

## **JSC INTERVIEW ROUND: OCTOBER 2024**

### **VACANCY: JUDGE, LIMPOPO DIVISION OF THE HIGH COURT, THOHOYANDOU**

#### **ADVOCATE LESIBANA GEMINE PHILEMON LEDWABA**

##### **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. Baccalaureus Procuracionis, University of North West (1998)

1.1.2. Baccalaureus Legum (LLB), University of Pretoria (2002)

1.1.3. Master of Laws in Human Rights and Constitutional Practice, University of Pretoria (2003)

1.1.4. Master of Laws in Labour Law by Dissertation, UNISA (2018)

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

1.2.1. admitted as an attorney November 1993

1.2.2. admitted as an advocate 11 June 2007

1.3. The candidate has indicated that he has experience as a judge in the Gauteng and Limpopo Divisions of the High Court for a cumulative period of approximately 174 weeks:

1.3.1. 15 April 2019 to 30 June 2019

1.3.2. 10 October 2019 to 13 December 2019

1.3.3. 5 October 2020 to 11 December 2020

1.3.4. 18 January 2021 to 26 March 2021

1.3.5. 19 July 2021 to 30 September 2021

1.3.6. 27 July 2020 to 4 September 2022

1.3.7. 10 October 2022 to 2 December 2022

1.3.8. 22 January 2024 to 28 March 2024

## **2. 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 7 permanent judges of the Limpopo Division of the High Court:
  - 3.1.1. 1 African woman
  - 3.1.2. 4 African men
  - 3.1.3. 1 white woman
  - 3.1.4. 1 white man
- 3.2. It appears that 3 judges are assigned to the Thohoyandou seat of the division. They are all African men.
- 3.3. According to the questionnaire, the candidate is an African man.

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

- 4.1. At the time of the interviews, the candidate will be approximately 63 years and 9 months old.
- 4.2. The candidate's self-reported acting stints amount to approximately 3.5 years over the past five years. If taken into account, it appears the candidate will nevertheless only have completed 9 years and 6 months' active service when he turns 70 in approximately 6 years and 2 months.
- 4.3. The candidate would therefore be eligible to serve as a judge for approximately 11 years and 2 months until the age of 75.

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

- 5.1. The candidate has obtained two masters degrees, one with a Human Rights and Constitutional Practice specialty, the other with a Labour Law specialty indicating an academic interest in constitutional law.
- 5.2. The candidate was the Regional Deputy Director of Litigation for Lawyers for Human Rights early in his career.

5.3. The candidate has acted as a High Court Judge on a *pro bono* basis, which demonstrates a commitment and ability to give back to the community by providing much-needed judicial services.

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

6.1. The candidate appears to have vast knowledge of the law, particularly constitutional law which he has mastered, as well as having adjudicated and written several judgments regarding traditional authority disputes, which disputes normally raise constitutional issues.

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

7.1. The judgment of *Mohuba DK v The University of Limpopo* was overturned on appeal by the Supreme Court of Appeal. The applicant sought to compel the university to confer a degree on him. The candidate upheld a special plea by the university to the effect that the applicant could not claim the relief in terms of specific performance of a contract because the decision not to confer the degree was an administrative decision governed by PAJA.

7.2. The SCA held that the relationship between a university and a student is a *sui generis* relationship governed neither purely by private nor public law principles and, furthermore, that the candidate ought not to have upheld a special plea being seized only with the question of separation of issues in terms of rule 33(4) of the Uniform Rules of Court.

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

8.1. The candidate acquired experience as an acting judge during various acting stints.

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

9.1. 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. Nothing suggests to the reviewers that the candidate does not produce judgments promptly.

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

11.1. The candidate is punctual and starts court proceedings on time.

**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 completed two masters degrees while practising as an attorney. This would tend to indicate good administrative and organisational skills.

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

14.1. Although the candidate has significant experience acting as a judge of the High Court, his appointment to the Thohoyandou seat would not further the diversity of the bench.

## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### Reported judgments

1. None indicted by reviewers

### Unreported judgments

2. None indicted by reviewers

### Judgments upheld on appeal

3. None indicted by reviewers

### Judgments dismissed on appeal

4. None indicted by reviewers