

## **JSC INTERVIEW ROUND: APRIL 2022**

**CANDIDATE: JUDGE MJABULISENI ISAAC MADONDO**

**COURT FOR WHICH CANDIDATE APPLIES: JUDGE PRESIDENT  
OF THE KZN DIVISION**

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

1.1. The candidate has the following qualifications:

1.1.1. B Juris, 1983, UniZulu

1.1.2. LLB, 1985, UKZN

1.1.3. LLM, 1991, UNISA

1.1.4. Postgraduate Diploma (Drafting and interpretation of contracts)

1.1.5. Certificate (Legislative Drafting)

1.2. The candidate is the Deputy Judge President of the KwaZulu-Natal Division.

1.3. The candidate is 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 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 26 full time judges on the Kwa-Zulu Natal bench comprising (as far as could be ascertained):

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

3.1.2. Ten 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 (African) man.

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

4.1. The judgments delivered by the candidate shows his commitment to the values of the Constitution. The candidate has written books and published articles, and his involvement in the organisations which appear at paragraph 8, pages 12 to 13 of the JSC Questionnaire demonstrate his commitment to the values of the Constitution.

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

5.1. At paragraph 16, pages 15 to 20 of the JSC Questionnaire the candidate lists 10 of his judgments that he regards as significant. The candidate has 75 reported judgments, all of which were penned by him.

5.2. These judgments demonstrate a wide-ranging legal knowledge, including knowledge of family law, company law, criminal law,

property law and constitutional law, and a commitment to constitutional values.

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

6.1. The candidate lists five judgments that have been overturned on appeal. These appear at paragraph 16.4 of the JSC Questionnaire.

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

7.1. Please refer to paragraph 6 at page 8 to 11 for the candidate's professional experience.

7.2. The candidate's experience, save for those years before he qualified as a lawyer, is exclusively in his capacity as a prosecutor, advocate, senior counsel and judge. The candidate has acted in the Constitutional Court. The candidate's practical experience is substantial, spanning 20 years as counsel and more than 10 years on the bench. The candidate has many reported judgments to his name (of which he was the principal or sole author), which is a considerable achievement.

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

8.1. From the candidate's judgments, it is clear that he has excellent English language skills. The candidate uses plain language in his judgments, making them easily understandable.

8.2. The candidate's judgments are clear and can be easily understood by a wide variety of readers, even in circumstances where he is communicating complex concepts.

8.3. In his application he indicated his proficiency in other languages.

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

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

9.1. The candidate appears to take a reasonable period to produce a judgment. The candidate displays a good ability to produce clear, reasoned judgments on complex legal issues within a reasonably short space of time.

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

10.1. No adverse comments have been received.

10.2. The analysis of the candidate's judgments set out above indicates that the candidate carries out his role with the fairness and impartiality it requires.

**11. The candidate's independent mindedness:**

11.1. No adverse comments have been received.

11.2. The analysis of the candidate's judgments set out above indicates that the candidate has an independent mind.

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

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

12.2. The candidate is currently the Deputy Judge President at the KZN Division. By virtue of holding this position since 2016 the candidate has demonstrated an administrative capacity, and this position can be expected to have developed his administrative ability.

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

13.1. The candidate would, if appointed, strengthen the KZN Division not only with the breadth of his legal knowledge and experience, but also with his commitment to constitutional values.

13.2. The candidate's appointment would send a message to the community that judges who show commitment to the values of the Constitution and to substantive justice are valued and recognised.

13.3. The candidate's appointment would constitute an acknowledgment that the KZN Division recognises excellence.

13.4. The candidate's obvious ability as a jurist, his civic minded participation in the legal profession and administration of justice, his commitment to the values of the Constitution, his breadth and depth of legal knowledge and his industry in producing reportable judgements of substance would constitute significant assets to the KZN Division.