

**VACANCY: DEPUTY JUDGE PRESIDENT EASTERN CAPE
DIVISION OF THE HIGH COURT****Candidate: Judge Bulelwa Myra Pakati****1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments**

1.1 The candidate holds the following qualifications:

- Diploma Juris – 1986 (Walter Sisulu University – Previously University of Transkei);
- B JURIS – 1988 (University of Transkei);
- LLB – 1990 (University of Transkei).

1.2 The candidate, prior to appointment to the Bench in May 2012, held various positions in legal administration and legal practice.

1.3 Her work experience is set out in the candidate's curriculum vitae and includes:

- Administration Clerk;
- Legal Assistant;
- Magistrate 2nd Leg;
- Magistrate 3rd Leg (Re-designation of rank);
- Lecturer, Justice College;
- Magistrate, Brakpan;
- Head of Office, Maclear;
- Senior Magistrate;
- Regional Magistrate;
- The candidate held acting positions in the High Court, Northern Cape from 2009 to December 2010;

- In total the length of such appointment totalled 660 weeks;
- The candidate was appointed as a Judge of the High Court, Northern Cape Division in May 2012 and held that position until the 31st of January 2019;
- For the period January 2018 to 13 April 2018 the candidate Acted as Deputy Judge President of the Northern Cape Division, Kimberley;
- The candidate was appointed as a Judge of the High Court, Eastern Cape Division on January 2020 which position she still holds;
- The candidate also acted as Deputy Judge President of the Eastern Cape Division of the High Court for a considerable period.

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 27 permanent judges of the Eastern Cape Division of the High Court:
- 8 black women (7 African, 1 Indian)
 - 11 black men (8 African, 1 Coloured, 2 Indian)
 - 3 white women
 - 5 white men
- 3.2. According to the questionnaire, the candidate is an Indian woman.

4. The maximum period the candidate could serve if appointed

- 4.1. At the time of the interviews, the candidate will be approximately 65 years and 6 months old and will have completed a period of approximately 14 years and 4 months of active service. If appointed, the candidate would be eligible to complete a further period of up to 4 years and 5 months of active service.

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

- 5.1. The candidate, during her period of appointment as a Judge in the Eastern Cape

Division is well known to be involved in transformation initiatives, more particularly relating to fostering gender equality and female advancement. In this regard the candidate has actively been involved in many programmes relating to youth initiatives more particularly youth initiatives which have as its goal, mentoring of young persons who intend entering into the legal profession.

- 5.2. The candidate is a well-respected member of the Bench in the Eastern Cape (Gqeberha and Makhanda) and is committed to the values of the Constitution.
- 5.3. The candidate has therefore demonstrated well founded conduct indicating a commitment to the achievement of dignity, equality and freedom for all and human rights generally

6. The candidate's knowledge of the law, including constitutional law
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- 6.1. From the judgements referred to by the candidate in her curriculum vitae it is self-evident that the candidate has an excellent understanding of the law, more particularly has an excellent understanding of various branches of the law and has a broad and diverse knowledge and understanding of the law.
- 6.2. This is evident from the judgments referred to by the candidate. In this regard, specific reference should be made to the decision *Nataly Samantha Basson vs Ashley Franchwa Basson and Another* and *Siyanda Mayana vs Executive Mayor : Nelson Mandela Bay Metropolitan Municipality and Others*.
- 6.3. Another example of the candidate's quality in delivering well researched and constructive judgments is the matter of *Raymond Mhlaba Municipality vs Coega Packing (Pty) Ltd [2024] ZAECMKHCI*

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

- 7.1. Judgements that were unsuccessfully appealed against are contained in paragraph 16.3 of the candidate's curriculum vitae whilst those successfully appealed against are listed in sub-paragraph 16.4.
- 7.2. As far as can be ascertained in any judgments overturning the appeal no adverse comments were made on the candidate and the appeals rather centred around the success or otherwise of the appeal. *XYZ in ABC*

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

- 8.1. As apparent from the above, the candidate has extensive experience in the administration of justice and as a judicial officer and has done so over a considerable period of time.
- 8.2. The judgments of the candidate reflect an extensive and broad professional legal experience and are indicative of unique and qualitative formulation and reasoning. The candidate's judgments are well researched, written and well-constructed.
- 8.3. An example of the candidate's ability to succinctly and meaningfully grasp the essential issues in a matter are illustrated in the decision *Raymond Mhlaba Municipality vs Coega Packaging* where property law issues and the legal issues relating to rescission of judgments were analysed. The judgment also dealt with the issue of compensation payable where there is a contended for encroachment.

9. The candidate's linguistic and communication skills

- 9.1. The candidate is possessed of the expected linguistic and communication skills required of a judge of the High Court.
- 9.2. Her judgments are, as indicated, meticulously crafted and logical in presentation.

10. The candidate's ability to produce judgments promptly
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- 10.1. The candidate produces well-written judgments within a reasonable time having regard to the issues at hand.
- 10.2. There is only one reserved judgment still outstanding identified in paragraph 16.5 of the candidate's questionnaire for judges.

11. The candidate's ability to conduct court proceedings fairly, efficiently, and effectively
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- 11.1. The candidate is well known in this division and is well respected;
- 11.2. The candidate is always well prepared and committed to dispensing justice in a manner that is fair and transparent.
- 11.3. The candidate's demeanour in court when interacting with counsel or witnesses is of the highest quality and the candidate is known for her conscientious work ethic.
- 11.4. As indicated, when engaging with counsel appearing before her she engages in a

manner that is fair and courteous at all times.

12. The candidate's independent-mindedness

- 12.1. The candidate is confident to express her views in a clear and concise manner. She has an inherent and acute sense of social justice and her judgments are rationally formulated and well-constructed.

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

- 13.1. There is nothing to suggest that the candidate's administrative ability as a sitting judge can be criticised in any manner.
- 13.2. However, her administrative ability, has been well illustrated during her acting appointments as Deputy Judge President of the Eastern Cape Division.
- 13.3. Her administrative control of roll calls and case-flow management are exemplary and the candidate has also distinguished herself by assisting litigants through their legal representatives to have matters placed on the roll for hearing.
- 13.4. The candidate, whilst holding the office of acting Deputy Judge President, has shown the required responsibilities of her office and in particular acted with professionalism, fairness and efficiency.

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

- 14.1. The candidate's credentials are beyond reproach and her judgments reflect a commitment to legal principles and constitutional values as well as indicating a deep rooted understanding of the law. Her appointment would undoubtedly be positively received by the community at large.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. See paragraph 16.2 of the candidate's questionnaire for judges.

Unreported judgments

2. *Mabhuti Zindela and the State* : Case No: CA&R 25/2019
3. *Zamile Ntshinga and Minister of Police* Case No. 1167/2019
4. *Nosisi Sizani* Case No: CA & R 240/2017
5. *Moses Metu and The State* Case No. CA & R 242/2019
6. *Nataly Basson and Ashley Basson and Another* Case No. 3305/2023
7. *Siyanda Mayana v Executive Mayor : Nelson Mandela Bay Metropolitan Municipality*
Case No. 1655/2022
8. *Blue Dust 7CC and Another and Leungo Construction Enterprises CC and 4 Others* :
Case No. 1835/2011
9. *MEC for Transport NC Province and 2 Others v Greenpoint Taxi Association* : Case No.
2002/10
10. *A Jacobz v Southey & Another* Case No. 724/14
11. *Superkolong (Pty) Ltd v Gemcore (Pty) Ltd* [1451/2010] [2016] ZANHC 55 29 July
2016
12. *Normon Ndongeni v Thembisa Ndongeni & 3 Others* Case No.1 CA28/2023

Judgments upheld on appeal

13. See paragraph 16.3 of the candidate's curriculum vitae.

Judgments overturned on appeal

14. See paragraph 16.4 of the candidate's curriculum vitae.

Academic writings

15. None.