

JSC INTERVIEW ROUND: APRIL 2022

CANDIDATE: MS NARINI NIRMALA HARILALL

**COURT FOR WHICH CANDIDATE APPLIES: KWAZULU-NATAL
DIVISION OF THE HIGH COURT, PIETERMARITZBURG**

1. The candidate's appropriate qualifications

1.1. The candidate holds the following degrees:

1.1.1. BA (Law), University of Durban –Westville (1982); and

1.1.2. Bachelor of Laws, University of Durban Westville (1984).

1.2. The candidate is therefore appropriately qualified.

2. The candidate's integrity and ethics:

2.1. No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour.

3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:

3.1. There are currently 26 full time judges on the KwaZulu-Natal bench comprising (as far as could be ascertained):

3.1.1. 10 black women (5 African, 4 Indian, 1 Coloured);

3.1.2. 10 black men (4 African, 3 Indian, 3 Coloured);

- 3.1.3. 1 white woman; and
- 3.1.4. 5 white men.
- 3.2. The candidate is a black (Indian) woman.

4. **The candidate's career path**

LEGAL

- 4.1. 1985-1986: candidate attorney, I C Meer, Motala and Co;
- 4.2. 1986-1987: candidate attorney, Halse, Havemann and Partners;
- 4.3. 1987-1988: professional assistant, Halse, Havemann and Partners;
- 4.4. 1988: partner, Priscilla Jana, Hiralall & Associates;
- 4.5. 1989-1996: sole proprietor, Narini Hiralall & Associates;
- 4.6. 1995-1999: additional industrial member, Industrial Court, DBN;
- 4.7. 1999 to date: part-time commissioner, CCMA;
- 4.8. 2005: managing commissioner, Motor Industries Bargaining Council – Dispute Resolution Center;
- 4.9. 2015 to date: Partner, Hiralall Attorneys.

NON – LEGAL

- 4.10. 1987 to date, Law Society / LPC – Member;
- 4.11. 2006-2015, South African Society of Labour Lawyers – Member;

- 4.12. 2015-to date, South Africa Women Lawyers Association – Member;
- 4.13. 2020-to date, South African Labour Dispute Resolution Practitioners – Member;
- 4.14. 2019 to date, Black Lawyers Association – Member.

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

5.1. The candidate’s commitment to the values of the Constitution is evident from the fact that:

5.1.1. she is a member of various organisations which align themselves with the values enshrined in the Constitution. She is a member of the Black Lawyers Association, which is committed to transformation of the legal sector; and

5.1.2. the candidate aligns herself with fairness and social justice. She is further committed to preserving social relationships.

6. The candidate’s knowledge of the law, including constitutional law

6.1. The candidate has over 30 years of experience as an attorney. Her *curriculum vitae* reflects a wealth of knowledge in labour law.

7. Whether any judgments have been overturned on appeal

7.1. The candidate has no judgments that have been overturned on appeal.

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

- 8.1. The candidate has over 30 years of experience as an attorney, and as a labour lawyer. She has acted as a judge in this division on more than one occasion.
- 8.2. No adverse comments were received.

9. The candidate's linguistic and communication skills

- 9.1. The candidate has an excellent command for writing judgments in plain and clear language, making them easily readable and understandable.
- 9.2. From the candidate's judgments, she shows a clear proficiency in the English language.
- 9.3. No adverse comments have been raised in respect of the candidate's communication skills.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate has no reserved judgments outstanding to her name.

11. The candidate's fairness and impartiality

- 11.1. The analysis of the candidate's judgments indicates that the candidate carries out her role with the fairness and impartiality it requires.

12. The candidate's independent mindedness

- 12.1. No adverse comments have been received.

- 12.2. An analysis of the candidate's judgments indicates that the candidate has an independent mind.

13. The candidate's ability to conduct court proceedings

- 13.1. The candidate is a litigation attorney and a part-time commissioner in the CCMA.
- 13.2. The candidate has also been appointed as an acting judge on a number of occasions.
- 13.3. The candidate can therefore be expected to have well-developed skills in conducting court proceedings.
- 13.4. The candidate also has written judgments that were neither appealed nor overturned on appeal.
- 13.5. Further, no adverse comments have been received regarding her ability to conduct court proceedings.

14. The candidate's administrative ability

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

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

- 15.1. No adverse comments have been received.

16. The candidate's judicial temperament

- 16.1. No unfavourable comments have been received.

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

17.1. The candidate has committed herself to serving the community and advancing human rights by serving as a part-time commissioner in the CCMA.

18. The candidate's potential

18.1. The candidate would, if appointed, strengthen the High Court with both her breadth of legal knowledge and experience and her demonstrable commitment to social and administrative justice.

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

19.1. The candidate's appointment would send a message to the community that the judicial system both recognises and supports the inclusion of black women.

19.2. The candidate's appointment would further reflect the judiciary's commitment to the pursuit of social and administrative justice, as fundamental tenets of the Constitution.

19.3. The candidate also displays a good ability as a legal practitioner and administrator of justice, which would demonstrate to the community that the judiciary is committed to preserving its high standard of competency and expertise.