

JSC INTERVIEW ROUND: APRIL 2022

CANDIDATE: ADVOCATE DENZIL OWEN POTGIETER SC

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

1. The candidate's appropriate qualifications

1.1. The candidate holds the following degrees:

1.1.1. BA (Law) – University of Western Cape – 1978;

1.1.2. LLB – University of Western Cape – 1980;

1.1.3. BA (Honours) Philosophy – University of Western Cape – 1981;

1.1.4. LLM (Constitutional and International Trade Law) - University of South Africa – 2001; and

1.1.5. Diploma in International Trade Law – University of California – 1998.

1.2. The candidate is appropriately qualified.

1.3. The candidate has approximately 35 years' experience in practice, initially as an attorney and thereafter as an advocate, with the candidate having practised as a senior counsel for the last 27 years. The candidate was also a commissioner at the Truth and Reconciliation Commission for 5 years.

2. Whether the candidate is a fit and proper person

- 2.1. The candidate is fully qualified and has been a senior counsel practicing at the Cape Bar since 1995.
- 2.2. There is nothing in the candidate's application or in the material review and comments received on the candidate to suggest that he is not a fit and proper person.

3. Would the candidate's appointment help to reflect the racial and gender composition of South Africa?

- 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 (coloured) man.

4. The candidate's knowledge of the law, including Constitutional law

- 4.1. The candidate indicates that he has experience in criminal and civil law, labour law as well as administrative and constitutional matters.
- 4.2. During the course of his career, the candidate was initially involved in political litigation and trials and thereafter developed a practice representing state institutions and public entities doing work in the areas of constitutional, administrative and local government law,

practicing in the High Courts, Labour Court, Supreme Court of Appeal and Constitutional Court.

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

- 5.1. A reading of the candidate's application and the judgments annexed thereto indicate that he appears to recognize the values enshrined in the Constitution.

6. The extent and breath of the candidate's professional experience

- 6.1. The candidate was been a practicing member of the Cape Bar since 1985, where he has been a senior counsel since 1995. He was also a commissioner at the Truth and Reconciliation Commission for a period of 5 years.
- 6.2. As stated before, the candidate has enjoyed an extensive practice in various fields of law in a long and successful career spanning a period of 40 years.

7. The candidate's linguistic and communication skills

- 7.1. The candidate's judgments are in English and the reading thereof shows that his linguistic and communication skills are good.

8. The candidate's fairness and impartiality

- 8.1. There is nothing to suggest that the candidate is not impartial.

9. The candidate's independent mindedness

- 9.1. No adverse comments regarding the candidate's independent mindedness have been noted.

10. The candidate's ability to conduct court proceedings

10.1. The candidate has an excellent ability to conduct court proceedings.

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

11.1. The Eastern Cape Society of Advocates is unaware of any circumstances that give doubt to the candidate's integrity and ethical behaviour.

12. The candidate's judicial temperament

12.1. The Eastern Cape Society of Advocates have indicated that the candidate always treated them cordially and with respect, and furthermore that he showed good judicial temperament.

13. The candidate's potential

13.1. The candidate has excellent potential as appears from the application.

14. The message that the candidate's appointment will send to the community at large

14.1. The candidate is a coloured man and his appointment will enhance racial representation on the bench.