



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/1035/22

In the matter between:

Adv M Mgxashe

Complainant

and

Judge Lamont

Respondent

Date: 14 August 2024

Decision: The appeal is dismissed.

RULING

**THE JUDICIAL CONDUCT COMMITTEE (JAFTA J, SHONGWE JA
SALDULKER JA and MABINDLA-BOQWANA JA)**

[1] This is an appeal in terms of section 15(5) of the Judicial Service Commission Act 9 of 1994 as amended (the Act). The appeal is against the decision of Judge President Mlambo (JP) of the Gauteng Division of the High Court. Having been designated by the Acting Chairperson of the Judicial Conduct

Committee (the Committee) in terms of section 14(2) of the Act, the JP dismissed a complaint on the basis that it was solely related to the merits of a judgment or order. Also, that it was found to be frivolous in terms of section 15 (2)(d) of the Act.

[2] The complainant, Adv M Mgxashe, lodged a complaint against Judge Lamont of the Gauteng Division of the High Court (Johannesburg). The gist of the complaint is that Judge Lamont's conduct violated the provisions of Article 7 (b) and 10 (1)(b) of the Code of Judicial Conduct (the Code), in that he failed to protect the interests of a minor child and in the process impugned his professional reputation without any basis and 'lampooned' the complainant with an order of costs.

[3] The complainant had been appointed curator *ad litem* in a Road Accident Fund action on behalf of certain minor children (the Ntshinka and Ntsimbi family) under case no: 2014/41282. The matter has a long history, which I do not think needs to be elaborated on. The long and short of it is that Judge Lamont discharged the complainant of his official duties as curator *ad litem*, stating, *inter alia*, that the complainant caused the delay in the finalisation of the matter. Also, that the complainant terminated the services of an attorney without first obtaining the permission of the court as required by a previous court order. Further, the Judge made an order of costs which the complainant did not agree with. Aggrieved by this judgment and order he lodged this complaint.

[4] As grounds of his appeal, the complainant repeats mostly his initial complaint and deals with a long history of the events that led to the termination of his official duties. In our view, the real issue that aggrieved the complainant

was the personal costs order made against him. As a legally trained person, he should have appealed the said judgment and order to the Full Court of the Gauteng Division of the High Court (Johannesburg) or the Supreme Court of Appeal. Clearly, he did not agree with the findings of the court, whether they were procedural or on the merits.

[5] Judge Lamont responded to the complaint and stated that he was requested to assist to case manage certain matters which were being managed by retired Judge Moshidi. He then took over, and upon familiarising himself with the documents relating to the Road Accident Fund case, he discovered certain irregularities which led to the conclusion that the complainant had terminated the services of an attorney acting on behalf of the children without obtaining the court's permission. And also, that the complainant was the cause of the delay to finalise the matter. Consequently, the complainant's mandate was terminated and he was ordered to pay costs from his pocket.

[6] The Committee finds no fault with the decision of the JP. The appeal is, accordingly, dismissed.



JUDICIAL CONDUCT COMMITTEE