

**APPLICANT: MS PEARL DEIDRÉ ANDREWS**

**COURT FOR WHICH CANDIDATE APPLIES: WESTERN CAPE  
DIVISION OF THE HIGH COURT OF SOUTH AFRICA**

**1. The candidate's appropriate qualifications**

- 1.1. BPROC (University of the Western Cape, 1992)
- 1.2. LL.M (International Family Law and Children's Rights) (University of the Western Cape, 2013)
- 1.3. The candidate is appropriately qualified.

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

- 2.1. The candidate has served as a judicial officer in the lower courts for 19 years, both in the magistrates' and regional courts, and has acted as small claims court commissioner. Prior to that, she practised as an attorney and, for a while, managed her own firm. She was or is a member of several community organisations, was a founder member and former vice president of the South African Women Lawyers' Association and is a member of the SA Chapter of the International Association of Women Judges.
- 2.2. She also underwent arbitration and mediation training and has been able to use such training in the mediation of family law disputes.
- 2.3. The candidate has served four terms as an acting judge of the Western Cape Division of the High Court.

2.4. We are not aware of any professional complaint being made against the candidate in any of these capacities.

2.5. The candidate is known to members of the profession as a person of integrity. There is accordingly no reason to find 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 is a black woman.

3.2. As such, her appointment would enhance the representation of black judges and women on the bench.

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

4.1. The candidate has delivered various written judgments in the High Court and the regional court, of which roughly half were in relation to criminal proceedings. She has some experience in matters relating to damages in contract and delict and has had one case dealing with constitutional issues. It appears from her application that she has had experience in other fields as well (especially family law) although no written judgments have been produced by her in relation to this field of law.

4.2. Members have commented that the candidate appears to lack knowledge and ability to apply the law in certain areas, for example, in an eviction matter, in a matter regarding parental obligations towards a minor, and in contempt of court proceedings.

4.3. This was the impression of her despite the fact that she had acted in the Western Cape Division on a number of occasions and was a Magistrate for many years.

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

5.1. There is no reason to doubt the candidate's commitment to the values of the Constitution.

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

6.1. None, to our knowledge.

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

7.1. The candidate's work experience is set out above.

7.2. Despite this, it appears that the candidate is not steeped in a wide-ranging knowledge of the law and of legal practice.

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

8.1. From the documents submitted it is clear that the candidate is fully bilingual.

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

9.1. We are not aware of any complaints in relation to the prompt delivery of her judgments.

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

- 10.1. We are not aware of any complaints that have been made pertaining to the candidate's fairness and impartiality and have no reason to question these aspects.

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

- 11.1. We are not aware of any complaints that have been made pertaining to the candidate's independent mindedness.

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

- 12.1. Members have experienced the candidate as a kind and courteous judicial officer, but without a sufficient grasp of the law and of legal practice.

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

- 13.1. The profession cannot comment on the candidate's administrative abilities in her capacity as a judge.

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

- 14.1. No complaints or queries about her ethical standards or integrity have been received.

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

- 15.1. The candidate is known for her kind and courteous behaviour. She has the perfect judicial temperament and would, but for her lack of

knowledge and experience, have been an ideal candidate for a permanent appointment to the Bench.

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

16.1. There is no reason to doubt the candidate's commitment to human rights, and to the enhancement of the values and needs of the community.

**17. The candidate's potential**

17.1. The candidate's performance as a judge of the High Court has regrettably indicated that she does not have the attributes required of a judge.

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

18.1. The candidate is a black woman. The public will thus view her appointment as transformation in relation to both race and gender. The limited extent of her knowledge and experience would, however, not serve the Bench in the eyes of the community at large and may harm the cause of transformation of the bench.

## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### **Reported decisions**

*Booyesen v Stander* 2018 (6) SA 528 (WCC)

*LR v PR* 2018 (3) SA 507 (WCC)

*S v Karolus* 2018 (2) SACR 398 (WCC)

*S v Horn* 2018 (1) SA 658 (WCC)

*Cooper v District Magistrate, Cape Town* 2018 (1) SA 369 (WCC)

### **Unreported Decisions**

No comment

### **Judgments that have not been overturned on appeal**

The candidate's judgment in *Telkom SA Soc Ltd v City of Cape Town* JDR 0623 (WCC) has not been overturned on appeal, and leave to appeal to the Constitutional Court was refused.

The outcome of the appeal in the matter *S v M. Kapa* (SS45/17) is not known yet.