

APPLICANT: ADV BRUCE STANLEY MICHAEL BEDDERSON

**COURT FOR WHICH CANDIDATE APPLIES: KWAZULU-NATAL
DIVISION OF THE HIGH COURT**

1. The candidate's appropriate qualifications:

1.1. The candidate holds the following qualifications:

1.1.1 Bachelor of Art Degree (1992) - University of Durban,
Westville;

1.1.2 LLB Degree (1995) - University of Durban, Westville.

1.2. The candidate is appropriately qualified.

Career Path:

1.3. The candidate has the following legal experience:

1.3.1. Acting Judge of the KZN Local Division, Durban over the
following periods-

1.3.1.1. 18 January 2021 – 20 February 2021;

1.3.1.2. 12 October 2020 – 06 November 2020;

1.3.1.3. 11 August 2020 – 18 September 2020;

1.3.1.4. 02 March 2020 – 27 March 2020;

1.3.1.5. 03 June 2019 – 28 June 2019; and

1.3.1.6. 27 August 2018 – 21 September 2018.

- 1.3.2. Member of the Society of Advocates of KwaZulu-Natal (01 January 2000 – present date).
- 1.3.3. Practising as an advocate at the Society of Advocates of KwaZulu-Natal (1 January 2000 – present date).
- 1.3.4. Admission as an Advocate of the High Court of South Africa (13 July 1999).
- 1.3.5. Member of the Natal Law Society (1997 – 1999).
- 1.3.6. Professional Assistant - Vassist Sewpal Attorney (1997 – 1999).
- 1.3.7. Admission as an Attorney of the High Court of South Africa (09 June 1997).
- 1.3.8. Articles of Clerkship - Vassist Sewpal Attorney (1995 – 1997).
- 1.3.9. Chairperson of Tax Appeal Board.
- 1.3.10. Oral examiner for Motion court practice for pupil advocates.
- 1.3.11. Advocacy trainer and lecturer for pupil advocates with the Society of Advocates of KwaZulu-Natal.
- 1.3.12. Pupil mentor to approximately ten (10) pupils.
- 1.3.13. Member of the selection panel for pupil advocates for the Society of Advocates of KwaZulu-Natal.
- 1.3.14. Member of the Advocates for Transformation (1999 – present date).

- 1.4. The candidate has the following non-legal experience:
 - 1.4.1. Member and Chairperson of the Chelsea Preparatory School Governing Body (March 2012 – March 2018).
 - 1.4.2. Chairperson of the Human Resources Committee at Chelsea Preparatory School.
 - 1.4.3. Chairperson of the Disciplinary Committee at Chelsea Preparatory School (March 2012 – March 2018).
 - 1.4.4. Member and Deputy Chairperson of the Finance Committee of St Michael's Catholic Church (2012 – present date).

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

- 2.1. The candidate was admitted as an Attorney of the High Court of South Africa on 09 June 1997.
- 2.2. The candidate was admitted as an Advocate of the High Court of South Africa on 13 July 1999.
- 2.3. He became a member of the Society of Advocates, KwaZulu-Natal on 01 January 2000.
- 2.4. The KwaZulu-Natal Law Society has issued a letter of good standing for the candidate dated 23 November 2020.
- 2.5. No adverse comments have been received regarding the candidate.
- 2.6. There is no reason to doubt that the candidate is a fit and proper person.

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 male.
- 3.2. Appointment of the candidate would help to transform the racial composition of the bench.
- 3.3. However, appointment of a man will not necessarily advance the transformation of the judiciary from a gender perspective.

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

- 4.1. The candidate has listed three judgments in respect of matters he heard as an Acting Judge and in which he displays a good knowledge of the law.
- 4.2. None of candidate's judgments has been taken on appeal.
- 4.3. The candidate has a broad array of experience over his career in different areas of law including general, civil and commercial litigation.
- 4.4. The candidate listed the following significant cases in which he has appeared as a Junior Counsel together with Senior Counsel, demonstrating his knowledge of the law and dealing with constitutional issues:
 - 4.4.1. *City of Johannesburg Municipality v Blue Moonlight Properties* 2012 (2) SA 104 (CC) - a landmark case on municipal planning and the duty to provide housing;
 - 4.4.2. *The Law Society of Swaziland v The Speaker of the House of Assembly and two others* (Case No 1145/2012) – a case

outside of the Republic successfully resisting an unconstitutional process; and

- 4.4.3. *Standard Bank of SA Ltd v R Bay Logistics CC* 2013 (2) SA 295 (KZD) – a frequently cited case that was the first of its kind to deal with Schedule 5 of the Companies Act.

5. The candidate's commitment to the values of the constitution

- 5.1. None of the candidate's judgments or any publicly available information suggests that the candidate is not committed to the values of the Constitution.
- 5.2. The candidate has appeared in matters where constitutional issues were raised and successfully upheld the constitutional values (see 5.4.1 – 5.4.2 above).
- 5.3. The candidate has acted in various claims for indigent plaintiffs in personal injury claims against the Road Accident Fund and for claimants in medical negligence matters.
- 5.4. The candidate has also acted for ProBono.org and has appeared on behalf of amicus curiae in the Constitutional Court.
- 5.5. As a Chairperson of the school governing body of Chelsea Preparatory School, the candidate has ensured that the school complied with its constitutional obligations to employ people of colour to address the imbalances of the past.

6. Whether any judgments have been overturned on appeal

- 6.1. The candidate has indicated that none of his judgments have been taken on appeal;

6.2. The candidate has no judgments that have been overturned on appeal.

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

7.1. The candidate's experience is exclusively in his capacity as an attorney, advocate and Acting Judge.

7.2. The candidate's practical experience is substantial, spanning 20 years as counsel and he has been exposed to a wide variety of legal matters.

8. The candidate's linguistic and communication skills

8.1. From the candidate's judgments, it is clear that he has excellent English language skills. The candidate uses plain language in his judgments, making them easily understandable.

8.2. The candidate does not mention his proficiency in other languages.

8.3. No adverse comments have been raised about the candidate's communication skills.

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

9.1. The candidate's most recent judgment was delivered with admirable promptness:

Conningham and Another v CSH Holdings Limited (9193/19P)
[2020] ZAKZPHC 48 (28 August 2020).

Matter was heard: 20/08/2020

Judgment was delivered: 28/08/2020

- 9.2. The candidate has no reserved judgments that are still outstanding.
- 9.3. There is no indication, from the judgments analysed, that the candidate has failed to deliver any judgment within a few months.

10. The candidate's fairness and impartiality:

- 10.1. No adverse comments have been received.
- 10.2. An analysis of the candidate's judgments (set out at 6.4 above) indicates that the candidate carries out his role with the fairness and impartiality it requires.

11. The candidate's independent mindedness

- 11.1. An analysis of the candidate's judgments indicates that he has an independent mind.
- 11.2. The candidate has been described by a senior member, who has appeared before him, to be clear and decisive.
- 11.3. No adverse comments have been received.

12. The candidate's ability to conduct court proceedings

- 12.1. The candidate indicated that he frequently appears in the court as his practice is primarily a trial practice. This demonstrates court experience and knowledge of how court proceedings are conducted.
- 12.2. The candidate has served as an Acting Judge six (6) times between 2018 and 2021.
- 12.3. His acting appointments indicate that he is proficient and experienced in conducting court proceedings.

- 12.4. A senior member who has appeared before the candidate confirmed his ability to conduct court proceedings. The member shared the view that he was courteous, well prepared and a considered decision maker.
- 12.5. There is nothing to indicate that the candidate is unable to conduct court proceedings efficiently.
- 12.6. No adverse comments have been received.

13. The candidate's administrative ability

- 13.1. Post-admission as an attorney, the candidate held a position as Professional Assistant (see 2.6 above), which is a role that involves efficient and effective administration skills.
- 13.2. The candidate has volunteered as an advocacy trainer, lecturer, mentor and oral examiner for pupil advocates with the Society of Advocates of KwaZulu-Natal (see 2.10 – 2.12 above) which requires administrative competence to successfully execute.
- 13.3. The candidate's good administrative ability is displayed especially in the delivery of prompt judgments.
- 13.4. No adverse comments have been received regarding the candidate's administrative ability.

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

- 14.1. No adverse comments have been received.
- 14.2. In the letter of nomination for judicial appointment, the respective senior counsel states that the candidate has the attribute of integrity.

- 14.3. The candidate's application is also supported by a letter of good standing by the Society of Advocates of KwaZulu-Natal.

15. The candidate's judicial temperament

- 15.1. No unfavourable comments have been received.
- 15.2. In the letter of nomination for judicial appointment, the candidate is recorded as being courteous and decisive which exhibits the candidate's good judicial temperament.
- 15.3. In the candidate's practice as an attorney and advocate, he exhibited the necessary judicial temperament of compassion and sensitivity to disadvantaged litigants and those who could not afford legal representation.

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

The candidate has volunteered and participated in various roles that show his commitment to the development of the community:

- 16.1. He has been a pupil mentor to approximately ten (10) pupils (see 2.12 above).
- 16.2. He has been involved in lecturing pupil advocates (see 2.12 above).
- 16.3. He is actively involved in advocacy training for pupil advocates (see 2.11 above).
- 16.4. He served on the examination committee for pupil advocates.
- 16.5. He has been an oral examiner for motion court practice for pupil advocates (see 2.10 above).

- 16.6. He has served as the chairperson of the Governing Body, the Human Resources Committee and the Disciplinary Committee at Chelsea Preparatory School (see 2.15 – 2.17 above).

17. The candidate's potential

- 17.1. The candidate has the potential to bring 20 years of experience to the bench.
- 17.2. Having made appearances outside of the Republic (High Court of Swaziland), the candidate has the potential to bring a fresh perspective and an increased cultural awareness to the bench.
- 17.3. The candidate will bring the necessary judicial temperament of compassion and sensitivity to disadvantaged litigants, not rigidly applying the law in circumstances that warrant leniency (see 16.3 above).
- 17.4. The candidate will contribute to racial transformation of the bench.

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

- 18.1. Appointment of the candidate would send a message that many years of service to the legal profession and the judiciary, through numerous acting appointments, are valued.
- 18.2. As a black man, the candidate's appointment will not only align with the need for racial transformation, but also encourage other black legal practitioners to join the judiciary and racially diversify the benches.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED**Reported decisions**

City of Johannesburg Municipality v Blue Moonlight Properties 2012 (2) SA 104
(CC)

Unreported decisions

Conningham and Another v CSH Holdings Limited (9193/19P) [2020]
ZAKZPHC 48 (28 August 2020)

BP Southern Africa (Pty) Limited v KI Energy (Pty) Limited (02523/2020) [2020]
ZAKZDHC 19 (25 June 2020)

The State v Mdlalose

*The Law Society of Swaziland v The Speaker of the House of Assembly and two
others* (Case No 1145/2012)

Standard Bank of SA Ltd v R Bay Logistics CC 2013 (2) SA 295 (KZD)

Judgments upheld on appeal

None

Judgments overturned on appeal

None