

APPLICANT: ADVOCATE DENISE GREYLING-COETZER

**COURT FOR WHICH THE CANDIDATE APPLIES: MPUMALANGA
DIVISION OF THE HIGH COURT, MBOMBELA & MIDDELBURG**

1. The candidate's appropriate qualifications

1.1 The candidate is suitably qualified, having obtained the following degrees and qualifications:

1.1.1 2008 – She obtained a *Baccalaureus Legum* (LLB) degree from the University of the Free State, Bloemfontein;

1.1.2 2008/2009 - She successfully completed the Attorneys Admission Examination.

1.1.3 2009 - She completed a Legal Education and Development (LEAD) course and a practical training course at the Law Society of South Africa.

1.1.4 2010 - She successfully completed the National Bar Examination.

1.2 The candidate gained limited experience and vocational skills in the legal field to wit:

1.2.1 2004 to 2005 Research Assistant - Private Law Department, University of the Free State, Bloemfontein.

1.2.2 2005 to 2006 - E-Degree Law Co-Ordinator - University of the Free State, Bloemfontein.

- 1.2.3 2007 to 2009 Candidate Attorney - Webbers Attorneys, Bloemfontein.
- 1.2.4 2010 - Pupillage - Free State Society of Advocates.
- 1.2.5 2010 to date - Practicing Advocate –
 - 1.2.5.1 Free State Society of Advocates.
 - 1.2.5.2 Johannesburg Society of Advocates.
 - 1.2.5.3 Mpumalanga Society of Advocates.
- 1.2.6 2011 & 2012 Assessor to Judge in High Court Criminal Trials - Free State Division of the High Court.
- 1.2.7 April 2020 to May 2021 Acting Judge in the Mpumalanga Division of the High Court of South Africa, Mbombela (Main Seat)

2. Whether the candidate is a fit and proper person

- 2.1. The undermentioned facts are relevant in the context of considering whether the candidate is a fit and proper person:
 - 2.1.1. The Legal Practice Council issued a certificate of good standing on 25 June 2021.
 - 2.1.2. The Mpumalanga Society of Advocates issued a certificate of good standing on 29 June 2021.
 - 2.1.3. On the information available, the candidate is independent from external influences, whether political, commercial or private.

2.1.4. There is no evidence to suggest that the candidate is not fair and impartial.

2.1.5. There is no evidence to suggest that the candidate has not maintained the ethical standards of her profession.

2.2. On the information available, there is no:

2.2.1. complaints or disciplinary proceedings pending against the candidate in her professional capacity;

2.2.2. criminal or civil litigation pending against the candidate in her personal capacity.

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 woman and her appointment will therefore contribute to reflect the gender composition of South Africa.

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

4.1. The candidate appears to be reasonably well-versed in the law.

4.2. She has practiced in a variety of different fields of law during her career.

4.3. According to the candidate's Curriculum Vitae, she gained experience in the following legal fields:

4.3.1. Administrative law;

4.3.2. Alternative Dispute Resolution;

- 4.3.3. Banking law;
- 4.3.4. Company law;
- 4.3.5. Criminal law;
- 4.3.6. The law of contract;
- 4.3.7. Customary law;
- 4.3.8. Constitutional law;
- 4.3.9. Environmental law;
- 4.3.10. Family law;
- 4.3.11. Insolvency law;
- 4.3.12. Labour law;
- 4.3.13. Property law;
- 4.3.14. Personal injury law;
- 4.3.15. Road Accident Fund work; and
- 4.3.16. Trusts and Estates.

4.4. The candidate did not elaborate on her experience in the field of constitutional law.

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

5.1. From the candidate's Curriculum Vitae it appears that she was a member of the Transformation Committee during 2011 and 2012.

6. **Whether any of the candidate's judgments have been overturned or upheld on appeal**

6.1. The candidate handed the following Judgments down during her term as Acting Judge:

6.1.1. *Saou obo Francois Pieter van der Riet v The MEC, Mpumalanga Province, Provincial Government Department of Education: Bonakele Amos Majuba and one other*

Case number 1269/2020.

Date of hearing: 17 November 2020

Date of judgment: 9 February 2021

Marked reportable.

Marked of interest to other Judges

6.1.2. *Khensani Bianca Ngobeni obo Angela Ngobeni v The MEC, for Health, Mpumalanga*

Case number 3392/2018.

Reportable

Date of hearing: 4 March 2021

Date of judgment: 20 May 2021

Marked reportable.

6.1.3. *Ednah Virginia Sechabe (nee Dibakoane) v Derrick Masepelo Sechabe*

Appeal case number A122/2019.

Trial court case number: 552/2017 – Reportable

Date of hearing: 29 January 2021.

Date of further submissions received: 1 & 2 February 2021,
16 & 18 March 2021 and 3 May 2021.

Date of judgment: 3 June 2021.

Marked reportable.

6.1.4. *Makamu Katekani v Minister of Police*

Case number 452/2019. Reportable.

Date of hearing: 3 August 2020

Date of judgment: 28 September 2020

Marked not reportable.

Marked of interest to other Judges

6.1.5. *Mugiyo Ulrich Mabunda v The State*

Case number A20/2020.

Date of hearing: 29 June 2020

Date of judgment: 10 July 2020

Marked not reportable.

6.1.6. *South African Legal Practice Council v Stephens Anthony Thobane*

Case number 87/2020

Date of hearing: 9 December 2020

Date of further evidence received: 4 March 2021

Date of judgment: 17 May 2021.

Marked not reportable.

6.1.7. *Tintswalo Lodges (Pty) Ltd v MEC for Finance, Economic Development and Tourism, Mpumalanga and 5 others*

Case number 2653/2017.

Date of hearing: 30 June 2020

Date of judgment: 27 September 2020

Marked not reportable.

Marked not of interest to other Judges

6.1.8. *Tebogo Mahlalela v The State*

Case number A33/2019.

Date of hearing: 22 May 2020

Date of judgment: 25 June 2020

Marked not reportable.

6.1.9. *Tebogo Mahlalela v The State*

Case number A33/2019.

Date of hearing: 30 June 2020

Date of judgment: 27 September 2020

Marked not reportable.

6.1.10. *ADI Investments (Pty) Ltd v Nomsa Ndhlovu and another*

Case number 2346/2019.

Date of hearing: 6 October 2020

Date of judgment: 5 January 2021

Marked reportable.

Marked of interest to other Judges.

6.2. The candidate informed us during a telephonic enquiry made on 26 August 2021, that an application for leave to appeal has been lodged in the matter of *ADI Investments (Pty) Ltd v Nomsa Ndhlovu and another*, which is still pending.

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

7.1. The candidate has a total of 14 years' experience in the law comprising of:

7.1.1. 2 years' experience as a Candidate Attorney at Webber Attorneys, Bloemfontein (2007 – 2009).

7.1.2. 11 years' experience as a practicing Advocate (2010 – 2021).

8. The candidate's linguistic and communication skills

8.1. The candidate is proficient in the English language and communication skills, as is apparent from:

8.1.1. Her well worded judgments; and

8.1.2. The manner in which she drafted her submissions in support of her nomination.

9. The candidate's ability to produce judgments promptly

9.1. On the information available, the candidate produces judgments promptly.

9.2. The candidate has held acting appointments during the period April 2020 to May 2021 and, as at date of application, she has no outstanding judgments.

10. The candidate's fairness and impartiality

10.1. On the information available, there is no reservations or concerns regarding the candidate's impartiality and fairness.

11. The candidate's independent mindedness

11.1. On the information available, there is no reservations or concerns regarding the candidate's independent mindedness.

12. The candidate's ability to conduct court proceedings

12.1. On the information available, there is no reservations or concerns regarding the candidate's impartiality and fairness.

13. The candidate's administrative ability

13.1. On the information available, the candidate is administratively proficient, as may be gleaned from her career record and judgments handed down.

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

14.1. On the information available, there is no reason to question the candidate's integrity and ethical behavior.

15. The candidate's judicial temperament

15.1. From the candidate's judicial career, it appears that she has judicial temperament.

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

16.1. On the information available, and specifically the candidate's Curriculum Vitae, she demonstrates commitment regarding human rights and the values and needs of the community.

17. The candidate's potential

17.1. But for the candidate's limited vocational experience, the candidate demonstrates the potential to contribute to the judiciary.

17.2. On the facts and information available, there exist no reasons to disqualify the candidate from appointment.

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

18.1. If the candidate is appointed, it will convey to the community at large that the judiciary:

18.1.1. Consists of judges that underwent proper scrutiny in respect of competency, experience and proficiency; and

18.1.2. Consists of Judges that also passed scrutiny in respect of the needs of the community.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED:

Reported and unreported decisions

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