

**APPLICANT: ADV NICOLAAS GERHARDUS LAUBSCHER**

**COURT FOR WHICH APPLICANT APPLIES: NORTH WEST  
DIVISION OF THE HIGH COURT**

**1 The candidate's appropriate qualifications**

1.1 The candidate has the following qualifications:

1.1.1 B Juris (NWU): 1991; and

1.1.2 LLB (NWU): 1993.

1.2 These are the appropriate formal qualifications.

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

2.1 No adverse comments have been received.

2.2 The candidate has been in private practice since 14 June 1994.

**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 man.

3.2 The candidate's appointment would therefore help to transform  
neither the gender nor the racial composition of the bench.

#### **4 The candidate's knowledge of the law, including constitutional law**

4.1 The candidate was appointed as Acting Judge in the North West Division for two periods (01/04/2019 to 05/05/2019 and 07/08/2019 to 22/09/2019) during 2019.

4.2 The candidate has according to his application been practising as an advocate for the past 24 years.

4.3 The candidate does not appear to have direct experience in constitutional law according to his experience as an advocate and the cases dealt with during the period he was acting as a judge.

#### **5 The candidate's commitment to the values of the Constitution**

5.1 The candidate is a co-author of the book: SLUMA a practical Guide (LexisNexis). The book offers a detailed and practical application to the Spatial Land Use Management Act, 2013.

5.2 From his application the candidate has been involved in the training and mentoring of Municipal Planning Tribunals and Municipal Officials.

#### **6 Whether any judgments have been overturned on appeal**

6.1 The reviewers are not aware of any judgments which have been overturned on appeal.

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

7.1 The candidate lectured at the North West University for a period of two years.

7.2 The candidate has been practising as an advocate from 1994 to date.

## **8 The candidate's linguistic and communication skills**

8.1 The candidate's judgments, which have been written in English, demonstrate that he is a proficient and able communicator in that language.

## **9 The candidate's ability to produce judgments promptly**

9.1 During the period of the candidate's appointment as Acting Judge, the candidate demonstrated an impeccable work ethic and the general impression is that the candidate hands down his judgments promptly.

## **10 The candidate's fairness and impartiality**

10.1 No adverse comments have been received during the candidate's period as Acting Judge that he may not be fair or impartial.

## **11 The candidate's independent mindedness**

11.1 No complaint or incident exists which indicates a lack of independent mindedness on the part of the candidate.

## **12 The candidate's ability to conduct court proceedings**

12.1 The candidate is a vastly experienced practitioner who has frequently appeared in the lower and higher courts for the past 24 years. The candidate was appointed as chairperson in two tribunals and has been appointed as an Acting Judge for two terms.

12.2 The candidate has a proven judicial track record which demonstrates his high degree of efficiency as an advocate, a presiding officer (chairperson) and Acting Judge.

12.3 During the two terms that the candidate acted as a judge, members of the Bar who appeared before him reported that he was polite and patient and that he conducted the court proceedings assertively and was always in firm control of his court.

12.4 Members are also of the view that the candidate displays a strong judicial presence and has the ability to conduct court proceedings effectively and with satisfactory speed.

### **13 The candidate's administrative ability**

13.1 The candidate's successful practice as an advocate and his experience as an Acting Judge is indicative of his ability to administer his roll efficiently.

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

14.1 Nothing exists to indicate that the candidate's integrity or ethics have ever been compromised.

### **15 The candidate's judicial temperament**

15.1 Members are of the view that the candidate treats practitioners courteously but he retains a firm hand in the conduct of his cases and immediately grasps the crux of matters in which he appears and over which he presides.

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

16.1 The reviewers are not able to comment on this question.

**17 The candidate's potential**

17.1 The candidate has 24 years' experience as a legal practitioner which demonstrates that he has the potential to be appointed as a judge.

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

18.1 The appointment of the candidate would send a positive message to the community at large.