

**APPLICANT: ADVOCATE NICHOLAS JOHN MULLINS**

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

**1 The candidate's appropriate qualifications**

1.1 BA (Rhodes University); and

1.2 LLB (Rhodes University).

**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. Although the candidate's appointment would not help to reflect the racial and gender composition of South Africa, the candidate has significant experience which would contribute to the judiciary in circumstances where, on the Grahamstown bench, there is only one white man permanently appointed.

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

4.1 The candidate has a broad knowledge of the law, particularly civil litigation, and was a prosecutor and state advocate in the Department of Justice before joining the Eastern Cape Society of Advocates where he has been practicing since 1988.

**5 The candidate's commitment to the values of the constitution**

5.1 There is nothing to suggest that the candidate is not committed to the values of the Constitution which is reflected in his previous experience in the legal fraternity as well as in his judgments. The candidate has also been a Small Claims Court Commissioner for over 20 years.

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

6.1 One judgment of the candidate has been overturned on appeal in *State vs Golaith & Three Others* (annexure "F" page 27 of the application).

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

7.1 The candidate has extensive professional experience, as a prosecutor and state advocate for approximately 5 years and as a practising advocate since July 1988 and was given senior counsel status in 2016.

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

8.1 The candidate's linguistic and communication skills are excellent as appears from the judgments which he has authored.

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

9.1 The candidate produces judgments promptly as evidenced in his judgments, although he has been known to take approximately 6 months to hand down a judgment.

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

10.1 The candidate has demonstrated fairness and impartiality in the hearings where he has presided.

11 **The candidate's independent mindedness**

11.1 The candidate is independent minded.

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 The candidate's administrative ability is excellent taking into account his judgments and the generally timeous delivery thereof.

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

14.1 The candidate's reputation for integrity and ethical behaviour is beyond reproach.

15 **The candidate's judicial temperament**

15.1 The candidate has an excellent judicial temperament and shows respect for all legal practitioners who appear before him while keeping control over court proceedings.

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

16.1 As evidenced in his judgments the candidate is committed to human rights.

17 **The candidate's potential**

17.1 Although the candidate will be approximately 65 years of age if appointed, and accordingly be able to serve for a maximum of 10 years, his experience will be invaluable to the Grahamstown bench which has lost a significant amount of experience in the last 18 months due to retirement and/or elevation.

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

18.1 The message that the candidate's appointment would send is that the Grahamstown bench would be reflective of the demographics of South Africa and acknowledge the need for experience on the bench.

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

### **Reported decisions**

The candidate does not appear to have any judgments which are reported.

### **Unreported Decision**

The unreported decisions of the candidate, which are attached to his application, have been considered.

### **Judgments upheld on appeal:**

*Malema vs RAWULA* (page 28 annexure “G” of application)

### **Judgments overturned on appeal:**

*State vs Golaith & Three Others* (page 27 annexure “F” of application)