

APPLICANT: ADVOCATE THANDI VICTORIA NORMAN SC

**EASTERN CAPE DIVISION OF THE HIGH COURT,
GRAHAMSTOWN**

1. The candidate's appropriate qualifications

1.1. The candidate holds the following qualifications:

1.1.1. B Juris (1988) - University of Transkei;

1.1.2. Bachelor of Laws Degree (1992) - University of Transkei;

1.1.3. Certificate in Tutorship Course on understanding shipping from the Institute of Chartered Shipbrokers (2005) - Durban; and

1.1.4. Certificate in Project management (2019) - University of Cape Town.

1.2. The candidate is appropriately qualified.

1.3. The candidate has the following legal experience:

1.3.1. Public Prosecutor - Zwelitsha Ciskei, March 1988 - 1990;

1.3.2. Tutor - Constitutional Law - University of Transkei, 1991;

1.3.3. Part-time Lecturer - Civil Procedure - University of Fort Hare, 1993 -1994;

1.3.4. Appointed as a Presiding Officer in the first democratic elections - King Williams' Town, 1994;

1.3.5. State Advocate - Bhisho, 1992 – 1995;

- 1.3.6. Seconded to the Goldstone Commission which enquired into taxi violence in the Eastern Cape, 1995; and
- 1.3.7. Senior Legal Administrative Officer, Office of the Director General – Bhisho, 1995 - July 1996.
- 1.4. The candidate has the following non-legal experience:
 - 1.4.1. Member of the Bar Council (Bhisho), 1999 – 2000;
 - 1.4.2. Secretary of the Society and involved in Advocacy Training for Pupils - Bhisho, 2001;
 - 1.4.3. Attended the Women’s World Conference – London, February - March 2001;
 - 1.4.4. Member of the Bar Council (KwaZulu Natal), October 2002, 2007,2008, 2015;
 - 1.4.5. A trainee at Holland and Knight in Maritime law - New York, August 2004 - February 2005;
 - 1.4.6. President of the South African Women Lawyers Association (SAWLA) - KZN Region, 2007- 2009;
 - 1.4.7. Member of the bid adjudication Tribunal – KZN, 2009 - April 2011;
 - 1.4.8. Served on the Board of Ushaka Marine Durban Marine Theme Park, 08 February 2005 - 24 January 2011;
 - 1.4.9. Member of the Board for the Coega Development Corporation, 2014 – 2018;

- 1.4.10. Appointed by the Premier of KZN as the Chairperson of the RTI Recruitment Commission, 28 February 2013;
- 1.4.11. Elected to serve on the General Council of the Bar as an assistant honorary secretary, July 2015;
- 1.4.12. Appointed to serve on the Judicial Service Commission, March 2017 - 17 February 2020; and
- 1.4.13. Evidence leader at the State Capture Commission, March 2018 to date.

2. Whether to candidate is a fit and proper person

- 2.1 The candidate was admitted as an Advocate on 04 June 1992.
- 2.2 She enrolled as a pupil at the Durban Bar in August 1996 – November 1996.
- 2.3 She commenced practice on 04 December 1996.
- 2.4 She joined the Bhisho Bar in January 1997.
- 2.5 She joined the Durban Bar (Dual membership) in February 2002.
- 2.6 She attained Silk status in June 2011.
- 2.7 No adverse comments have been received regarding the candidate.
- 2.8 There is no reason to doubt that the candidate is 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 black woman.

3.2. The appointment of the candidate would assist to transform the composition of the bench from both a racial and gender perspective.

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

4.1. The candidate has a wide range of practical experience, varying from Maritime Law, Administrative Law, Constitutional Law, Tax Law, Commercial Law, Land Claims, Labour Law and Criminal Law.

4.2. In the nomination letter by TM Ntsaluba SC, the candidate is praised for being focused, upright and for being very clinically competent.

4.3. The candidate has listed three judgments in respect of matters she heard as an Acting Judge which demonstrate her knowledge of the law.

4.4. She has, over the years, been involved in many legal disputes as legal counsel, and her wealth of experience as a practitioner before the courts for some 25 years would be an asset to the bench.

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

5.1. The candidate was a member of the African National Congress from 1990 to 2008.

5.2. She has been a member of the BLA from 1996 to date.

5.3. She serves as a Deputy Chairperson of AFT, Coastal from 2018 to date.

5.4. The candidate has acted as a judge and her judgments indicate her commitment to the values of the rule of law and the Constitution.

6. Whether and judgments have been overturned on appeal

6.1. The candidate has a limited number of judgments as an acting judge. In the application she referred to three (3) none of which was taken on appeal.

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

7.1. The candidate has a wealth of practical experience in a wide and diverse range of matters.

7.2. Her experience as an advocate, spans over 29 years in the legal profession.

7.3. The candidate has appeared in the lower and superior courts in South Africa as well as in the appeal courts, i.e. Supreme Court of Appeal and in the Constitutional Court.

7.4. The candidate has served as an Acting Judge on several occasions, in Durban, Eastern Cape and Johannesburg, and no adverse remarks have been received about her during her stints as Acting Judge.

8. The candidate's linguistic and communication skills

8.1. The candidate is proficient in IsiXhosa and English.

8.2. From the few judgments the candidate included in her application, she demonstrates good English language skills, writing in plain language, making her judgments easy to read.

8.3. No adverse comments have been raised about the candidate's communication skills.

9. The candidate's ability to produce judgments promptly

9.1. There is no adverse indication from the judgements analysed that the candidate has failed to deliver any judgment within a few months: one was given in a matter of a day.

9.2. The candidate has no outstanding reserved judgments.

10. The candidate's fairness and impartiality

10.1. No adverse comments have been received.

10.2. Based on the candidate's performance as an acting judge, she appears to carry out her role with fairness and impartiality.

11. The candidate's independent mindedness

11.1. An analysis of the candidate's judgments show that she has an independent mind.

11.2. No adverse comments have been received.

12. The candidate's ability to conduct court proceedings

12.1. The candidate is a senior counsel of many years standing and she has acted as a judge on more than one occasion. She frequently appears in court, and she has the knowledge and ability to conduct court proceedings.

12.2. There is nothing to indicate that the candidate is unable to conduct court proceedings efficiently.

12.3. No adverse comments have been received.

13. The candidate's administrative ability

13.1. The candidate has successfully chaired many organisations; she is well known and well respected by her colleagues. There is no doubt that her administrative ability is of a competent level.

13.2. No adverse comments have been received regarding the candidate's administrative ability.

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

14.1. Many advocates within the Durban Bar hold the candidate in the highest regard for her competence as a senior advocate. She runs her practice with a profound sense of ethics, decency and courtesy to all, and many admire her work ethic. They also comment that she is a highly respected black woman senior advocate.

14.2. No adverse comments have been received.

15. The candidate's judicial temperament

15.1. The candidate exhibited a good judicial temperament in her acting appointments where she has exercised the necessary compassion, sensitivity and commitment to equality. No adverse comments were received.

15.2. The recommending Senior Counsel says the candidate has served on the bench with distinction. He describes the candidate as having a composed court demeanour and as someone who treats all those who have appeared before her with respect, dignity and courtesy.

15.3. No unfavourable comments have been received.

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

16.1. The candidate has displayed her commitment to the bar, her colleagues and the general community.

16.2. The candidate has been of service to our profession, particularly the bar, in various roles.

16.3. Over the years she has served as a member of the bar council both in KwaZulu-Natal and Bhisho.

16.4. The candidate has been of service to her colleagues by:

16.4.1. Intervening in issues that concern pupillage;

16.4.2. Assisting junior members by giving them exposure to attorneys, and mentoring them; and

16.4.3. She has been a senior counsel and founder of a group of advocates based at Salmon Grove Chambers.

17. The candidate's potential

17.1. The candidate will bring 29 years of experience in various legal roles to the bench.

17.2. The candidate will be an asset to the bench, bringing with her a solid legal mind and many years of experience.

17.3. Her appointment would assist to transform the bench from both a racial and gender perspective.

17.4. The candidate has the potential to grow further and become a good judge if she is elevated to the bench.

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

- 18.1. Appointment of the candidate would send a message that years of service to legal profession is valued.
- 18.2. Her appointment as a judge will encourage black women within the legal profession to work hard and to serve with distinction.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported decisions

Unreported decisions

Soganga Nosingile Elizabeth N.O. v S A Taxi Securitisation (Pty) Ltd 3077/2019
(Grahamstown);

*Mcedisi Dike and others v MEC for Rural Development and Agririan Reform,
Eastern Cape Province and others* 351/2020 (Bhisho);

*Abdul Kader Hoosen Shaikh v Trafford Trading (PTY) LTD (in liquidation) and
others* 11621/14 (Durban)

Judgments upheld on appeal

None

Judgments overturned on appeal

None