

JSC INTERVIEW ROUND: APRIL 2022

CANDIDATE: PROFESSOR MBUZENI JOHNSON MATHENJWA

**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. B Juris (1991), University of Fort Hare;

1.1.2. LLB (1996), University of Witwatersrand;

1.1.3. LLM (2007), UNISA; and

1.1.4. LLD (2014), UNISA.

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 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 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 (African) man.

4. The candidate's career path:

LEGAL

- 4.1. 1982-1985: constable, South African Railway Police Force, Empangeni;
- 4.2. 1986: sergeant, South African Railway Police Force, Vryheid;
- 4.3. 1987-1988: sergeant, South African Railway Police, Vryheid;
- 4.4. 1996-1998: candidate attorney, Cox Partners Attorney, Vryheid;
- 4.5. 1998-1999: professional assistant, Botha's Incorporated Attorneys, Empangeni;
- 4.6. 1999-2002: self-employed under the name Mathenjwa & Co Attorneys, Empangeni;
- 4.7. 2002-2004: Head of Department of Safety and Community Liaison, KZN Provincial Government;
- 4.8. 2004-2006: municipality manager, Mandeni Municipality;
- 4.9. 2006-2009: municipality manager, Abaqulusi Municipality, Vryheid;

- 4.10. 2010: senior lecturer – North-West University, Mahikeng;
- 4.11. 2011-2015: senior lecturer, UNISA
- 4.12. 2016-2017: associate professor, UNISA
- 4.13. 2018-2021: full professor, UNISA
- 4.14. 2021 to date: self-employed, Advocate of the High Court of South Africa

5. Whether the candidate is a fit and proper person:

- 5.1. The candidate is a practising advocate, and he has received Certificates of Good Standing from the LPC, the Johannesburg Society of Advocates, and PABASA.
- 5.2. The candidate, as per the certificates, was admitted as an advocate in 2019 and has been practising since 2020.
- 5.3. He joined PABASA in March 2021.
- 5.4. He has no disciplinary or other proceedings pending against him.
- 5.5. The candidate is a fit and proper person.

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

- 6.1. The candidate had his own legal practice and he has over a decade of experience as a law lecturer.
- 6.2. The candidate has acted as a judge in the KZN Division.
- 6.3. The candidate possesses a Doctorate in Law;

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

7.1. The candidate's commitment to the values of the Constitution is evident in the following ways:

7.1.1. He is a member of PABASA which is an organisation committed to transformation of the legal sector;

7.1.2. The candidate also aligns himself with fairness and social justice in the administration of justice. This is evident in his published articles.

8. Whether any judgments have been overturned on appeal:

8.1. The candidate has no judgments which have been taken on appeal.

9. The candidate's linguistic and communication skills:

9.1. The candidate has a good command of the English language. He writes in plain and clear language, making his writings easily readable and understandable.

9.2. This assessment is based on the judgment annexed in the candidate's application and the number of articles the candidate has written, all which are in English.

9.3. From the candidate's judgment, he shows a clear proficiency in the English language.

9.4. 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 his name.

11. The candidate's fairness and impartiality:

11.1. No adverse comments have been received.

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. No adverse comments have been received regarding his 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. There is no information that we are aware of that would show that the candidate is not committed to human rights and the betterment of the community.

18. The candidate's potential:

18.1. The candidate would, if appointed, strengthen the High Court with both his breadth of legal knowledge and experience and his academic background.

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 is serious about transformation, and it recognizes and supports the inclusion of black academics in its current dispensation, and that academic experience is valued for judicial appointment.