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FROM THE EDITOR'S PEN: Reflecting on confidentiality



Welcome to *Arbitrarily Speaking!*

September 2020 marks the advent of springtime. This signifies, as it does every year, the promise of new life and renewed hope. But this is unlikely to apply to the virtual milieu in which we are required to conduct much of our professional lives. Despite the further relaxation of the COVID-19 lockdown measures, some of the precautions taken to safeguard our collective health and safety are taking on a permanence that proffers opportunity and peril in equal measure. The incorporation of our professional activities into our domestic environments – and with it the unprecedented increase in the use of digital online platforms to facilitate the virtual communication and connection we now so heavily rely on – increases our accountability to maintain confidentiality more than ever before.

In this issue of *Arbitrarily Speaking!* we delve deeper into the issues of privacy and ethical conduct, the challenges of logical reasoning, the application of the rule in **Hollington v F Hewthorne & Co** in an arbitral setting, as well as analyses of two recent judgments of the Supreme Court of Appeal.

As ever, we welcome your thoughts on and contributions to this e-periodical. To share your insight and arbitral experiences with us, [click here](#).

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UNCLE OSWALD'S Q&A FORUM

In this edition, our retired resident arbitrator graciously accepts an admonitory remark from a pre-eminent jurist and respected arbitrator that the simplest solution is often the best.

Also, not being someone to flout established legal principle, Uncle Oswald calls on the members of the Association to weigh in on a matter of some controversy regarding a certain Mr Hollington...

Send your questions to our General Manager, Rochelle Appleton, at rochelle@arbitrators.co.za.

She will gladly share your questions with Uncle Oswald and ensure you receive his sage advice on your arbitration queries.

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ARBITRATION EDUCATION STATION

Since its inception the Association has promoted the greater use of arbitration as a means of resolving disputes. It is able to appoint competent and experienced arbitrators, as well as other specialists in alternative dispute resolution (ADR). To support these core activities, the Association has a proud history of providing excellent training and tutelage by a team of dedicated specialists. In this edition, we reflect on this proud tradition with reference to an extract taken from the foreword of the '**2007 Directory and Profiles of Fellow Members**' that was provided to us by Honorary Life Member, Mr Barry Jammy.

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TOOLS OF THE TRADE

**When logical reasoning goes wrong:
Irrelevant and unacceptable arguments.**

In the third of her four-part series on critical thinking and logical reasoning skills, Ms Breitenbach examines the ruin of many a well-intentioned attempt at logical reasoning: irrelevant and unacceptable arguments.

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ALL ABOUT THE AOA

We're a team of devoted specialists who believe in the absolute value of arbitration.

We take great pleasure in introducing you to our board members in our e-periodicals. In this edition, we invite you to become better acquainted with Mr Armando Aguiar and Mr Gareth Ahier.

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AOA BREAKING NEWS

This regular feature brings you all the latest news pertaining to all things arbitral.

Virtual *modus operandi* heralds 40th AGM.

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A CASE IN POINT: RECENT CASE REPORTS

This regular column features interesting and informative case reports and judgments.

Latest reports and analyses:

 ***Ekurhuleni West College v Segal and Another*** (1287/2018)
[2020] ZASCA 32 (2 April 2020)

A cautionary tale of abuse of the process of court and the risk of a punitive costs order.

 ***Zikhulise Cleaning Maintenance and Transport CC v The Chairman of the Investigating Committee of the Construction Industry Development Board*** [2010] ZASCA 181 (2 December 2019)

In this case the CIDB's failure to follow correct procedure has a lamentable outcome.

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IN MEMORIAM

A tribute to the late Honourable Judge Ralph Zulman by former Judge (Ret.) Percy Blieden.

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