

APPLICANT: JUDGE MMATHEBE VIOLET PHATSHOANE**COURT FOR WHICH CANDIDATE APPLIES: NORTHERN CAPE
DIVISION OF THE HIGH COURT - DEPUTY JUDGE PRESIDENT****Introduction**

There is one candidate to be interviewed by the Judicial Service Commission (JSC) for the post of Deputy Judge President in our division, being Phatshoane J. The candidate is a senior and respected judge in our division. The Northern Cape Society of Advocates supports her appointment.

1. The candidate's appropriate qualifications:

- 1.1. The candidate possesses the appropriate qualifications and the appropriate administrative experience.
- 1.2. She is an experienced administrator as she was actively involved in administration as a practising attorney in her law firm, before her appointment on the bench.
- 1.3. She has also acted as Deputy Judge President on numerous occasions and has also acted as Judge President on occasion. She has acquainted herself well in handling these tasks.

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

- 2.1. The candidate is definitely a fit and proper person for appointment as Deputy Judge President. Practitioners experience her as

approachable and sensitive to the needs of not only practitioners, but also the community at large.

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

3.1. The appointment of the candidate will help to reflect the racial and gender demographics of the Northern Cape Province and South Africa.

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

4.1. The candidate has good knowledge of the law and is able to apply such knowledge in practice.

4.2. She has clearly gained knowledge, not only through academic study, but also through experience in her practice as an attorney and in her career on the bench, both in this Division and the Labour Court.

4.3. Members of the Northern Cape Society of Advocates have appeared before the candidate on a wide variety of matters, including matters involving constitutional law and have high regard for her knowledge of the law.

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

5.1. The candidate is committed to the values of the Constitution. This is not only visible in the manner in which she interacts with practitioners, but also in her interaction with litigants, witnesses and accused persons.

6. Whether any judgments have been overturned on appeal:

- 6.1. We are not aware of any judgments that have been overturned on appeal, other than those mentioned by the candidate in paragraph 16.4 of her questionnaire.

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

- 7.1. As referred to in paragraph 5 above, the candidate has gained experience in many fields of the law and can properly be described as a good all-rounder. In our humble view, the extent of her professional experience and her strong administrative skills make her a suitable candidate for appointment as Deputy Judge President.

8. The candidate's linguistic and communication skills:

- 8.1. Although reserved and soft-spoken, the candidate's linguistic and communication skills are very good.
- 8.2. Her judgments bear testimony to her mastery of the English language.
- 8.3. She is proficient in English and an able communicator in that language.
- 8.4. She is also fluent in Setswana and Afrikaans.
- 8.5. She is able to express herself clearly in a manner that legal practitioners, litigants and witnesses understand.

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

- 9.1. The general impression from the candidate's judgments is that she hands down judgments promptly.

10. The candidate's fairness and impartiality:

10.1. No adverse comments were received in respect of the candidate's fairness and impartiality. She is perceived by members of our Society to act and administer the law without fear, favour or prejudice.

11. The candidate's independent mindedness:

11.1. No adverse comments were received in respect of the candidate's independent mindedness.

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

12.1. The candidate is an experienced judge and her experience is visible in the manner in which she conducts court proceedings and interacts with legal practitioners and administrative personnel.

13. The candidate's administrative ability:

13.1. The candidate has proficient administrative skills.

13.2. Her experience as an attorney and director of her erstwhile firm of attorneys has equipped her to manage her time productively.

13.3. Her strong administrative skills are evidenced by the manner in which she conducts judicial case flow management.

13.4. She is also experienced at conducting meetings and workshops.

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

14.1. No adverse comments were received in respect of the candidate's reputation for integrity and ethical behaviour. She is perceived by

practitioners to conduct herself professionally and with integrity at all times.

15. The candidate's judicial temperament:

15.1. The candidate has a good judicial temperament. She is punctual and firm, but able to understand how a judicial decision will affect the litigants/victim/accused appearing before the court. She is patient with witnesses and parties and exhibits the willingness to listen to and consider what is said by both sides.

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

16.1. The candidate's commitment to human rights appears from paragraphs 18.5 to 18.12 of the questionnaire, completed by her in support of her application. This commitment is also visible in the manner in which she conducts herself as a judge.

17. The candidate's potential:

17.1. The candidate not only has the potential to execute the responsibilities of Deputy Judge President, but has already shown, when acting in the position, that she is up to the task and that she will be an asset to this Division, if appointed as such.

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

18.1. Judge Phatshoane is a female of colour and her appointment as Deputy Judge President will send a positive message to the community of the Northern Cape Province, which is a province plagued by gender inequality.