

APPLICANT: MR JUSTIN GREGORY ALEXANDER LAING

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

1. The candidate's appropriate qualifications

1.1. The candidate holds the following degrees:

1.1.1. BA (University of Cape Town) (1992);

1.1.2. LL.B. (University of Cape Town) (1994);

1.1.3. BA Honours (University of South Africa) (2002);

1.1.4. LL.M (University of Nottingham) (2012).

1.2. The candidate is appropriately qualified.

2. Whether the candidate is a fit and proper person

2.1. The candidate is a fully qualified and practicing attorney with an LL.B degree as well as a Master's degree in public procurement law.

2.2. There is nothing in the candidate's application or in the material review and comments received on the candidate to suggest that he is not a fit and proper person.

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 which in itself will not enhance the racial composition of the bench. It must however be noted that he applies to

the Grahamstown Division where currently only one white man is permanently appointed.

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

4.1. The candidate has been engaged as a practising attorney from 1997 until the present in various capacities and appears to have exposure to most areas of the law.

4.2. The candidate has acted on five occasions as a judge of the High Court in Makanda (Grahamstown), Mthatha and Bhisho over a period from 2013 to 2020.

4.3. The candidate indicates that he has experience in both criminal and civil matters.

4.4. During the course of his professional career the candidate has advised numerous public entities on the interpretation and application of the regulatory framework applicable to such institutions.

4.5. He has obtained a Master's degree in public procurement law and policy, published two legal articles and presented two academic papers.

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

5.1. A reading of the candidate's application and the judgments annexed thereto indicate that he appears to recognise the values enshrined in the Constitution.

6. Whether any judgments have been overturned on appeal

6.1. It appears that two of the candidate's judgments have been taken on appeal. In the matter of *Ntayiya vs South Africa Revenue Services* the appeal was successful (it should be noted that the reference of the appeal judgment is incorrect and should read [2019] JOL 43892 (ECM)). In the other matter the appeal has apparently not yet been heard.

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

7.1. The candidate was admitted as an attorney and has practised as such in various capacities from 1997 to the present.

7.2. As stated before the candidate has acted as a judge of the High Court, Eastern Cape for a period of approximately six months on five occasions spanning a period of approximately eight years.

8. The candidate's linguistic and communication skills

8.1. The candidate's judgments are in English and the reading thereof shows that his linguistic and communication skills are good.

9. The candidate's ability to produce judgments promptly

9.1. It appears that the candidate has generally delivered his judgments reasonably promptly although in the matter of *Nomkhitha Nkamela vs MEC for Health Eastern Cape* he indicates that the judgment has been outstanding since 4 May 2021 (it is not clear whether this date is correct as it appears that the candidate did not act as a judge during this period of time).

10. The candidate's fairness and impartiality

10.1. There is nothing to suggest that the candidate is not independent.

11. The candidate's independent mindedness

11.1. No adverse comments regarding the candidate's independent mindedness have been noted.

12. The candidate's ability to conduct court proceedings

12.1. The candidate has an excellent ability to conduct court proceedings.

13. The candidate's administrative ability

13.1. Question omitted from review.

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

14.1. The Society is unaware of any circumstances that give doubt to the candidate's integrity and ethical behaviour. Members of the Society have indicated that in their interaction with the candidate he always dealt with matters and his colleagues ethically and with the utmost integrity.

15. The candidate's judicial temperament

15.1. The members of the Society have indicated that the candidate always treated them cordially and with respect and furthermore that he showed good judicial temperament.

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

16.1. Question omitted from review.

17. The candidate's potential

17.1. The candidate has been involved as an attorney in various fields of the law over an extended period of time.

17.2. The candidate appears to have limited exposure to representing clients personally in court and this may have an impact on his ability to adjudicate on matters.

17.3. The candidate does have potential and may benefit from being afforded more opportunities in acting positions.

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

18.1. The candidate is a white man and his appointment whilst not enhancing racial and gender representation on the Bench will indicate that any candidates of integrity, good understanding of the law, and a good work ethic can be appointed to the Bench.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported decisions:

Unreported decisions: