

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

Candidate: Zuko Luvo Mapoma

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments
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1.1. The candidate holds the following tertiary qualifications:

- B Proc, University of Transkei in 1990
- LLB, University of the Western Cape in 1992
- Advanced Diploma in Labour Law, RAU in 1997
- LLM (Corporate Law), University of South Africa in 2005
- MBA (Executive Program), University of Cape Town in 2007

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

- admitted as an attorney in 1995
- admitted as an advocate in 2008

1.3. The candidate has acted in the following roles:

- Acting Judge of the High Court for about 5 terms, including virtually full-time since his last interview

2. The candidate's integrity and ethics
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2.1. No circumstances are known to the reviewer that would suggest the candidate is not a person of integrity with a reputation for ethical behaviour, or that the candidate is not a fit and proper person for appointment.

3. The racial and gender composition of the bench
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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 an African man.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 61 years and 5 months old and will have completed a period of approximately 4 months of active service. If appointed, the candidate would be eligible to complete a further period of up to 13 years and 2 months' of active service, if his acting stints are taken into account, otherwise 13 years and 6 months.

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

- 5.1. The candidate served as a legal adviser to the Truth and Reconciliation Commission from 1996 to 2001.
- 5.2. The applicant set up and was a member of the Vusisizwe Farmers Association, Tsolo, which revived and promoted a local community-based crop production programme to alleviate poverty.
- 5.3. He also assisted farmers with mechanisation and skill development during 2009 and 2010.
- 5.4. He leads and participates in the BLA's outreach programmes, hosting advice centres and advising communities on various aspects of the law where they are vulnerable.
- 5.5. On important public holidays of the democratic government, he addresses institutions of higher learning to challenge them to prepare to make a contribution towards ensuring that constitutional values become a reality.
- 5.6. The applicant is committed to advancing transformation in the legal profession.

6. The candidate's knowledge of the law, including constitutional law
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- 6.1. The applicant has years of experience in the private sector, both as an attorney and as an advocate. He also has substantial experience as an acting judge.
- 6.2. The matters in which he acted and his judgments show that his knowledge of the law, including constitutional law, is sound.

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

- 7.1. In *Pro-Khaya Construction CC v City of Cape Town and Another* (9103/2023) [2025] ZAWCHC 353 (15 August 2025), the Full Bench upheld the appeal. *City of Cape Town v Pro Khaya Construction CC* (Appeal) (A39/2026) [2026] ZAWCHC 396 (5 August 2026). The full bench differed from the candidate on certain aspects of the law relating to adjudication under the Joint Building Contracts Committee Principal Building Agreement, Edition 6.1, March 2014. However, the Full Bench was not critical of the candidate's findings.
- 7.2. In *Hart v Hart and Others* 2025 (3) SA 286 (WCC), a petition for leave to appeal was refused.

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

- 8.1. The candidate practised as an attorney between 1995 and 2002.
- 8.2. From 2002 to 2014, he held senior managerial positions at the Coega Development Corporation.
- 8.3. The candidate acted in the Western Cape High Court in the 2nd term of 2024, in half of the 1st term and the whole of the 2nd to the 4th terms of 2025, from 23 February to 26 March in the 1st term, and in the 2nd term of 2026.
- 8.4. He also acted in the Labour Court from 1 to 4 July 2025.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. Nothing in the judgments considered by the reviewers indicates that the candidate's linguistic and communication skills are inadequate. To the contrary, his linguistic skills are excellent.

10. The candidate's ability to produce judgments promptly
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- 10.1. The candidate indicated that 4 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:
- *Panorama Body Corporate v Modern Enterprise Imports and Exports* 2025/190634

is still outstanding, and if so, it has been outstanding for more than 3 months.

- *Oosthuizen v Cassar and Others* 14705/2024 is still outstanding, and if so, it has been outstanding for more than 3 months.
- *Sereo NO and Another v Group Editors Company* 2025-267397 is still outstanding, and if so, it has been outstanding for more than 3 months.
- *Roar Africa LLC (USA) v Stephen Allan Bell, Capensis Tour and Safari, and Another*, 2025-058746, is still outstanding.

10.3. Of the 9 judgments the reviewers considered, 1 was handed down more than three months after hearing.

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

11.2. A member of the bar who has appeared before the candidate twice commented positively on the candidate's ability to conduct court proceedings fairly and efficiently. Two other senior members of the bar were very complimentary of the candidate.

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. The candidate has served in numerous leadership positions, including:

- Provincial chairperson, Black Lawyers Association, Western Cape from 2021 to date.
- Deputy chairperson, Advocates for Transformation, Western Cape from 2023 to 2025.
- Member of the Bursary Committee of the General Council of the Bar from 2023 to

2025.

- Deputy chairperson and chairperson of the University Council of the Cape Peninsula University of Technology from 2019 to 2022.
- Non-executive director of African Exploration, Mining and Finance Corporation from 2016 to 2019.
- Member of the Governing Council of the East Cape Midlands College from 2007 to 2015.
- Deputy chairperson of the Governing Council of the East Cape Midlands College from 2012 to 2015.
- Council member of the Eastern Cape Provincial Human Resource Development Council from 2009 to 2015.

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

- 14.1. The candidate is a competent and experienced legal practitioner. He has acted on the bench for a lengthy period of time. His appointment would send a message to the public at large that competent and experienced candidates get appointed to the bench.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. *Hart v Hart and Others* 2025 (3) SA 286 (WCC)
2. *Röntgen N.O and Others v African Bell Tent Company* (22123/23) [2025] ZAWCHC 32 (6 February 2025)
3. *Pro-Khaya Construction CC v City of Cape Town and Another* (9103/2023) [2025] ZAWCHC 353 (15 August 2025)

Unreported judgments

4. *Capitec Bank Limited v M S Tough and Another*, Western Cape High Court, 13286/2023. 5 May 2025.
5. *Pienaar and Another v Cowens and Another*, Western Cape High Court, 11933/2020 - 5 August 2025.
6. *Jonker v S* Western Cape High Court A248/2024 3WRC31/18 26 November 2025.
7. *Mbewa v Standing committee for refugee affairs* 18664/2025 [2026] ZAWCHC (22-01-2026).
8. *Fourie v Legal Practice Council* (2025/199912) [2026] ZAWCHC 291 (27 March 2026).
9. *Nordien v Road Accident Fund* (16634/2020) [2026] ZAWCHC 264 (21 May 2026).

Judgments upheld on appeal

10. Nil.

Judgments overturned on appeal

11. *Pro-Khaya Construction CC v City of Cape Town and Another* (9103/2023) [2025] ZAWCHC 353 (15 August 2025) – full bench – *City of Cape Town v Pro Khaya Construction CC* (Appeal) (A39/2026) [2026] ZAWCHC 396 (5 August 2026)

Academic writings

12. Nil.