

VACANCY: JUDGE OF THE KWAZULU-NATAL DIVISION OF THE HIGH COURT

Candidate: Jennifer Mary Marion (née Anthoo)

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:

- BA, University of Natal, Pietermaritzburg (UKZN) (1991)
- LLB, University of Natal, Pietermaritzburg (UKZN) (1995)
- LLM in Advanced Criminal Justice, University of Natal, Pietermaritzburg (UKZN) (2015)

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

- admitted as an attorney in 1995

1.3. The candidate has acted in the following roles:

- Acting Judge in the KwaZulu-Natal High Court for 37 weeks in total between 2022 and 2026
- Regional Civil and Criminal Magistrate (intermittently between 2010 and 2015)

2. The candidate's integrity and ethics
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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.

2.2. According to the candidate's curriculum vitae, she has been a member of various committees of the KwaZulu-Natal LPC since 2019, including the Investigating, Disciplinary, Costs, and Appeals Committee. This would tend to indicate that the candidate is committed to furthering integrity and ethics within the profession.

3. The racial and gender composition of the bench
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3.1. As far as could be ascertained, there are currently 28 permanent judges of the KwaZulu-Natal Division of the High Court across both seats:

- 11 black women (7 African, 1 Coloured, 3 Indian)
- 11 black men (8 African, 3 Indian)
- 2 white women
- 4 white men

3.2. As far as could be ascertained, there are currently 14 permanent judges of the KwaZulu-Natal Division of the High Court, Pietermaritzburg:

- 5 black women (4 African, 1 Indian)
- 5 black men (4 African, 1 Indian)
- 1 white women
- 3 white men

3.3. As far as could be ascertained, there are currently 14 permanent judges of the KwaZulu-Natal Division of the High Court, Durban:

- 6 black women (3 African, 1 Coloured, 2 Indian)
- 6 black men (4 African, 2 Indian)
- 1 white women
- 1 white men

3.4. 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 57 years and 7 months old and will have completed a period of approximately 8 months' of active service. If appointed, the candidate would be eligible to complete a further period of up to 14 years and 3 months' of active service if cumulative acting stints are taken into account, or 15 years if not.

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

- 5.1. The candidate has a demonstrated personal commitment to the values of the Constitution.
- 5.2. The candidate was a Deputy Presiding Officer for the IEC in Pietermaritzburg during the 1994 elections.
- 5.3. The candidate has been a member of the National Association of Democratic Lawyers (NADEL) since 1993 and a member of the South African Women Lawyers Association (SAWLA) since 2009.
- 5.4. The candidate chaired the Pietermaritzburg branch of NADEL for approximately 8 years until April 2026, during which time she convened regular workshops on human rights, co-ordinated public educational campaigns on the Constitution and human rights, and facilitated seminars on women's rights, gender-based violence, and sexual harassment.
- 5.5. The candidate has been a facilitator in LEAD LSSA, furthering practical vocational training for candidate practitioners.
- 5.6. The candidate served on the board of a home for abused women and children and was a member of a support group for women for many years.
- 5.7. Based on the candidate's membership of professional bodies and voluntary activities, it is to be expected that she is committed to furthering transformation within the legal profession.

6. The candidate's knowledge of the law, including constitutional law
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- 6.1. In *Maxim Profit Recovery (Pty) Ltd v Umlalazi Municipality and Others* (17686/23P) the court had to determine the constitutional validity of a tender. The matter was complex and the judgment is thorough, written clearly, and set out logically with references to authorities.
- 6.2. In *Nothile Joyce Miya NO v Sthembiso Miya and Another* (AR467/2022) the court was seized with an appeal against the dismissal of an eviction application. The court had to analyse a number of applicable legal provisions and legislation including the PIE Act, the Administration of Estates Act, the Matrimonial Property Act, the Constitution, the Intestate Succession Act, and the Domestic Violence Act. The judgment is easy to read,

despite the factually complicated matrix.

- 6.3. In *Phumlani Nzeke Mndaweni v The State* (AR335/23) the court considered an appeal against a conviction for rape and sentence of life imprisonment. The judgment reads easily even though it deals with an extremely sensitive matter. The judgment is bolstered by reliance on a number of reported cases.
- 6.4. In *Vincent Ndodo Ndlovu v The State* (AR409/23) the matter before the court was also an appeal against a conviction of rape and sentence of life imprisonment. The judgment is again clearly set out and well written. It refers to legislation, other cases, and legal publications. The application of the facts to the law is very clear.
- 6.5. The above reviewed cases indicate a sound and, in places, impressive command of constitutional, administrative, criminal, and customary law on the part of the candidate. No weaknesses were noted. The candidate displayed an understanding of the facts and efficiency in delivering judgments. No previous failings and errors were noted, and she displayed insights and skill in dealing with complex issues, areas of concern and the law.

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

- 7.1. The candidate has disclosed that no judgments have been taken on appeal.

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

- 8.1. The candidate has been a legal practitioner for more than 30 years. She demonstrates broad expertise across civil litigation, criminal law, family law, labour law, commercial disputes, administrative law, estate administration, constitutional law, debt collection, divorce, liquidations/sequestrations, RAF claims, and alternative dispute resolution. Her career reflects both depth and versatility rather than narrow specialisation.
- 8.2. She began as a candidate attorney at Shereen Meersingh and Associates (1993 – 1995), became a partner at Silvia Da Silva, Jennifer Anthoo and Associates (1995 – 2000), and has run her own firm since 2001. She has appeared frequently in the Magistrates', Regional, and High Courts (civil and criminal), occasionally in the Labour Court, and served as a Tax Court assessor (2017 – 2022). Her litigation work has spanned personal injury, family law, debt collection, estates, company, and contract law, unlawful arrest and detention, housing rights, PIE Act matters, and children's rights.

- 8.3. Her judicial experience includes serving as an Acting Regional Civil and Criminal Magistrate (2010 – 2015) and eight acting appointments in the KwaZulu-Natal Division of the High Court (2022 – 2026), totalling approximately 37 weeks across motion court, trials, appeals, and reviews. Her judgments span administrative and constitutional law (*Maxim Profit Recovery*), housing and customary law (*Miya*), and serious criminal appeals (*Mndaweni* and *Ndlovu*), with concurrence from senior members of the division, including the Judge President.
- 8.4. Beyond practice and adjudication, she has held fiduciary trustee/curator bonis appointments since 2015.
- 8.5. This sustained combination of private practice, judicial office at both magistracy and High Court level, tax adjudication, regulatory and fiduciary work, and professional leadership reflects a comprehensive and well-rounded legal career.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. 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. The candidate indicated that one judgment was outstanding at the time of completing the questionnaire (2026-085837 *Siyabonga Ntuli v Umkhanyakude District Municipality and Others* – 5 June 2026) and one partly heard matter *Michelle White v Molthathi Mahlangu and 3 Others* (Case No. 2246/24P), heard 25 – 29 May 2026, adjourned to 13 – 17 July 2026.
- 10.2. The candidate delivers her judgments promptly without undue delay.

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 presented for judicial determination, nor that the candidate would be unduly influenced in any way, 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 been able to conduct her legal practice for over 30 years whilst holding acting magisterial and judicial roles, as well as acting as the president of NADEL for 8 years, holding membership and leadership roles in the KZN Legal Practice Council and supervising and mentoring candidate legal practitioners in LEAD, LSSA, and NADEL legal education.
- 13.2. The candidate's extensive extra-professional responsibilities would indicate that she is a competent administrator.

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

- 14.1. The candidate has engaged in community service and human rights work on a voluntary basis for over 30 years. She has served on a number of judicial and legal bodies, and she has been in many leadership roles.
- 14.2. Her appointment to the bench would send a message that a broad and varied legal professional background, experience, expertise, and a demonstrated commitment to transformation and the furtherance of other constitutional rights are desirable attributes in a judge.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. None

Unreported judgments

2. *Maxim Profit Recovery (Pty) Ltd v Umlalazi Municipality and Others* (17686/23P) [2024] ZAKZPHC (11 November 2024)
3. *Nothile Joyce Miya NO v Sthembiso Miya and Another* (AR467/22) [2024] ZAKZPHC (11 October 2024)
4. *Phumlani Nzeke Mndaweni v The State* (AR335/23) ZAKZPHC
5. *Vincent Ndodo Ndlovu v The State* (AR409/23) ZAKZPHC [2025] (27 October 2025)

Judgments upheld on appeal

6. None

Judgments overturned on appeal

7. None

Academic writings

8. None