

JSC INTERVIEW ROUND: OCTOBER 2024

VACANCY: JUDGE, KWAZULU-NATAL DIVISION OF THE HIGH COURT

ADVOCATE GARTH MICHAEL HARRISON

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

1.1. The candidate holds the following tertiary qualifications:

1.1.1. BCom, former University of Natal, Durban (1990)

1.1.2. LLB, former University of Natal, Durban (1992)

1.2. The candidate holds the following professional admissions and honours:

1.2.1. admitted as an attorney in 1995

1.2.2. admitted as an advocate in 2000

2. The candidate's integrity and ethics

2.1. No circumstances are known to the reviewers 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. The racial and gender composition on the bench

3.1. There are currently 24 permanent judges of the KwaZulu-Natal Division of the High Court:

3.1.1. 8 black women (6 African, 1 Coloured, 1 Indian)

3.1.2. 10 black men (7 African, 3 Indian)

3.1.3. 3 white women, and

3.1.4. 3 white men.

3.2. According to the questionnaire, the candidate is a white man.

4. The maximum period the candidate could serve if appointed

- 4.1. At the time of the interviews, the candidate will be approximately 55 years old and will have completed a period of approximately 3 months of service as an acting judge.
- 4.2. If appointed and if the candidate's service as an acting judge is taken into account, the candidate would be eligible to complete a period of approximately 14 years and 11 months' active service as a judge. Alternatively, if the candidate's acting stints are not taken into account, the candidate would be eligible to serve as a judge for 15 years from appointment.

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

- 5.1. According to the questionnaire, the candidate has been involved in training and mentoring 9 pupils at the Society of Advocates of KwaZulu-Natal, Durban Bar.
- 5.2. Since 2010, the candidate has lectured on liquidations, sequestrations, rehabilitations, and business rescue at the KZN bar and implemented the Insolvency Workshop for Practical Training for Advocates in the fields of liquidations, sequestrations, rehabilitations, and business rescue.

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

- 6.1. From the *curriculum vitae* submitted, the candidate has extensive experience in the legal field, having practised as an attorney for 5 years and as an advocate for approximately 24 years.
- 6.2. The candidate therefore has extensive experience and diverse knowledge and understanding of various areas of the law, including both criminal law and civil litigation.
- 6.3. The candidate has a special interest in commercial litigation, primarily in insolvency, company law, tax, and intellectual property.
- 6.4. The candidate has an extensive trial practice which includes contractual disputes, and RAF trials (specifically head injury cases).

7. Judgments of the candidate that have been taken on appeal

- 7.1. The candidate has indicated that no judgments have been taken on appeal.

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

- 8.1. From the *curriculum vitae* submitted, the candidate has extensive experience in the legal field, having practised as an attorney for 5 years and as an advocate for approximately 24 years.
- 8.2. The candidate has a special interest in commercial litigation, primarily in insolvency, company law, tax, and intellectual property.
- 8.3. The candidate has indicated that he has an extensive trial practice that includes contractual disputes and RAF trials (specifically head injury cases).
- 8.4. The candidate has indicated that he has dealt with criminal appeals, bail appeals, criminal petitions, and criminal reviews.
- 8.5. The candidate has sat as an acting judge in the civil session at the KwaZulu-Natal Division of the High Court of South Africa on four occasions:
 - 8.5.1. From 2 October 2023 to 3 November 2023;
 - 8.5.2. From 26 February 2024 to 28 March 2024; and
 - 8.5.3. From 20 May 2024 to 21 June 2024.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. Nothing in the judgments and other writings considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate indicated that no judgments were outstanding at the time of completing the questionnaire.

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

- 11.1. The reviewers received no adverse comments from colleagues relating to the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

12. The candidate's independent-mindedness

- 12.1. The reviewers received no adverse comments from colleagues relating to the candidate's independent-mindedness.

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

- 13.1. The candidate has acted in various insolvency enquiries under sections 417 and 418 of the Companies Act.
- 13.2. From 1997 to 2017, the candidate sat as Chairperson of the Disciplinary Council for KwaZulu-Natal Hockey.
- 13.3. From 2000 until it disbanded in 2001, the candidate was a member and managed the Group 8 South group of advocates.
- 13.4. From 2004 to 2016, the candidate was the treasurer of the Durban Club Place Advocates' Association.
- 13.5. Since 2022, the candidate has managed the Natal Masters Hockey 45 – 50 side.
- 13.6. The candidate has served the Society of Advocates of KwaZulu-Natal variously on the Skills Transformation Committee, the Housing Committee and as Honorary Treasurer.
- 13.7. The candidate currently serves the Society of Advocates of KwaZulu-Natal as its secretary.

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

- 14.1. The candidate's appointment as a judge would send a positive message to the public at large as he is an experienced legal practitioner with a diverse practice.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. None

Unreported judgments

1. *022290842 (South Africa) (Pty) Ltd t/a Appetite v Government Employees Pension Fund represented by The Public Investment Corporation SOC Ltd ("GEPF") and Another* (D8281/2022) [2023] ZAKZDHC 86 (15 November 2023)
2. *Zenith Car Rental (Pty) Ltd v Apex Vehicle Rental (Pty) Ltd and Others* (D10338/2023) [2023] ZAKZDHC 76 (20 October 2023)
3. *Narasimooloo v Nedbank Limited and Others* (12867/2017) [2023] ZAKZDHC 84 (3 November 2023)
4. *Selorne Park Body Corporate SS184/2001 v Mc Gregor* (D12787/2018) [2023] ZAKZDHC 75 (16 October 2023)
5. *S'boniso Biyela v The State and 2 Others* (Case No. D1487/2024)
6. *Newbrook Shipping Corporation v Nadella Corporation* (Case No. A10/2018)

Judgments upheld on appeal

7. None

Judgments dismissed on appeal

8. None