

JSC INTERVIEW ROUND: OCTOBER 2023

CANDIDATE: MR REYNAUD NEIL DANIELS

**COURT FOR WHICH CANDIDATE APPLIES: LABOUR COURT,
JOHANNESBURG**

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

1.1. The candidate is appropriately qualified.

1.2. The candidate holds the following qualifications:

1.2.1. BA (University of Cape Town) – 1991;

1.2.2. LLB (University of the Western Cape) – 1994; and

1.2.3. LLM in International Human Rights (Northwestern University, Chicago) – 2006.

1.3. The candidate was admitted as an attorney on 7 March 1997.

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 12 judges permanently appointed to the Labour Court. Based on the names listed on the judiciary's website, the Labour Court's racial and gender composition appears to be:

3.1.1. 5 black women (4 African, 1 coloured);

3.1.2. 2 white women;

3.1.3. 3 black men (2 African, 1 coloured); and

3.1.4. 2 white men.

3.2. The candidate is a black man of Indian descent.

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 52 years old.

4.5. If appointed, the candidate could serve up to 18 years actively in office.

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

5.1. The candidate has demonstrated a commitment to the values of the Constitution.

5.2. He has completed an LLM in International Human Rights. He has published scholarly articles in this field.

5.3. He has, since the beginning of his career, been involved in working with charitable organisations aimed at advancing social justice for vulnerable persons.

5.4. He is plainly aware of the socio-economic challenges faced by most South Africans, understands how the law can be used to assist them, and has indeed actively helped many people in this regard.

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

6.1. The candidate has considerable knowledge of labour law. He has appeared in many fora in which labour law is dealt with, in a diverse range of matters.

6.2. He has been involved in matters heard in the Constitutional Court, albeit matters with a basis in labour law. It can be concluded from

this, his LLM in human rights law, and his experience, that he has at least a good knowledge of constitutional law.

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

- 7.1. None.
- 7.2. The candidate has only acted for two weeks during 2002 as a judge of the Labour Court. He has provided only one judgment (*Morgan v Central University of Technology, Free State* (2013) 34 ILJ 938 (LC)) which he penned as a judge.

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

- 8.1. The candidate has been an attorney for almost 30 years.
- 8.2. He has practised in the labour law field for all of that time. He has appeared on his own as well as briefed counsel. He has himself appeared in court many times.
- 8.3. He has been involved in a number of reported judgments.
- 8.4. He is plainly aware of recent developments in labour law.
- 8.5. However, he has only acted as a judge in the Labour Court for a cumulative period of two weeks. In 2016, he attended a judicial skills training course over four days.

9. The candidate's linguistic and communication skills:

- 9.1. Judging from the candidate's single judgment, he can write clearly and succinctly. His judgment is logical and easy to understand.

10. **The candidate's ability to produce judgments promptly:**
 - 10.1. The candidate's single judgment was handed down approximately a month and a half after the hearing of the case.
11. **The candidate's ability to conduct court proceedings fairly, efficiently and effectively:**
 - 11.1. On the information provided, there are no reservations regarding the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.
12. **The candidate's independent mindedness:**
 - 12.1. On the information provided, there are no reservations or concerns regarding the candidate's independent mindedness.
13. **The candidate's administrative ability (other than in relation to court proceedings):**
 - 13.1. On the information provided there are no reservations or concerns regarding the candidate's administrative abilities.
14. **The message that the candidate's appointment would send to the public at large:**
 - 14.1. The candidate has gained extensive knowledge of labour law while practising as an attorney.
 - 14.2. The candidate has limited experience as an acting judge, and may profitably benefit from further experience as an acting judge prior to permanent appointment. This would also enable greater scrutiny of his suitability for permanent appointment.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED1. Reported judgments:

- 1.1. *Morgan v Central University of Technology, Free State* (2013) 34
ILJ 938 (LC)

2. Unreported judgments:

- 2.1. None

3. Judgments upheld on appeal:

- 3.1. None

4. Judgments overturned on appeal:

- 4.1. None