

# **JSC INTERVIEW ROUND: OCTOBER 2024**

## **VACANCY: JUDGE, WESTERN CAPE DIVISION OF THE HIGH COURT**

### **CANDIDATE: ADVOCATE SUSAN VAN ZYL**

#### **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. B. Iuris (*cum laude*) from the University of the Free State (1993)

1.1.2. LLB from the University of the Free State (1995)

1.1.3. LLM (Corporate Law) from the University of South Africa (2000).

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

1.2.1. attorney admissions exam (1998)

1.2.2. admitted as an advocate (2001).

#### **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. As far as could be ascertained, there are 27 permanent judges of the Western Cape Division of the High Court:

3.1.1. 10 black women (4 African, 6 Coloured)

3.1.2. 12 black men (5 African, 5 Coloured, 2 Indian)

3.1.3. 2 white women

3.1.4. 3 white men

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

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

- 4.1. At the time of the interviews, the candidate will be approximately 52 years and 7 months old and will have completed a period of approximately 1 year and 1 month of service as an acting judge.
- 4.2. If appointed, the candidate would be eligible to serve as a judge for approximately 17 years and 4 months until the age of 70.

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

- 5.1. The candidate's commitment to the achievement of dignity, equality, and freedom for all, and human rights generally, is evidenced through her involvement, past and present, in the following areas:
  - 5.1.1. assisting with the school fees of an underprivileged child for 12 years;
  - 5.1.2. mentoring five pupils;
  - 5.1.3. sharing fees with a black junior; and
  - 5.1.4. membership of the Cape Bar Advocacy Training Committee, Disciplinary Committee, Library Committee, and Judicial Appointment Review Committee.

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

- 6.1. It appears from the numerous matters in which the candidate had appeared and from the judgments penned by her that her knowledge of the law is excellent.

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

- 7.1. In *South African Board for Sheriffs v Seboka and Others* [2024] 1 All SA 273 (WCC), the full bench dismissed an appeal by a majority decision on the ground that it was moot.
- 7.2. In *Something Different Concepts and Shows CC and Another v South African Securitisation Programme (RF) Ltd and Others* [2024] ZAWCHC 103 (19 April 2024), the full bench upheld an appeal against the granting of summary judgment and granted the defendants leave to defend.

7.3. In *Taxpayer B v Commissioner for the South African Revenue Service* 85 SATC 388 (29 November 2022), the taxpayer's appeal against the refusal by the candidate to grant a declarator, was dismissed.

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

8.1. The candidate was employed as a tutor in the law faculty of the University of Cape Town in the period from 1996 – 1997.

8.2. She was employed by the Western Cape Provincial Government as a legal administration officer during 1997.

8.3. She was the legal adviser of the Blaauwberg Municipality in the period from 1998 to 2000.

8.4. From June 2001 to date she has been a member of the Cape Bar.

8.5. The candidate acted in the Western Cape division for 3 terms in 2022, for 3 terms during 2023, and for July and August 2024.

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

9.1. The candidate's judgments are very well written, thorough and detailed.

9.2. She has contributed to a number of titles in *The Law of South Africa*.

9.3. Her linguistic and communication skills are excellent.

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

10.1. The candidate has the ability to produce judgments promptly.

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

11.1. Comments from colleagues indicate that the candidate has a firm but courteous manner.

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

12.1. The candidate's independent-mindedness is evident from the judgments that she has handed down.

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

13.1. The candidate has been a member of numerous committees of the Cape Bar.

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

14.1. The candidate has acted in the High Court for six terms over the course of the past two years. Her appointment would send the message that judges are appointed from among legal practitioners who commit to gaining sufficient experience and who discharge their duties as an acting judge diligently.

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

### Reported judgments

1. *Ingenuity Property Investments (Pty) Ltd v Ignite Fitness (Pty) Ltd* 2023 (5) SA 439 (WCC)
2. *Van Der Westhuizen and others v Akarana Homeowners Association and others* 2024 (1) SA 301 (WCC)
3. *Pentagon Financial Solutions(Pretoria) (Pty) Ltd v Basson N.N.O. and Others* [2023] 3 All SA 560 (WCC)
4. *Williams v Legal Practice Executive* [2023] 1 All SA 873 (WCC)

### Unreported judgments

5. None

### Judgments upheld on appeal

6. None

### Judgments dismissed on appeal

7. None