

APPLICANT: MR STEPHEN KENNETH GOUGH

**COURT FOR WHICH CANDIDATE APPLIES: EASTERN CAPE
DIVISION OF THE HIGH COURT, GRAHAMSTOWN**

1. The candidate's appropriate qualifications

1.1. BA (Rhodes University) - 1980

1.2. LLB (Rhodes University) – 1982

2. Whether the candidate is a fit and proper person

2.1. The candidate is a fit and proper person to be appointed as a judge of the High Court.

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

3.1. The candidate is a white man of considerable experience and unquestioned ability to contribute meaningfully to the judiciary.

3.2. The Grahamstown Division of the High Court currently has only one white man on the bench and, with the retirement of Justice Roberson, no white women.

3.3. The candidate's appointment would not adversely affect race representation on this bench.

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

4.1. The candidate is recognised as one of the most knowledgeable and competent lawyers in the Eastern Cape Province. He is experienced in

all fields of law. His practice as an attorney has involved a vast array of complex matters of consequence in all courts with which he has engaged competently and with considerable ability.

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

5.1. The candidate has served as a committee member of Lawyers for Human Rights in the Eastern Cape and is, and has always been, by reputation committed to the values enshrined by the Constitution.

5.2. The candidate has contributed his knowledge and experience in the teaching of aspirant attorneys and in past times was an opponent of apartheid. He has always stood against that which was contrary to the values of the Constitution, evidence of which is that during the apartheid years he actively participated in campaigns against its injustices and gave of his professional time to advance deserving causes.

6. Whether any judgments have been overturned on appeal:

6.1. No judgment of the candidate has been overturned on appeal.

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

7.1. The candidate has vast experience gathered from a long and distinguished career in which he has conducted a vast array of matters. As stated earlier, as a senior attorney, he is a highly regarded lawyer by the legal fraternity.

8. The candidate's linguistic and communication skills:

- 8.1. The candidate has an excellent command of language and, as his judgments demonstrate, he is able to give clear expression to the issues to be determined and the reasons for his findings.

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

- 9.1. In all matters in which the candidate presided judgments were delivered promptly.

10. The candidate's fairness and impartiality:

- 10.1. The candidate, during his acting appointments, demonstrated his fairness and impartiality in all matters in which he presided.

11. The candidate's independent mindedness:

- 11.1. The candidate is clearly independent of mind and has demonstrated that to be so.

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

- 12.1. The candidate has demonstrated his competence in the conduct of court proceedings.

13. The candidate's administrative ability:

- 13.1. By virtue of the nature of the candidate's professional career and his involvement in matters requiring administration there is no doubt that he is administratively competent.

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

- 14.1. In all facets of the candidate's life, professional and personal, he has earned the respect of those with whom he has interacted for his integrity and high ethical standards.

15. The candidate's judicial temperament:

- 15.1. The candidate has an excellent judicial temperament and during his stint as an Acting Judge there was uniform praise of his temperament and the manner in which proceedings were conducted before him.

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

- 16.1. As alluded to earlier, the candidate has demonstrated his commitment to human rights, through his involvement with Lawyers for Human Rights and his actions directed at protecting the rights of others which were being infringed or ignored.

17. The candidate's potential:

- 17.1. The candidate's considerable knowledge and ability will enable him to make a substantial contribution to the administration of justice in the Eastern Cape Province and, in particular, to the Grahamstown Bench which has, in the recent past, through retirement and elevation to higher courts, lost a number of experienced and eminent judges whose shoes the candidate can capably fill.

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

18.1. The appointment of the candidate will demonstrate that appointments are made of competent and capable lawyers who are committed to the efficient and fair administration of justice and, as there is only one white male judge presently on the Grahamstown Bench, it would also be reflective of the demographics of the Republic of South Africa.