

JSC INTERVIEW ROUND: APRIL 2022

CANDIDATE: PROFESSOR ROSAAN KRUGER

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

1. The candidate's tertiary qualifications, professional admissions and honours:

- 1.1. BA, BA Hons, LLB, Certificate of Labour Law, North West University.
- 1.2. Ph.D, PGDHE, Conversational isiXhosa, Rhodes University.
- 1.3. Admitted attorney, non-practising roll.

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 or is not a fit and proper person for appointment.

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

- 3.1. There are currently 8 full time judges on the Eastern Cape Local Division, Gqeberha bench, comprising (as far as could be ascertained):
 - 3.1.1. 1 black woman (African);
 - 3.1.2. 2 black men (African);

3.1.3. 2 white women; and

3.1.4. 3 white men.

3.2. The candidate is a white woman.

4. The candidate's personal commitment to the values of the Constitution:

4.1. The candidate has displayed a commitment to the values of the constitution as is evident from the candidate's:

4.1.1. membership of the African Network of Constitutional Lawyers for 14 years; and

4.1.2. membership of the Berkeley Centre on Comparative Equality and Anti-Discrimination Law for two years.

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

5.1. The candidate has knowledge of Constitutional Law through her academic career. The candidate has acted as a CCMA Commissioner.

5.2. The candidate has, for all intents and purposes, not practised as she has been a full time academic since 2001. Accordingly, the candidate has little or no experience in the diverse fields of law which face a judge on a daily basis.

6. Judgments of the candidate that have been overturned, upheld or commented on appeal:

6.1. None. Though the candidate has granted leave to appeal in two judgments, these appeals are yet to be heard.

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

- 7.1. The candidate has very limited experience as a legal practitioner. She practised part time for three months as an attorney, during the period 1 July 2001 to 30 September 2001.

8. The candidate's linguistic and communication skills:

- 8.1. The candidate's judgments reveal a good command of language but are not always well constructed and accessible to litigants.

9. The candidate's ability to produce judgments promptly:

- 9.1. The candidate had 8 outstanding judgments as at 5 December 2021.

10. The candidate's ability to conduct court proceedings fairly, efficiently and effectively:

- 10.1. The candidate has conducted court proceedings fairly, impartially and courteously. In the experience of the practitioners that have appeared before the candidate, she has been prepared and engaging.

- 10.2. Practitioners who have appeared before her have, however, reported that her lack of experience is apparent from the manner in which she conducts proceedings before her and that at times she strays from the facts presented in evidence and is distracted by irrelevant issues.

11. The candidate's independent mindedness:

- 11.1. The candidate's judgments are well researched and impartial.

12. **The candidate's administrative ability (other than in relation to court proceedings):**

12.1. From the candidate having been the Dean of Law at Rhodes University, it appears that the candidate has good administrative capabilities.

13. **The message that the candidate's appointment would send to the public at large:**

13.1. It is of concern that the candidate lacks experience as a practitioner which, despite her extensive academic experience, may result in the view that her appointment is inappropriate.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED**Unreported judgments (e.g. judgments attached to application and judgments only available on JDR; JOL and SAFLII):**

1. In addition to the judgments cited and attached to the candidate's application consideration has been given to her judgment in case number *Express Petroleum v Rio Ridge (Pty) Ltd and others* 2471/2022. The candidate granted leave to appeal this judgment. It appears from the judgment that she found:
 - 1.1. The respondents in contempt of court for not doing something which the first order did not prescribe that they do;
 - 1.2. Two of the respondents in contempt of court, despite the fact that the first order did not require that they do, or refrain from doing, anything; and
 - 1.3. That the consistent precedent of the High Court, the Supreme Court of Appeal, and the Constitutional Court, relating to the interpretation of orders of court had been overtaken by the "*contemporary approach to legal interpretation*" and need not be followed.