

*CANDIDATE: GRAEHYMMME J. WILLIAMS*

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**COURT FOR WHICH APPLICANT APPLIES: ELECTORAL COURT**

**1. The candidate's appropriate qualifications:**

1.1. The candidate has the following qualifications:

1.1.1. Baccalaureus Iurisprudentia, 1992, University of the Western Cape,

1.1.2. Baccalaureus Legum, 1994, University of the Western Cape;

1.1.3. Certificate in contract and commercial law, 2018, University of Cape Town.

1.2. The candidate is appropriately qualified.

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

2.1. The candidate indicates that he has no criminal record and has never been found guilty of misconduct or dishonesty.

2.2. The candidate is described by those nominating him as a fit and proper person.

2.3. He is in good standing with the Legal Practice Council.

2.4. No adverse comments have been received.

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

3.1. The candidate is a man and does not state his race.

3.2. At present there are only male judges serving in the Electoral Court. The appointment of a male candidate would not assist in the objective to reflect the gender composition of South Africa in the composition of the Electoral Court bench.

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

4.1. The candidate indicates that he has worked on many eviction matters and has lead negotiations between homeless persons and the Municipality in Mossel Bay.

4.2. The candidate indicates that he has limited his consultation fees and has done work for indigent persons on a pro bono basis.

4.3. These factors indicate that the candidate is committed to promoting the values of the Constitution.

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

5.1. A review of the candidate's attached judgments shows that the candidate has a good grasp of the law and is able to apply the law to the facts.

**6. Whether any judgments have been overturned on appeal:**

- 6.1. The candidate indicates that none of his judgments have been taken on appeal or overturned on appeal.
- 6.2. No adverse comments have been received.

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

- 7.1. The candidate has had extensive experience in many fields of law in his practice as an attorney.
- 7.2. The candidate indicates further that he has worked in criminal litigation at the regional and high court level.
- 7.3. The candidate states that he has practiced in labour law and appeared in the CCMA and before bargaining councils.
- 7.4. The candidate indicates that he has had extensive experience in divorce law, commercial law and personal injury claims.

**8. The candidate's linguistic and communication skills:**

- 8.1. A review of the candidates attached judgments indicate that the candidate has an excellent grasp of the English language and is able to communicate effectively.

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

- 9.1. The candidate has indicated that he has no outstanding judgments.
- 9.2. No adverse comments have been received.

**10. The candidate's fairness and impartiality:**

- 10.1. A review of the candidates attached judgments shows that the candidate has a good grasp of the law and is able to apply the law to the facts.
- 10.2. The candidate applied the law fairly and impartially.
- 10.3. No adverse comments have been received.

**11. The candidate's independent mindedness:**

- 11.1. A review of the candidate's judgments indicate that the candidate is confident in his understanding of the law and is able to apply the law to the given facts.
- 11.2. There is nothing to suggest that the candidate is not independently minded.
- 11.3. No adverse comments have been received.

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

- 12.1. There is nothing to indicate that the candidate is unable to conduct court proceedings.
- 12.2. No adverse comments have been received.

**13. The candidate's administrative ability:**

- 13.1. The candidate's judgements are well written and easy to understand.
- 13.2. The candidate indicates that he has no outstanding judgments.

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13.3. These factors indicate that the candidate has strong administrative abilities.

13.4. No adverse comments have been received.

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

14.1. The candidate is described as a fit and proper person.

14.2. The candidate is in good standing with the Legal Practice Council.

14.3. No adverse comments have been received in this regard.

**15. The candidate's judicial temperament:**

15.1. The candidate is described as a fair and level minded individual.

15.2. There is no indication that the candidate does not have a temperament suited for the bench.

15.3. No adverse comments have been received.

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

16.1. The candidate indicates that he has done pro bono work and limits his fees in order to help indigent people within his community.

16.2. The candidate is currently serving his community by acting as a magistrate in Bloemfontein Magistrates Court.

**17. The candidate's potential:**

17.1. The candidate has had extensive experience in many fields of law and has had experience acting as a magistrate and commissioner in the small claims court.

17.2. The candidate has at the potential to be an asset to the Electoral Court.

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

18.1. The candidate is a 52 year old man.

18.2. There are currently three male judges serving at the Electoral Court, and no women.

18.3. The candidate is appropriately qualified, has extensive experience and good linguistic and administrative skills.

18.4. The appointment of the candidate would send the message that the judiciary is not only committed to transformation but ensuring justice is served by appointing qualified candidates.

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**ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

**Reported decisions**

None

**Unreported decisions**

*S v Thabo Bennet Sekese and Thaelo Solomon Malie*, Case No 20/643/18, In the Magistrates Court for the district of Bloemfontein held at Bloemfontein, handed down on 07/09/2018

*S v Priscilla Nomsa Jiyane and Thami Ndlovu*, Case No 18/656/19, In the Magistrates Court for the district of Bloemfontein held at Bloemfontein, handed down on 03/09/18

*S v Piet Sebotho*, Case No 12/44/19, In the Magistrates Court for the district of Bloemfontein held that Batho, handed down on 27/05/2019

**Judgments upheld on appeal**

None

**Judgments overturned on appeal**

None