up on a farm...so in terms of ambition, where do you think you got the ambition and the drive?

TM As I indicated, it's a lot more of external factors, such as people who thought, hey, but this boy is, has actually got potential, I remember my uncle used to think that I'm university material, and that, but I would think...are you kidding? Because for example, the issue of financial affordability was always the blockage, there was never going to be a chance for me to afford going there (to University). So when you grow up and you accept a specific situation and somebody comes and says, but maybe you can be something more, so that is why I mentioned my uncle, for example, who had a lot of influence. But other than that it was a question of working on the farm, getting a salary...I remember my first salary was R9.80 per month (laughs), only when I grew up and I thought, when I read some of the books, then I realised but this is what I've been through, you know, and this is what my parents are still going through, because for a better part of my university life they were still working on the farm and staying on the farm.

Int I'm also wondering...going to the University of Natal, you went there in...?

TM '95.

Int ...'95, and what was the climate...what was going on?

TM I do believe that there was a lot of uncertainty actually about whether 'this whole influx of people coming here' are really going to make it, you know. I think I can be as blunt as possible about that. It was historically a white university but obviously the demographics were changing, and slowly black people were coming in. And there was, there were a lot of challenges...I was 'lucky' enough to experience some of the challenges, maybe 'lucky' is not the right word because at the time it wasn't funny. I spoke to you earlier about the fact that I didn't have the financial means to go to university, so I had to go through university loans and there were always these conditions, which are fair, like: you need to pass; and you demonstrate academic abilities...but the way it was used, it was always placing you at a disadvantage. Let me give you an example: most of the financial aid students at the time would spend the first two to three months going back and forth at the financial aid and student fees offices, trying to sort their registration and financial aid clearances. In the meantime, classes are going on so by the time you get to June and you're writing exams, you're still trying to catch up. And obviously the results are not going to be as good, and when they don't get to be as good; you're facing financial expulsion. So there was a bit of tension like that, but I must say I received a lot of support from, for example, the Law faculty. The one guy, the late Ronald Louw, he was brilliant. At the time he was just a first year co-ordinator. He was brilliant in terms of supporting, especially first year students and financial aid students particularly, because he knew that we were struggling. When I had my first conversation with him, he looked at my statement, my Matric statement, and he said: But what school is this? I've never heard of this school. Because it was just a school in Port Shepstone in the rural areas.

Int So you made it. Did you do a B Proc or did you do a LLB?

TM I did a B Proc. When I came, I didn't even know what...because initially I wanted to do, as a first choice I wanted to do Chemical Engineering...

Int Oh really...?

TM It wasn't law really *per se*, law was the second choice. But because we...I didn't apply to any university or anything like that, and as I said my uncle kept pushing me and saying: Listen, you know, you can make it. So he went and enquired and with Chemical Engineering, they said: We only take a specific number for first years and this application is very late. And luckily Ronald Louw looked at the results and said: We can't lose this person, and then they took me. And the only thing we could say was: I want to do LLB, I want to do LLB, and they said...at that time LLB was a post-graduate degree, so they said: No, but you must do B Proc first. Then I did B Proc.

Int Ok. So that's... four years?

TM Yes, it was a four-year degree from '95 to '98.

Int Right.

TM I didn't do LLB, at the time...and we were in the last class of the B Proc, actually, and everyone who came in '96 started the LLB, the four-year LLB, so I didn't do the LLB.

Int Right, ok. So...during law school, did you get any...you mentioned law clinics, and I'm wondering whether those were the street law clinics at the University of Natal, or were there some other clinics that you...?

TM It was, it was clinical law education that we were exposed to. You get to spend time at the Law Clinic and actually be allocated specific client files to work on, obviously under supervision of a candidate attorney and, and an attorney, a qualified attorney. So I did that and then luckily they sort of liked what I was doing, and so in '99 I started serving Articles also at the law clinic.

Int At the Law Clinic? Well, good for you!...

TM The only other practical experience during that time, up to '98, was the project which was called the IBP Project (Integrated Bar Project), which was sponsored I think by University of Pretoria. I was part of that for three weeks at a law firm (Van Onselen O' Connell Incorporated) in Durban in Smith Street. I did the three weeks and then I did, obviously, practical legal training for six months, as well.

Int I'm also wondering, Thami, in terms of...you'd wanted to do Chemical Engineering...you could have changed in second year...What kept you going?

TM (laughs) There were two factors mainly. Firstly, I couldn't really go up to my uncle and say, hey, I'm changing, because he had done so much in terms of trying to persuade me to get to, to actually try and get to university. So...and we had agreed that the second choice would have been law. And secondly, I started enjoying it.

Int Oh really!

TM (Laughs) Yes, I started enjoying it. I think the first factor was that I was a bit scared to like now, behave like a spoilt child and changing, you know...but then secondly I thought well, this is not so bad after all, and there was again, a lot of influence from senior students who were our tutors at the time. We would see these guys, they were already doing their LLB and they seemed to know what they are talking about...and I said to myself, 'I want to be like that guy'. So I stayed on and enjoyed it a lot.

Int Great. So in '99 you did your articles at the Law Clinic at the University of Natal. And was that for a year?

TM I did it for two years. I did it for two years.

Int For two years. Right.

TM I did my articles from '99 in February and I got admitted in 2001, in May. So I did the whole two years.

Int And the kind of work you did was really public interest work?

TM It was, it was public interest work. We did, for example, we did restitution cases.

Int Land restitution?

TM Yes, a lot of land restitution cases, and other housing cases like defending evictions and such cases, and towards the end of my stay at the Law Clinic, we started doing provisional legal services to small businesses, people who are like starting up businesses, looking at issues like why is it better to do a Close Corporation (CC) as opposed to doing a private company? (That is, forms of business enterprises); We started venturing into those things, we got funding for that, and then I was responsible for that, for the last year of my stay at Law Clinic, and it was quite an exciting project...

- Int Right...So from 2001...you entered the LRC in 2002. So what did you do in that period after finishing your articles?
- TM Again, they seemed to have liked me a lot (laughs) at the Law Clinic. I stayed on as a professional assistant, like practising attorney. So I was...I'm grateful that I got a chance to stay on and actually practise law, almost independently as an attorney...so...
- Int Did you continue with the land restitution cases you were talking about?
- TM Not in the big scale as before, but I mean, I still kept, in most cases like watching briefs but other candidate attorneys were dealing mostly with that. There was though, a time when we got to...I would say, litigation on some of the cases, restitution cases, then I was involved in those cases.
- Int Right. So did this involve things like...the Cato Manor area, the squatter communities...?
- TM Especially the Cato Manor area, the claims around the...Cato Manor...
- Int ...the informal settlements...?
- TM Ja, and we did...I'm not sure how much of this case I can say about, but we did Cato Manor claims and some of them were affected by the fact that there was now a rich quarry, a quarry mine that was discovered, so...
- Int I've heard of that...
- TM ...people were claiming, so naturally there was going to be a lot of interest from some of the big law firms, and so we did that as well.
- Int Ok. It seems almost natural that you came to the Legal Resources Centre, given that you have a very strong history of doing public interest law, but what really led you to the Legal Resources Centre? I know you'd heard about it because you were in the Law Clinics.
- TM Something strange happened the one time, and I don't always like to talk about this story (laughs) but this one time I was trying to register a Section 21 company, and I didn't do it so well and I got a response from the Registrar of Companies saying the application for registration of this company hasn't been approved, and then they listed the reasons, and then they said maybe you can contact the Legal Resources Centre, so (laughs)...the initial...

- Int This was a company you were trying to start on your own?
- TM No, no...
- Int For a client?
- TM ...for a client whilst I was at Law Clinic... whilst I was starting the Small Businesses Project at the Law Clinic. And the first reaction was the kind of arrogance that you'd get from anybody, like who are you to tell me where to go? So I sorted the queries and registered the company, but then I thought ok, let's find out more about these guys. Of course, you always see Legal Resources Centre in the news and in the law reports, a lot of that would also persuade one to want to be associated with, as it were, a winning team. And in June, in June 2001, I...we attended a conference, a law clinic conference at the University of Pretoria, I think, or UNISA, (in Pretoria) ...I can't remember, and one of the speakers there was Judge (Mohamed) Navsa. As you know, he was associated with the LRC by virtue of the fact that he worked there, he was a Director there, and he gave a whole different dimension of actually, of thinking, of approaching cases, that made me want to think, if this is how people at the LRC think, then maybe I must be part of this organisation.
- Int So this was at the University of Natal, where he gave the talk?
- TM At, at...I think it was at UNISA...
- Int At UNISA?
- TM Ja, it was at UNISA, but he was invited as a guest speaker to speak...there was a whole lot of us from law clinics around the country. But there was something different about how he approached the thinking around the cases that made me think that if this is how LRC people think, or people that have gone through LRC think, then I certainly want to be part of it.
- Int Well, I'm sure it was a long time ago but I'm just wondering, in terms of the way he approached it, how was it different from the way you were operating in the legal clinic?
- TM I...simply, simply put, at the Law Clinic you would mostly...at least the way we operated, we would mostly get individual cases and you'd deal with that case as it comes, but the way he gave the talk it made me question whether it's always the appropriate approach to just look at the case and nothing else but the case, because he, he was putting as much emphasis on the actual public interest and the impact that you're likely to have if you look beyond just this one case that you're doing, so it made me think that maybe, there's more to this than just helping the one person. Sure, helping one person is good but if we can help six others, or sixty others, then it's a whole lot more of an impact that you're making.

- Int The other thing I wanted to ask you, Thami, was...you mentioned the interesting way in which you got to the Legal Resources Centre, so did you make the transition to the Legal Resources Centre in Johannesburg or Cape Town? Where did you...?
- TM I started in Cape Town. I saw an advert for a job as an NPO attorney, and I thought...whilst I was at the Law Clinic I was doing a small component of non-profit organisations' legal assistance, so I thought maybe it's time to try and develop this aspect...ja, and the requirements of that position were...involving ability to actually maybe present workshops and do a bit of training, and we were doing that at the Law Clinic with students, the law students, so I thought maybe I have a chance. And then I applied. Luckily, luckily I was accepted, so I went to Cape Town in September 2002.
- Int Right. And so you worked with people like Steve (Kahanovitz) and Henk (Smith) and Kobus (Pienaar)?
- TM Yes, and Ricardo, Ricardo Wyngaard was my supervisor, yes.
- Int Right, ok. Tell me about that experience, being in Cape Town, working for the LRC?
- TM (Laughs.)
- Int I've been there; it's a very nice location...
- TM It's a very nice location. It was an exciting experience for me to get to Cape Town, and prior to that, I'd only been to Cape Town for a week, which was in December 2001. I used to play soccer, and in December 2001 we had gone to Cape Town and so my only experience was limited to one week, and suddenly I'm going to be here for at least two years, because I had a two-year contract at the time. So there was a lot of excitement but there was also a feeling that it's too far from home, and the first two weeks were alright and exciting, and by the third week I was missing home. But I must say again, the environment and the office was just brilliant, it was just brilliant.
- Int There some very, very dedicated lawyers there who've worked for a long time. I'm wondering what your experience was in terms of learning, etc. from people like that?
- TM It was brilliant. I think in the beginning it was scary, when come half past four and I want to go home and I see but everybody's just grabbing a cup of tea and going back to the office, you kind of think maybe I'm not necessarily in the right place and maybe I'm not going to make it here. I remember the first, I think it was the very first day, Vincent Saldanha, very nice guy, very nice guy, he came to me and said: Hey boet, do you think you're going to get overtime? And I said: But what are you talking about? And he said: Didn't Ricardo (Wyngaard) tell you that you're supposed to go home now? So ja, that sort of lightened up a bit, and from then on they made me believe that I could always walk into any office and ask, and which is exactly what I

did, the first couple of weeks, I'd grab whoever is available and say: Listen...I'm consulting here but I'm not too sure how to approach this, and they were always very, very helpful.

Int In terms of the type of cases you took on then, as an NPO attorney, what were the types of cases you took on?

TM At the beginning it was mostly doing NPO registration, with the NPO Directorate, but I guess as the confidence, as it grew, as they gained more confidence in me and...I believe they kind of never had any doubts that I would be alright, I think it was more me having doubts if I'm going to make it, and they started giving me more technical work, such as drafting submissions on NPO law, on income tax, to the extent that it's applicable to non-profit organisations, and later on we did an exciting project on the review of the Companies Act, ja, and it was brilliant.

Int So I'm also wondering how you then made the transition to Johannesburg? What happened then?

TM (Laughs) You remember I said, even though it was exciting in Cape Town, there was always this element of being home sick, and prior to me moving to LRC Cape Town, I had never been outside KwaZulu-Natal for more than two weeks. Every time that I'd been out of KZN it would have been only for a week, or at most, two weeks, because it was just always national soccer tournaments. I didn't have as much luxury of like, visiting Cape Town for six weeks or something, so I think I got a bit homesick after a while, and I indicated to Ricardo (Wyngaard) that look, I still want to work for LRC but it's a bit of a strenuous exercise, I need a lot more days to go home whereas if I'm in Jo'burg I can actually take a taxi and get to Durban quickly, so...

Int Why not the LRC in Durban?

TM Well, when I indicated to Ricardo (Wyngaard) that look, I would like to be closer to home, it was by, I think, sheer luck again that they wanted to open and have some NPO practice presence in the Johannesburg office, so I said: Look, if it's fine, I'll take that, and most of my relatives are also around Gauteng, so it would have been a lot easier.

Int So you were in Johannesburg in 2003?

TM I arrived in 2003 December.

Int Right, ok. So you stayed until 2004...?

TM I stayed until 2004 October and then I left and I went to work at DTI, Registrar of Companies...ja, I still had a score to settle (laughs) so I had to go to them. I worked for a year so by November 2005 I was back at the LRC.

Int Ok. So tell me a little bit about your experiences of working in Johannesburg? How was that different from the Cape Town office?

TM Well I think there was a bit of a difference...it wasn't as vastly different, it was still the same organisation, but obviously geographically, it's Johannesburg, it's buzzing and you'll always be scared to answer the 'phone for example, the first couple of days you arrive there. And there was also an element of independence, more because now my supervisor is in Cape Town and I'm in Johannesburg, but it also helped me to grow a lot in terms of taking decisions, on behalf of the project especially on this (Gauteng) side. So it was very good, from that perspective. I was still; I was still considered a Cape Town person. Actually, they told me, that even my employee file was still reflecting Cape Town, so I was more like a satellite Cape Town than Jo'burg, yes.

Int So then you went to DTI. What made you leave? I know you said you had a score to settle, but seriously though, what made you leave the LRC?

TM I had a score to settle, and my contract with LRC was at an end, and we...we couldn't agree in terms of renewal. Firstly, there wasn't as clear an indication actually on whether or not it would be renewed, and I'd raised the issue, and everybody just said, it's going to be renewed, don't worry, but I was under a lot of financial pressure also in terms of university loan repayments, so I wasn't going to take that risk, so I said: Look, because I'm not getting any written confirmation that my contract is going to be renewed, I'm going to leave. And then, and when I said that, there actually was written communication that came, but then we couldn't agree on the...

Int On the financial...?

TM Yes; So I said: Look, I'm supposed to leave, it's at the end of my contract, but I'll stick around for two months whilst you're getting somebody else, but I actually had to postpone my coming to DTI...ja, as a result.

Int So when you worked at DTI, you only worked there for a year, and then you went back to the LRC?

TM I worked for a year, and before the year was over, I received a couple of calls (from LRC) saying, you love us so much, why are you still there (laughs), and I said: Sure guys, I love you very much but you know why I left. And then they said: Look, we'll give you what you're getting paid there, so come back. So I came back to the LRC. Needless to say that, again, there was one or two other things on the financial side that were not done, despite specific undertakings...

Int Really?

TM Ja, and that part got me disappointed. I remember shortly after coming back, I was a bit miserable and William Kerfoot in Cape Town called me, and he said: You bastard, I hear you want to leave again! I said: William, I'm not sure I want to leave, but I'm pretty sure I don't want to stay, because now I came back and my issues are still not being sorted out.

Int What do you attribute that to, Thami? That kind of... you were told one thing, and then when you got there, something else happened. How do you understand it?

TM Firstly, I took it...it was very disturbing for me, I must say. I do think that, in fact this was said to me a couple of times, that, 'we know that you love LRC', so I sort of thought that maybe people are banking on that, the fact that I love LRC means I'm going to stick around even if I'm not so happy, you know.

Int Sure.

TM Ja, so I guess there was an element of complacency in terms of dealing with the issues that I'd raised.

Int Do you think that's because of management ...what do you attribute this to?

TM I wouldn't know, but I think, I think if I had been in Cape Town the whole time, maybe, maybe, just maybe my issues would have been dealt with differently, because I was always considered a Cape Town person. I think Cape Town always retained a sense of ownership, to say that this is our person. So I do think, especially when I came back for the second occasion, that if I'd been in Cape Town, and I said: Hey guys, I was supposed to earn this much, but I'm still not, and I was supposed to...actually the first six months I didn't even have an employment contract sorted out, and I said: Look, but if you fire me now, what am I going to do? You know, such things.

Int So you stayed for about a year?

TM I stayed for about...it was less than a year. Oh, actually, I stayed from, it was more than a year, because I stayed from 2005 November until 2007 June.

Int Oh right...

TM So I did stick around quite a bit.

- Int And then you came straight to SARS?
- TM And then I came straight to SARS, ja.
- Int What do you do here?
- TM I'm a legal advisor, in Corporate Legal Services. We do a lot of legal advice, legal opinions, litigation...
- Int On the revenue side?
- TM No, not on the revenue. On the corporate...
- Int ...corporate...?
- TM Ja, on the corporate side. You know, the lease agreements, your service agreements, ja.
- Int So judging from what you've told me, would you say that the incentive to come to SARS was because it was something new, it was something different, or it was financial?
- TM It was going to be something new to some extent, a new challenge, but again what I've always done that I think so far I've done successfully, is whenever I move, I move to develop a specific aspect of the work that I'd either been exposed to or that I've just been introduced prior to the move; When I moved to LRC in 2002, I wanted to develop my knowledge of NPO law, because I had started just a little bit of that when I was at the Law Clinic, and when I was at LRC, we did a lot of submissions on income tax and, you know, for non-profit organisations specifically, and I wanted to get a little bit more of that, and I thought let me go to SARS and see if I can develop that aspect...needless to say that I haven't done anything on income tax for non-profit organisations or public benefit organisations so far.
- Int Right. One of the things that's been said about the Legal Resources Centre is they're unable to retain very high quality black lawyers because the companies, law firms can pay so well, and also a lot of law firms now do *pro bono* as well, and so they don't stay. It seems to me in your case that you actually wanted to stay but there were issues there, and I'm just wondering what you think about this argument that they're unable to retain them because they can't pay them?
- TM To a great extent that's true, and the salaries at the LRC are low...are low. In 2004, I still hadn't got into double digits; I still was earning R9400 gross per month. Now with...university loans to think about, it's kind of easy to be swayed into thinking there's somebody offering me something else, offering you R13 000 gross per month,

and saying: Guys, I know you won't get to R13 000, I don't expect you to get to R13 000, but please understand that now maybe I need to leave. So to a great extent yes, but I still think LRC is a very special place, and ja, and it doesn't get better than the LRC, I think, especially from a public interest law perspective. There could be an argument that some people do *pro bono* work in private law firms, but I don't think you get the same spirit as at LRC.

Int Tell me what makes the LRC different, because you've had a history of doing public interest, even at the law clinics and... university, and you've worked there as an attorney, so I'm just wondering what do you think makes the LRC special, what makes it different?

TM I think the culture at the LRC is such that the kind of dedication that must be displayed, the input that must be indicated, must be clearly displayed, you know, as I indicated earlier on, when Judge Navsa came, you know, and he gave this whole different dimension, and I'd hear of people doing cases for nine years, the Richtersveld case, I doubt that anywhere else you'd do a case for nine years without being fired, or without being asked what's wrong with you? You know, settle the case and move forward. There was an interesting lesson that I think Geoff Budlender put it better than anyone else, that 'sometimes you look at a case and you say hey, this is an interesting case, but you must also try and balance the interest of the client, that maybe the client doesn't necessarily want to fight this case all the way to the Constitutional Court just to make law, you know, the client just wants to get his issue sorted'...So those kinds of instances and of course, the interaction with the great legal practitioners, legal...

Int Such as?

TM I would say George Bizos, obviously you'd expect me to say that, and Geoff Budlender. When I...when I attended the first housing workshop that he (Geoff) was doing, I just couldn't understand how somebody can be this brilliant and yet be able to interact with me at my level, in such a friendly manner. So, ja, it was, it's always a special place, the LRC.

Int I know what you do here is different from what you were doing at the LRC, but I'm wondering if in some way, the kind of lawyering you did at the LRC, in any way has influenced you or helped you in the work you do now?

TM It always would help, it always would influence...as I indicated, the kind of dedication, the kind of attention that you are taught to give to a case, that you are taught at the LRC, will always come in handy. And actually a lot of the prospective employers, if you say you've worked at the LRC, they know that you're not going to have a matter 'prescribing' on your desk for example, because you put so much attention to detail. So that kind of culture, you take it wherever you go.

- Int Right. What would...would anything persuade you to either go back to the LRC or to go into a situation where you were pursuing public interest law?
- TM I think people would say I'm confused if I go back to the LRC for the third time (laughs). I'll probably not go back from that perspective, lest people think maybe I'm not able to make it outside LRC. But the other thing is that despite some few unfortunate incidents, especially on the second, my second spell there, I still think it was a lovely place to work for. I wouldn't want to go back and now, and maybe get to experience something not so pleasant, and then have a very bad memory of LRC. I think it's great that I still love LRC and I left at the time when I still loved LRC, and when people could still see that I love LRC. With regards to the second part of your question, I would still love to do public interest law practice at some point, I'm not sure when, I've got a five year contract at SARS, I'll probably see a bulk of that through first, and then reconsider. I have been approached once or twice by private law firms, so maybe as a condition, if I go there it would be then I do a percentage of *pro bono* work, so it's not completely out of the question, yes.
- Int One of the things in the post-apartheid situation, funding has always been tough for the LRC and I'm just wondering what you think would be, given your background in public interest law, what do you think would be an interesting approach or important approach for LRC to take in terms of: should it focus on specific areas of public interest work, or should it do general consumer etc. work? What do you think?
- TM I think it helps to focus on specific areas, you know, because then you get to spend as much time specialising as it were, in that specific area, focus area. Because then that would set you apart from the rest, in terms of accessing funding, because funding is a huge problem. So I would think it's better to have specific focus areas...you know, when I worked at the LRC, we had projects, and it's...I think it's relatively better, I won't say easier, because I wasn't doing any fundraising, but I think it's relatively better if you can focus on specific areas.
- Int In terms of specific areas, what do you think South Africa requires? What are the areas that you think legal intervention is key?
- TM Contrary to most, what most people think, I still think there is a lot that needs to be done in terms of Constitutional Rights, so that's still a very important aspect. It's always, there's always an argument that South Africa has got the best Constitution, I still think it's the best, if it is the best, but not everybody is getting the benefit of it being the best, you know. There is still a lot of difficulties surrounding, for example, access to housing, and as I indicated earlier on, growing up on a farm, you know that that is a problem, access to housing, and generally the treatment of farm workers.
- Int So, access to housing, treatment of farm workers. Do you see...the Constitutional Litigation Unit at the LRC, do you see that as maybe taking on a lot of the issues that maybe other places can't?

- TM Yes, certainly. I think there is a lot of issues which CLU would do more passionately than, maybe I'm just biased because I worked at the LRC, but I would have still loved to see Geoff Budlender back at the LRC, but that's neither here nor there, but I think his passion, and his approach to things has always been a big plus.
- Int Thami, I've asked you a range of questions, and I'm wondering whether there are things I've neglected to ask you, which you think is important to be included in your oral history interview?
- TM I don't know, I don't know. As I said earlier on, I was honoured to be actually invited to come and talk to you. I'm hoping that whatever we spoke about actually achieved, even if in a smaller scale, what you set out to achieve, you know? The one thing I'll tell you is that I still hold the LRC in high esteem, great regard, I still respect the place, and I'd love to see it grow and grow. I'm not particularly sure that we're doing a lot, or LRC is doing a lot in terms of advertising itself, you know, *per se*, so that other people will come and actually take, carry the torch forward with the same kind of enthusiasm that other people have done in the past. That doesn't include me, by the way. I did my part, but there is nothing really to write home about. And I think maybe if I'd been, prior to joining LRC, if I'd been more exposed to what LRC is about, then maybe I would have gone and been something really significant at the LRC.
- Int I'm also wondering, one of the other things that's said is that the LRC doesn't really, isn't able to attract very good law students. Do you think that there's a reason for that, or is there a way, a mechanism by which they could attract very good law students?
- TM Again, I asked the question at some point, when I was applying for a job at the Law Clinic, I said why is it that, for example, chemical engineering students would sit in the laboratory for four/five hours, whereas law students would struggle to go through a double period, ninety minutes, seminar kind of...and I think the legal profession in general has got a lot to do with that, a lot of the law is taught from a money perspective, from a commercial practice perspective, there is not a lot of injection of this public interest culture, and as it were, then the LRC finds itself having to re-educate...or other public interest law institutions in general, having to re-educate law graduates, that look, this is also an option. I think that a lot of the challenge lies there. I would have thought that maybe, but obviously there is a question of resources, but I would have thought LRC presence in universities, maybe as guest speakers or something like that, would help in terms of rechanneling the focus of some of the law students, because by the time you get out of university, you're thinking money, money, money, and hardly anybody can blame you for it.
- Int What are some, if any, of fond memories or stories that you'd like to share?
- TM About LRC?
- Int Yes regarding your time there, particular people or clients...

TM There is a lot, there is a lot. We would go mostly with Ricardo (Wyngaard) to the remote areas in Eastern Cape to do training workshops. Those experiences were...they were always nice. But I think the work that we did with the review of the Companies Act that was brilliant. That was exciting. We would do a lot of work in shaping the current Companies Bill, actually, starting from when we read in the news, the newspaper or something, that the Companies Act is going to be reviewed and there is nothing being said about Section 21 companies, or non-profit companies. Starting from that first interaction with the project owner, the DTI right through to actually being recognised as a working group, part of the company law review process. I thought that was brilliant. And of course, each time, looking at the Income Tax Act changing, and each time we make a submission and getting say about sixty percent of the things that we wanted that was always brilliant.

Int Right, is there anything else you'd like to add before we end?

TM I think I've said just about enough, but as I said, it's always been a special place and I think it always will be. It taught me a lot of things, and the approach to things. Everybody thinks that they have the hang of things, but then when you see the way things are done at LRC, you get a different perspective, and you think, wow, I'm not there yet, but hopefully I can get there.

Int Thank you so much, Thami. That was a very good interview. Thank you very much.

TM Like I said, I'm honoured.

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