

VACANCY: JUDGE OF THE WESTERN CAPE DIVISION OF THE HIGH COURT

Candidate: Ashley Henri Kantor

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

1.1. The candidate holds the following tertiary qualifications:

- B Bus Sci (Hons), University of Cape Town (1991)
- LLB, University of Cape Town (1993)
- LLM, University of Cape Town (1996)
- LLM, Cambridge University (1996)

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

- admitted as an attorney in 1995
- admitted as an advocate on 2 August 1996
- conferred senior counsel status on 10 March 2018

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 of the bench

3.1. As far as could be ascertained, there are currently 32 permanent judges of the Western Cape Division of the High Court, Cape Town:

- 12 black women (6 African, 6 Coloured)
- 14 black men (6 African, 6 Coloured, 2 Indian)
- 4 white women

- 2 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 57 years and 1 months old. If appointed, the candidate would be eligible to complete a period of up to 15 years of active service as a judge.

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

5.1. The candidate's conduct as a member of the legal profession and as an acting judge of the High Court attest to his personal commitment to the values of the Constitution.

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

6.1. The candidate's extensive knowledge of the law, including constitutional law, is evident from the contents of his judgments considered by the reviewers, and is affirmed by the numerous letters from members of the attorneys' and advocates' professions in support of his application.

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

7.1. The candidate disclosed that no judgments have been taken on appeal. The reviewers found no judgments of the candidate that have been taken on appeal.

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

8.1. The candidate's 29 years as a practising advocate, including 7 years as senior counsel, and his experience over four stints as an acting judge have enabled him to develop a thorough knowledge of many areas of the law, particularly in commercial matters, including contractual, insurance, insolvency, business rescue, planning law, and administrative law. Since serving as an acting judge, the candidate has presided over several criminal matters, including bail appeals.

9. The candidate's linguistic and communication skills

9.1. The candidate's judgments are written in English.

9.2. His five reported judgments and two unreported judgments were factually or legally complex, or both. His judgments are comprehensive, analytical and carefully reasoned.

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.
- 10.2. As far as could be ascertained at the time of completing this review, no judgments were outstanding. The candidate's judgments were delivered within a period of three months, and some in far shorter periods.

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. There is no reason to believe that the candidate, if appointed, would not bring an independent mind to bear on issues for judicial determination, nor that the candidate would be unduly influenced, including by the executive or legislative branches of government.

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

- 13.1. Although the application contains no explicit information about the candidate's administrative abilities, these can be gauged from his leadership position as Chairperson of the School Governing Body at South African College High School (SACS), his 11 years' service as a Small Claims Court Commissioner, and his service on the Cape Bar *Pro Bono* Disciplinary Committee.

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

- 14.1. The candidate's appointment would send the message that the imperative in section 174(2) of the Constitution is honoured, and that excellent, experienced and eminently suitable candidates for holding judicial office are afforded the opportunity to serve the public on the bench.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. *Moodley v Public Service Commission* [2024] 3 ALL SA 565 (WCC); 2025 (1) SA 472 (WCC)
2. *City of Cape Town v Michels and Others* [2025] 3 ALL SA 95 (WCC)
3. *Limbouris v Du Toit* [2024] 4 ALL SA 562 (WCC); 2025 (1) SA 247 (WCC)
4. *Grenco v Hermanus Esplanade* [2024] 3 ALL SA 504 (WCC); 2024 (6) SA 500 (WCC)
5. *Technologies Acceptances Receivable (Pty) Ltd and Another v Pieter Toerien Productions CC t/a Theatre on the Bay and Others* [2025] 1 ALL SA 775 (WCC)

Unreported judgments

6. *Walser Wine Projects v Wine Machinery Group* (case number 18693/2020 WCHC)
7. *Renown Properties (Pty) Ltd v Esus-2-Group (Pty) Ltd t/a The Korner Gilles Blanc and Others* (A295/2024) [2025] ZAWCHC 105 (13 March 2025)
8. *Brand v D.B and Another* (Appeal) (A106/25; 13157/2024) [2026] ZAWCHC 216 (12 May 2026)
9. *Mdekazi v S* (Appeal) (A246/2025) [2026] ZAWCHC 124 (16 March 2026)
10. *Williams v Thomson Wilks Inc/Mr Elliot and Others* (Leave to Appeal) (2025/058552) [2026] ZAWCHC 114 (6 March 2026)
11. *G.P v S* (Bail Appeal) (A314/2025) [2026] ZAWCHC 91 (3 March 2026)
12. *Snap Shot Investments 1043 CC and Others v Tyger Lake Body Corporate and Others* (2025/221553) [2026] ZAWCHC 67 (23 February 2026)
13. *Armer v Naude* (Leave to Appeal) (12000/2024) [2026] ZAWCHC 30 (4 February 2026)
14. *Williams v Thomson Wilks Inc/Mr Elliot and Others* (2025058552) [2026] ZAWCHC 29 (4 February 2026)
15. *Tshanga v S* (Bail Appeal) ;(A248/2025) [2025] ZAWCHC 541 (19 November 2025)
16. *Agri South Africa NPC v Paulsmeier* (20910/2024) [2025] ZAWCHC 530 (17 November 2025)
17. *Airports Company South Africa Limited v Abercrombie's Coffee Shops CC t/a Ocean Basket and Others* (25781/2024) [2025] ZAWCHC 521; 2026 (4) SA 200 (WCC) (10 November 2025)
Standard Bank of South Africa v van Rooyen and Another (17785/2021) [2024] ZAWCHC 186 (21 June 2024)

Judgments upheld on appeal

18. Not applicable.

Judgments overturned on appeal

19. Not applicable.

Academic writings

20. Not applicable.