

**JSC INTERVIEW ROUND: OCTOBER 2022**

**CANDIDATE: MS MSONGELWA EULENDA MAHLANGU**

**COURT FOR WHICH CANDIDATE APPLIES: THE NORTH WEST  
DIVISION OF THE HIGH COURT**

**1. The candidate's tertiary qualifications, professional admissions, honours,  
and permanent judicial appointments:**

1.1. The candidate has the following qualifications:

1.1.1. B.Juris: Vista University 1997; and

1.1.2. LLB: Vista University 2001.

1.2. 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.

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

3.1. From October 2022, with the retirement of Gura J, there will be 5 full time judges on the North West bench, comprising (as far as could be ascertained):

3.1.1. 3 men (1 African, 2 Coloured);

3.1.2. 1 black woman; and

3.1.3. 1 white woman.

3.2. The candidate is a black African woman.

**4. The maximum time period the candidate could serve if appointed:**

4.1. Section 176(2) of the Constitution provides that all judges other than Constitutional Court judges “*hold office until they are discharged from active service in terms of an Act of Parliament.*” The Act in question is the Judges Remuneration and Conditions of Employment Act 47 of 2001.

4.2. Section 3(2)(a) of the Act provides that, subject to section 4(4), a judge will ordinarily be discharged from active service upon reaching the age of 70 if, by that date, they have completed a period of active service of not less than ten years. If not, they will be discharged from active service after having completed ten years of active service.

4.3. Section 4(4) allows for a judge who reaches the age of 70 to continue serving until the age of 75 if, at the time of turning 70, they have not yet served 15 years’ active service.

4.4. The candidate is 57 years old.

4.5. If appointed, the candidate could serve as a sitting judge for 18 years.

**5. The candidate’s personal commitment to the values of the constitution:**

5.1. There is nothing to suggest the candidate does not commit to the values of the constitution.

- 5.2. The candidate indicates in her questionnaire that she encourages children to finish school and proceed to tertiary education.
- 5.3. The candidate indicates that she mentors many children at tertiary level of their studies.
- 5.4. The candidate indicates she has assisted some with registration fees at University.
- 5.5. The candidate has further indicated that she has assisted pupils at the Polokwane Society of Advocates during pupillage.

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

- 6.1. The candidate is a practising Advocate.
- 6.2. The candidate's proportion of litigation work has been in the field of:
  - 6.2.1. Criminal law: 30%;
  - 6.2.2. Administrative law: 4%;
  - 6.2.3. Constitutional law: 5%;
  - 6.2.4. Labour law: 1%;
  - 6.2.5. Other areas of civil law (specifically personal injury, tax shipping, intellectual property, divorce, etc.): 30% personal injury and 20% divorce; and

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

7.1. The candidate indicates that there is a matter taken on appeal but does not state which matter it is.

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

8.1. The candidate has been an advocate in private practise for 10 years. The candidate has been acting as a judge for 1 year.

8.2. From the questionnaire, it is evident that the candidate has extensive experience in the criminal courts.

8.3. Before joining private practice, the candidate was a Public Prosecutor and held various positions with the National Prosecuting Authority:

8.3.1. from 1999 to 2003, the candidate was a public prosecutor;

8.3.2. from 2003 to 2006, the candidate was a state advocate; and

8.3.3. from 2006 to 2012, the candidate was a senior state advocate.

8.4. Some members have indicated that in their view, the candidate has limited knowledge of civil law.

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

9.1. The candidate is fluent in both English and Setswana languages.

9.2. From a reading of the judgments of the candidate, they read well and show good linguistic and communication skills.

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

10.1. The candidate has not delayed in handing down judgments.

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

11.1. Some members have expressed the view that the candidate is short tempered; is not punctual in starting court; and is confrontational in her engagement with counsel.

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

12.1. In the judgments which have been put up by the candidate, there is nothing to suggest that she is partial to any of the parties.

12.2. The candidate indicates that she has business interests. The candidate has not indicated if her involvement in business interferes with her duties as judge or counsel.

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

13.1. There is nothing to suggest that the candidate does not have good administrative ability.

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

14.1. The candidate has been a practising advocate for her own account for some 10 years.

- 14.2. The candidate has acted as a judge since the year 2020 and is currently acting as a judge.

**ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

1. Reported judgments:
  - 1.1. None
2. Unreported judgments:
  - 2.1. None
3. Judgments upheld on appeal:
  - 3.1. None
4. Judgments overturned on appeal:
  - 4.1. None