

JSC INTERVIEW ROUND: APRIL 2022

CANDIDATE: MR VINESH NAIDU

**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. Bachelor of Arts (1994) University of Cape Town
- 1.2. Bachelor of Law (1999) University of Natal (Durban)
- 1.3. Diploma in Insolvency Law (2005) University of Pretoria
- 1.4. Admitted as attorney with right of appearance in the High Court (16 August 2001)

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 black, Indian man.

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

- 4.1. The candidate's commitment to Legal Aid South Africa speaks to his dedication to the achievement of dignity, equality and freedom for all, and human rights generally, through his public service and civil society and community involvement, and specifically, his dedication to social justice and access to justice to the indigent and underprivileged.
- 4.2. The candidate is an active member of the local legal community and dedicates himself after-hours to training of law students at the School for Legal Practice.

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

- 5.1. The candidate has extensive experience in family law and administrative law.
- 5.2. The candidate estimates 10% of his practice to comprise of constitutional law matters.

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

- 6.1. One judgment has been referred to the Supreme Court of Appeal, but no date has been allocated for the hearing as yet.

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

- 7.1. The candidate has some 23 years' experience, 11 years in private practice and 12 years with Legal Aid South Africa with the concomitant knowledge and experience. He has held an acting appointment for a period of approximately eight months in total over the course of five years and over this time demonstrated his ability to effectively manage court proceedings.

- 7.2. The candidate's community involvement is strong, as is his commitment to social justice.

8. The candidate's linguistic and communication skills:

- 8.1. The candidate's judgments are well-written and well-reasoned.

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

- 9.1. The candidate has no outstanding judgments to date, and appears to deliver judgments expeditiously.

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

- 10.1. The candidate is punctual, prepared and engages with counsel with ease. He is courteous and conducts himself with the necessary decorum. He has a disciplined work ethic and is diligent in his approach to all matters.

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

- 11.1. There is nothing to suggest that the candidate is not independently-minded.

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

- 12.1. As the sole High Court practitioner in the Legal Aid office, Gqeberha, the candidate is used to a high volume of matters and appears to manage his administrative duties with ease.

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

- 13.1. The candidate's appointment would evidence transformation in the Eastern Cape and he is a candidate of experience, integrity and commitment.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments (e.g. SALR; All SA; SACR; BCLR; CPLR; SATC; ILJ; BLLR; ALR; BIP):

Vaaltyn and Others v Minister of Police [2018] All SA 534 (ECP)

Unreported judgments (e.g. judgments attached to application and judgments only available on JDR; JOL and SAFLII):

Mafongosana v Road Accident Fund (3673/2018) [2020] ZAECPEHC 34 (11 September 2020)

Boxerdale Holdings (Pty) Ltd and Others v Wulffers (3543/2019) [2020] ZAECPEHC 36 (29 September 2020) (Leave to appeal to the SCA granted, no date for hearing allocated)

V and others v Minister of Police (481/2016) [2018] ZAECPEHC 50 (23 August 2018)

Tryzone Fourteen (Pty) Ltd v Batchelor NO and Others (3535/2013) [2018] ZAECPEHC 56 (2 October 2018)

Nieuwenhuis v Registrar Health Professions Council of South Africa and others (3540/2015) [2016] ZAECPEHC 72 (1 November 2016)

Judgments upheld on appeal:

None

Judgments overturned on appeal:

None