

CANDIDATE: ADV. HAYLEY MAUD SLINGERS

CANDIDATE: ADV. HAYLEY MAUD SLINGERS

**COURT FOR WHICH APPLICANT APPLIES: WESTERN CAPE
DIVISION**

1. The candidate's appropriate qualifications:

- 1.1. BA (University of Cape Town) 1993.
- 1.2. LLB (University of Cape Town) 1995.
- 1.3. LLM (University of South Africa) 2002.
- 1.4. LLM (Criminal Justice) (University of Cape Town) 2006.
- 1.5. The candidate is appropriately qualified.

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

- 2.1. The candidate has served in the legal profession as a candidate attorney from 1995 to 1997, as an attorney from 1997 to 2001, as a state advocate and later deputy director of Public Prosecutions from 2002 to 2010, and as a practising advocate in private practice from 2010 until the present.
- 2.2. The candidate was an acting judge of the Western Cape Division from 9 October 2017 to 15 December 2017, 29 January 2018 to 23 February 2018, 16 April 2018 to 28 June 2018, 28 January 2019 to 29 March

2019, and 15 April 2019 to 28 June 2019. She is currently acting again, from 29 July 2019 to 20 September 2019.

2.3. We are not aware of any professional complaints being made against the candidate.

2.4. The candidate is known to members of the profession as a person of integrity.

2.5. There is accordingly no reason to find that the candidate is not fit and proper.

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

3.1. The candidate is a black woman, of "coloured" descent.

3.2. The appointment of the candidate would assist in reflecting the racial and gender composition of South Africa.

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

4.1. There is no reason to doubt the candidate's commitment to the values of the Constitution.

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

5.1. The candidate is known to members of the profession as an experienced lawyer with an excellent knowledge of the law, including constitutional law.

CANDIDATE: ADV. HAYLEY MAUD SLINGERS

5.2. The candidate has experience in numerous areas of the law, particularly criminal, administrative and constitutional, delictual and personal injury law.

5.3. She has acted as a Small Claims Court commissioner since 2015, and has chaired disciplinary hearings for her church.

5.4. The candidate has appeared in various reported cases.

6. Whether any judgments have been overturned on appeal:

6.1. As an acting judge effectively since 2017, applications for leave to appeal against two of her judgments were refused by the Constitutional Court, and judgments by the Supreme Court of Appeal in relation to two others have not yet been disposed of.

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

7.1. The candidate was a candidate attorney from 1995 to 1997, as an attorney from 1997 to 2001, a state advocate and later deputy director of Public Prosecutions from 2002 to 2010, and a practising advocate in private practice from 2010 until the present.

7.2. Her extensive practice in the advocate's profession (whether public or private) has exposed her to various areas of the law, in particular trial proceedings.

8. The candidate's linguistic and communication skills:

8.1. The candidate has excellent linguistic and communication skills in English.

8.2. She is also fluent in Afrikaans.

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

9.1. Whilst an acting judge, the candidate has produced her judgments promptly.

10. The candidate's fairness and impartiality:

10.1. We are not aware of any complaints that have been made pertaining to the candidate's fairness and impartiality, and have no reason to question these aspects.

10.2. Members' experience of dealing with the candidate during her stints as an acting judge is consistent with the above.

11. The candidate's independent-mindedness:

11.1. We are not aware of any complaints that have been made pertaining to the candidate's independent mindedness.

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

12.1. In her time as an acting judge, members experienced the candidate as a competent judicial officer, well-prepared for the cases that are brought

before her. She has conducted Court proceedings diligently, efficiently, impartially and courteously.

13. The candidate's administrative ability:

13.1. The profession cannot comment on the candidate's administrative ability in her capacity as an acting judge.

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

14.1. Members consider the candidate to have a reputation for integrity and ethical behaviour. No complaints or queries about her ethical standards or integrity have been received.

15. The candidate's judicial temperament:

15.1. The candidate has an even and constructive judicial temperament, whilst being able to manage a heavy workload.

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

16.1. The candidate regularly assists her church with free advice, and has served as a Small Claims Court Commissioner since 2015.

17. The candidate's potential:

17.1. The candidate's performance as an acting judge of the High Court demonstrates that she has the potential to be a good judge.

CANDIDATE: ADV. HAYLEY MAUD SLINGERS

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

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

CANDIDATE: ADV. HAYLEY MAUD SLINGERS

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported decisions

Road Accident Fund v Chin 2018 (3) SA 547 (WCC)

Davids v S 2019 (1) SACR 257 (WCC)

Unreported decisions

Mali v S, WCHC case number A578/2014, 14 June 2019

Shoprite Checkers (Pty) Ltd v Das Neves (11999/2018) [2019] ZAWCHC 64 (28 May 2019)

Louw and another v Firstrand Bank Ltd, WCHC case number 14067/2018, 3 May 2019

Van der Merwe NO and others v Edward Nathan Sonnerbergs Inc and others, WCHC case number 16734/2017

Mckethi v S, WCHC case number A10/2019, 12 March 2019

Fraai Uitzicht 1798 Farm (Pty) Ltd v McCullough and others, WCHC case number 21694/2017, 7 September 2018

Rapivest 12 (Pty) Ltd v Airports Company South Africa SOC Ltd and Others; Airports Company South Africa SOC Ltd v Rapivest 12 (Pty) Ltd and Another (17274/2017; 17946/2017) [2018] ZAWCHC 16 (1 February 2018)

CANDIDATE: ADV. HAYLEY MAUD SLINGERS

Carelse and another v S, CT MC case number 15/1056/2018 (review of magistrate's ruling)

Judgments upheld on appeal

Applications for leave to appeal were dismissed by the Constitutional Court in *Rapivest* and in *Van der Merwe NO*.

Judgments overturned on appeal

N/A (the outcome of appeals in the *Fraai Uitzicht* and *Shoprite Checkers* matters are not yet known).