

APPLICANT: MS JANINE ADELE SNYDERS

**COURT FOR WHICH CANDIDATE APPLIES: NORTHERN CAPE
DIVISION OF THE HIGH COURT**

1. The candidate's appropriate qualifications:

1.1. The candidate is academically qualified and is an experienced legal practitioner.

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

2.1. The candidate is known to all members of our Society, not only as an attorney, but also as an acting judge. We consider her to be a fit and proper person for appointment as a judge in this Division.

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, being a female of colour 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 a good knowledge of most fields of the law. Her academic background, experience and a year-long acting stint during 2017, as well as her current acting stint, have equipped her for appointment as a judge. Members of the Northern Cape Society of Advocates have appeared on instructions of the candidate, but also against her and before her as an acting judge in a wide variety of

matters, and regard her knowledge of the law as adequate for appointment as a judge in this Division.

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

5.1. We perceive the candidate to be committed to the values of the Constitution. This is visible in the manner in which she interacts with practitioners and litigants.

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 9.4 of her questionnaire. The fact that 3 of 6 judgments handed down during her first acting stint during 2017 have been upheld, however, needs to be noted.

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

7.1. As referred to above, the candidate is experienced in many fields of the law and in our view, the extent of her professional experience makes her a suitable candidate for appointment.

8. The candidate's linguistic and communication skills:

8.1. The candidate's linguistic and communication skills are very good. Her command of the English language is excellent. She is also fluent in Afrikaans. 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 candidate produces judgments promptly. We are not aware of any judgments that have been outstanding for more than 3 months.

10. The candidate's fairness and impartiality:

- 10.1. No adverse comments were received in respect of the candidate's fairness and impartiality.

11. The candidate's independent mindedness:

- 11.1. No adverse comments were received in respect of the candidate's independent mindedness. She is known to the members of this Society as an independent minded person with a strong personality.

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

- 12.1. The candidate is not only an experienced attorney, but has also acted in this Division for an extended period of time during 2017 and is currently acting in this Division. Although still relatively young, she conducts court proceedings with confidence and engages legal practitioners during argument. She is always well-prepared.

13. The candidate's administrative ability:

- 13.1. The candidate has the necessary administrative skills to do the work of a judge. Her experience as a practising attorney and director of her law firm has equipped her for this task.

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 in accordance with the appropriate ethical norms and standards of the profession. She always acts professionally and with the highest degree of integrity.

15. The candidate's judicial temperament:

15.1. The candidate has a good judicial temperament. She is punctual and firm and is able to understand how a judicial decision will affect the litigants/victim/accused appearing before the court. She is patient with litigants and witnesses, and exhibits a 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. No adverse comments were received in respect of the candidate's commitment to human rights. She has been actively involved in the community when she was a member of the Rotary Club of Kimberley and President of the said Club. Her conduct inside and outside of court is indicative of a legal practitioner and judicial officer who values human rights.

17. The candidate's potential:

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

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

18.1. The appointment of this candidate, a female of colour and a person who grew up in the Northern Cape Province, will send a positive message to the community at large and more specifically the women

of the Northern Cape. Members of our Society and the legal fraternity in general, respect her.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported Decisions

Shabalala v S (CA&R585/17) [2017] ZANHC 69 (1 December 2017)

Selaletsi v S (KAP08/15) [2017] ZANHC 55 (2 June 2017)

Hattingh v Firstrand Bank Ltd (1299/16) [2017] ZANHC 34 (28 April 2017)

Pieterse v S (CA&R28/13) [2017] ZANHC 23 (17 March 2017)

Matroos v S (CA&R97/15) [2017] ZANHC 68 (30 June 2017)

Buys and Others v Minister of Police and Another (2339/2016) [2017] ZANHC 53 (23 June 2017) (Application for leave to appeal)

Buys and Another v Minister of Police and Another (2339/2016) [2017] ZANHC 45 (21 April 2017) (*Set aside on appeal in Buys and Others v Minister of Police and Another* (2339/2016) [2018] ZANHC 37 (29 June 2018))

Dippenaar v Minister of Correctional Services and Others (596/2015) [2017] ZANHC 44 (31 March 2017)

Bruin and Another v S (CA&R7/17) [2017] ZANHC 43 (19 May 2017)

Van Nel and Another v S (CA&R134/16) [2017] ZANHC 28 (31 March 2017)

Dippenaar v Minister of Correctional Service and Others (569/2015) [2017] ZANHC 27 (31 March 2017)

Lategan NO and Others v NG White Farm Properties (Pty) Ltd and Others (747/2017) [2017] ZANHC 35 (28 April 2017)

Alpha Primary School and Another v Head of Department, Department of Education, Northern Cape and Others (1120/2017) [2018] ZANCHC 10 (12 February 2018)

Unreported Decision

Judgments upheld on appeal:

Judgments overturned on appeal:

Van Wyk v Daberas Adventures CC (1431/2016) [2018] ZANCHC 31 (1 June 2018) (full bench judgment on appeal overturning judgment of Snyders AJ)