

APPLICANT: JUDGE YASMIN SHEHNAZ MEER

COURT FOR WHICH CANDIDATE APPLIES: CONSTITUTIONAL COURT

1. The candidate's appropriate qualifications:

1.1. Bachelor of Arts, University of Durban, Westville (1975)

1.2. Bachelor of Laws, University of Cape Town (1979)

1.3. Master of Laws, University of Warwick (1982).

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

2.1. Yes, the candidate is a fit and proper person. She practised as an attorney for many years, before she became a Judge. Esteemed members of the legal profession who knew the candidate, have confirmed that they are unaware of any past conduct that could suggest 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's appointment would indeed help to reflect the racial and gender composition of South Africa: She is a black female.

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

4.1. The candidate worked as an attorney at the Legal Resources Centre between 1983 and 1996. Her practice entailed dealing with human rights and constitutionally related matters.

- 4.2. The candidate has been a judge of the Land Claims and High Court since 1996. Her judgments evidence a thorough understanding of constitutional law. (See *My Vote Counts NPC v President of the Republic of South Africa* 2018 (2) SACR 644 (WCC)).

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

- 5.1. A distinguished member of the legal profession said: "*She has demonstrated a sustained commitment to human rights for some 40 years, both during apartheid and since the transition to democracy. This has not been a purely theoretical or philosophical commitment – it has been rooted in the values and needs of the community. Her track record in this regard is very strong indeed.*"

6. Whether any judgments have been overturned on appeal:

- 6.1. The candidate has listed four judgments that were successfully appealed. This shows that the candidate is a competent judge, given that she has been on the bench for well over two decades.

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

- 7.1. The candidate has vast experience – as a legal practitioner and a judge. Her CV bears testimony to that contention.

8. The candidate's linguistic and communication skills:

- 8.1. The candidate's written and spoken English is very good.

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

- 9.1. The candidate lists only one judgment as outstanding at the time she filed her application for elevation.

10. The candidate's fairness and impartiality:

- 10.1. Members of the Bar regard the candidate as firm and fair – and indeed impartial.

11. The candidate's independent mindedness:

- 11.1. There is nothing to suggest that the candidate is not independently minded.

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

- 12.1. The candidate conducts court proceedings in a fair and firm manner. She is courteous to all parties who appear before her.

13. The candidate's administrative ability:

- 13.1. The candidate has been Acting Judge President of the Land Claims Court on several occasions. She thus has experience in dealing with relevant administrative matters.

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

- 14.1. Members of the Bar generally have confidence in her integrity and ethical behaviour. She has a reputation amongst members of the Bar for being decisive and even forthright on occasion, but always courteous and willing to listen to reasoned argument.

15. The candidate's judicial temperament:

- 15.1. She has the appropriate judicial temperament.

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

16.1. She has demonstrated a sustained commitment to human rights for some 40 years, both during apartheid and since the transition to democracy. This has not been a purely theoretical or philosophical commitment – it has been rooted in the values and needs of the community. Her track record in this regard is very strong.

17. The candidate's potential:

17.1. It is apposite to refer to the candidate's "potential" given that she has been a judge for over two decades.

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

18.1. Judge Meer was one of the earliest post-1994 appointments of a black woman to the Bench. Her appointment would send a message in that regard that speaks for itself. Her appointment would also send a message about the constitutional importance of land issues, given that she has spent nearly 25 years in the Land Claims Court and is strongly identified with that court.