

CANDIDATE: ADVOCATE: MARGAUX LEIGH BEARD

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**COURT FOR WHICH CANDIDATE APPLIES: BHISHO,
GRAHAMSTOWN AND PORT ELIZABETH**

1. The candidate's appropriate qualifications:

1.1 BSc (Rhodes University 2002)

1.2 LLB (Rhodes University 2004)

1.3 The candidate is appropriately qualified.

2. Whether the candidate is a fit and proper person:

2.1 The candidate has been a practising advocate since 2006 to date;

2.2 No complaint against the candidate has been made to the Eastern Cape Society of Advocates.

3. Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa:

3.1 The candidate is a white woman.

3.2 While her appointment will contribute to gender representivity, it will not contribute to the racial transformation of the judiciary.

4. The candidate's commitment to the values of the Constitution:

4.1 There are no indications otherwise than that the candidate seeks to uphold the values of the Constitution.

5. The candidate's knowledge of the law including constitutional law:

5.1 A reading of the cases identified by the candidate in which she either appeared as Counsel or presided in as an Acting Judge demonstrates that she has a sound and well-grounded knowledge of the law. Her judgments are well structured, cogent and are well written;

5.2 The candidate has acted as a Judge on six occasions for an aggregate period of approximately nine months;

5.3 The candidate has no reported judgments;

5.4 One of the candidate's judgments was unsuccessfully appealed against and one of the candidate's judgments was successfully appealed against in respect of the duration of a sentence imposed by her.

6. Whether any judgments have been overturned on appeal:

6.1 A judgment on sentence was set aside by the Full Bench of the Eastern Cape Division and a lesser period of imprisonment was imposed.

7. The extent and breadth of the candidate's professional experience:

7.1 The candidate has practised as a junior advocate from 2006.

8. The candidate's linguistic and communication skills:

8.1 The candidate's linguistic and communication skills are good.

9. The candidate's ability to produce judgments promptly:

9.1 The candidate has delivered her judgments reasonably promptly.

10. The candidate's fairness and impartiality:

10.1 There is nothing to suggest that the candidate is not fair and impartial.

11. The candidate's independent mindedness:

11.1 There is nothing to suggest that the candidate is not independent.

12. The candidate's ability to conduct court proceedings:

12.1 The candidate has limited experience as an acting judge despite which there are no indications that she does not have the ability to conduct court proceedings properly.

13. The candidate's administrative ability:

13.1 We are not in a position to comment upon the candidate's administrative ability because we have no basis to do so.

14. The candidate's reputation for integrity and ethical behaviour:

14.1 No disciplinary proceedings have ever been instituted against the candidate.

15. The candidate's judicial temperament:

15.1 There is nothing to suggest that the candidate does not have the required judicial temperament.

16. The candidate's commitment to human rights, experience with regard to the values and needs of the community:

16.1 The candidate has been a pupillage mentor and, in that capacity, has transferred skills and knowledge to aspirant advocates from previously disadvantaged groups.

17. The candidate's potential:

17.1 With the proviso that the candidate has not practised as an advocate for as long as may be ideal and has acted for limited periods of time the candidate has the potential to become a good judge.

18. The message that the candidate's appointment would send to the community at large:

18.1 The candidate is a woman and her appointment will send a positive message to the community at large.

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ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported decisions:

The candidate has no reported decision as an acting judge.

Unreported decisions:

The judgments provided by the candidate have been examined closely and reveal both a thorough examination of the issues required to be determined and an understanding of the issues of law of application to those issues.

Judgments upheld on appeal:

Only one judgment has been taken on appeal to the Supreme Court of Appeal where it was upheld.

Judgments overturned on appeal:

The Full Court of the Eastern Cape Division reduced the sanction imposed in one instance.