



JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/182/05/2025

In the matter between:

CHRISTINE VEENA GOVINDSAMY

COMPLAINANT

and

JUDGE DENISE FISHER

RESPONDENT

Date: 10 July 2026

Decision: The complaint against the respondent is dismissed.

RULING

JUDICIAL CONDUCT COMMITTEE (SALDULKER JA)

INTRODUCTION

[1] The complainant, Ms Christine Veena Govindsamy, lodged a complaint with the Judicial Conduct Committee (Committee) against the respondent, Judge Denise Fisher of the Gauteng Division of the High Court, Johannesburg. The complaint arose from the respondent's conduct in urgent court proceedings involving the complainant during March 2025.

[2] The complaint was lodged in terms of Section 14 of the Judicial Service Commission Act 9 of 1994 (the Act). Section 14 prescribes the grounds upon which a complaint may be brought against a Judge. Upon receipt of a complaint the Chairperson must determine whether it should be dealt with in terms of section 15, 16, or 17 of the Act.

[3] After the complaint was lodged, the Acting Chairperson considered the complaint and determined that it should be processed in accordance with section 17¹ of the Act, being satisfied that, if the complaint is established, the appropriate remedy would fall within section 17(8)² of the Act. Section 17 deals with serious, non-impeachable complaints. The Acting Chairperson designated me to conduct the inquiry. Both the complainant and the respondent were afforded the opportunity to make written submissions and to furnish such information as they considered relevant in terms of section 17(3) of the Act. I am satisfied that the

¹ Section 17(2) provides:

² Any inquiry contemplated in this section must be conducted in an inquisitorial manner and there is no onus on any person to prove or to disprove any fact during such investigation.

² Section 17(8) provides:

² Any one or a combination of the following remedial steps may be imposed in respect of a respondent:

- (a) Apologising to the complainant, in a manner specified.
- (b) A reprimand.
- (c) A written warning.
- (d) Any form of compensation.
- (e) Subject to subsection (9), appropriate counselling.
- (f) Subject to subsection (9), attendance of a specific training course.
- (g) Subject to subsection (9), any other appropriate corrective measure.

record before me is sufficient to determine the complaint and that there is no reasonable likelihood that a formal hearing would contribute to determining the merits of the complaint.

[4] The complainant alleges that the respondent's conduct during the urgent court proceedings constituted judicial misconduct as contemplated in section 14 of the Act. In broad terms, she contends that the respondent acted improperly in the management of the proceedings, infringed her rights under the Constitution, breached various provisions of the Code of Judicial Conduct (Code), and conducted herself in a manner incompatible with the office of a judge.

THE COMPLAINT

[5] The complainant alleges in the complaint that on the morning of 18 March 2025, a matter involving an urgent joinder application, in *Kreetiv Communications CC (the CC) v Bob Cuts* was called in the urgent court before the respondent. The complainant appeared in person and sought to represent the CC. In the complaint the following is, *inter alia*, alleged:

1.1 *On 18 March 2025 at approximately 10:15 AM, my matter was called before Judge J Fisher in the Gauteng High Court. The matter concerned an Urgent Joinder Application in the case of Kreetiv Communications CC v BOB CUTS (Case No: 2025-032387).*

1.2 *Before I could even present my case, Judge Fisher immediately questioned my right to represent my company. I responded by explaining that:*

- *My company could not afford legal representation.*
- *I am competent to represent my company.*
- *I have detailed knowledge of the matter, which has been ongoing for five years.*

- 1.3 *This resulted in a back-and-forth exchange lasting about five minutes, where I had to repeatedly justify my presence before the court. Eventually, Judge Fisher relented and agreed to hear the matter, but she stood it down for later in the day.*
- 1.4 *I waited in court for several hours. My matter was eventually called again at 1:57 PM.*
- 1.5 *At this point, Judge Fisher's demeanour had completely changed. She appeared hostile, dismissive and condescending. The first thing she said was:*
- "I don't recognise you to represent your company, but let's say I do, I will hear your matter. I don't, and I will not make an order, but let's say I do, I will hear your arguments."*
- 1.6 *I was taken aback by this statement as it suggested that the hearing was a mere formality, with no real intention of considering my arguments seriously.*
- 1.7 *She then subjected me to intense questioning about service of documents, even though I explained multiple times that:*
- *Service had been agreed to via email in the main matter.*
 - *The opposing party's former attorneys confirmed this arrangement in multiple emails.*
 - *These emails had been uploaded onto CaseLines as evidence.*
- 1.8 *Despite my clear explanations and documentary proof, Judge Fisher refused to acknowledge my response and diverted the discussion to an issue that had no basis in fact.*
- 1.9 *She then falsely claimed that I had requested an indulgence from the Court. This was untrue-I never requested an indulgence.*
- 1.10 *Earlier in the day, I had spoken to Judge Fisher's secretary to ask if my matter would be heard before the lunch adjournment. I explained that I had a Magistrates' Court matter at 2:30 PM and could postpone it if necessary.*
- 1.11 *In open Court, Judge Fisher aggressively interrogated me about this, demanding that I disclose:*

- *Who the parties were in my Magistrates' Court case.*
- *How many other matters I was involved in.*

1.12 *This line of questioning was irrelevant and intrusive.*

1.13. *While this highly unorthodox questioning was ongoing, I found myself increasingly surprised by the irrationality of what was happening.*

1.14 *As a natural reaction, I shook my head in disbelief, not as an act of defiance but out of genuine shock at how I was being treated.*

1.15 *Judge Fisher fixated on this reaction and aggressively asked me:*

"why are you shaking your head? Are you insulting me?"

1.16 *I repeatedly clarified that my head movement was not meant as an insult, but she persisted in insisting that I was being disrespectful.*

1.17 *I felt trapped, intimidated and humiliated, as I was not allowed to express even surprise at the unfair treatment I was receiving.*

1.18 *After this unjust scrutiny, she adjourned the court and demanded that I personally present my papers to her, further embarrassing me in front of everyone present.*

1.19 *I left the Court room feeling completely humiliated, unheard and emotionally distressed.*

2. GROUNDS FOR COMPLAINT

2.1 Unprofessional and Humiliating conduct

2.1.1 *Judge Fisher's demeanour and tone were dismissive and condescending throughout the proceedings.*

2.1.2 *Her remarks and questioning suggested that my application was not being taken seriously, violating the principle of equal access to justice.*

2.1.3 *She repeatedly belittled me in front of a full courtroom, creating an environment of judicial hostility.*

2.2 Prejudicial and Unnecessary Personal Interrogation

2.2.1 *The Judge's questioning about my Magistrates' Court matter and other legal matters was wholly irrelevant to the urgent application before her.*

2.2.2 *She demanded to know:*

- *Who the parties were in my Magistrates' court case.*
- *How many matters I was involved in.*

2.2.3 *This line of questioning was intrusive, unnecessary, and inappropriate.*

2.2.4 *Instead of dealing with the merits of my urgent application, she used the opportunity to interrogate me on unrelated issues.*

2.3 Failure to Consider My submission in Good Faith

2.3.1 *Despite my clear explanations regarding service of documents, Judge Fisher persistently disregarded my evidence.*

2.3.2 *She falsely claimed that I had requested an indulgence-a statement with no factual basis.*

2.3.3 *Her hostile approach made it impossible for me to effectively argue my case.*

2.4 Violation of Judicial Conduct and Constitutional Rights

2.4.1 *Judges are expected to conduct proceedings in a manner that upholds dignity, fairness and impartiality.*

2.4.2 *The humiliation I suffered in court violated my right to dignity and fair treatment, as protected under section 10 and section 34 of the Constitution.*

2.4.3 *Her behaviour was inconsistent with the ethical obligations imposed on judges.*

2.5 Other Remedies explored

- I have filed a complaint with the Judge President, kindly find attached various communications.

- I have not received any response from this complaint, even after multiple follow-ups.

3. **Relief Sought**

In light of the above, I respectfully request:

- 3.1 *A formal investigation into Judge Fisher's conduct be carried out.*
- 3.2 *A review of the judicial record to assess whether her handling of my matter complied with judicial ethics and procedural fairness.*
- 3.3 *That Judge Fisher recuses herself, where applicable, from any and all my matters pending before this honourable court.*
- 3.4 *Appropriate disciplinary action or remedial measures if warranted.*

4. **Conclusion**

I solemnly affirm that the facts contained herein are true and correct to the best of my knowledge and belief

I can only pray and hope that the fight for a free, fair and just South Africa is not compromised by leaders such as Judge Fisher who have been placed in a position of superiority but uses it to belittle civilians and the public, in a clear power struggle endeavour. This was a sad and distressing experience that I can only hope that no other human has to bear witness to.'

- [6] In response to the complaint, the respondent filed a copy of the *ex tempore* judgment (judgment) handed down in the matter on the day referred to in the complaint, stating that "*Save what is set out in that judgment, I have no further comments save to state that I deny that the complainant was not treated with every indulgence, courtesy and respect*". In the judgment the respondent stated as follows, *inter alia*, that:

"FISHER, J: Kreetiv Communications CC vs Bob Cuts, case number 2025-032387, matter number 21 on my urgent role. The person who appeared in front of me said that she was what she called in her practice note and before me, Ms Christina Veena Govendsamy. On the practice

note Ms Govendsamy is described as the "CEO-sole member, duly authorised representative."

'Ms Govendsamy required that I hear her on the basis of such alleged relationship to the company. She was informed that it is an unusual practice for a company not to have representation and in fact precluded same in certain exceptional circumstances. I thus told Ms Govendsamy that I would be prepared to hear her in relation to whether she should be heard on the basis of the company.

I might add that there is nothing on the papers to suggest any relationship between the close corporation applicant and Ms Govendsamy. This notwithstanding, as I have said, I granted the indulgence to hear her. During the course of the hearing of my urgent court, Ms Govendsamy approached my registrar and asked that she be allowed to appear in the matter, out of its place on the roll, the reason given was that she was in another court.

The matter was called, Ms Govendsamy rose to deal with the matter. I made it plain to her that I was not agreeing that she be the representative, but that I would hear her in relation to the circumstances which should persuade me that she should represent the applicant company or CC. This displeased Ms Govendsamy, but she agreed that she would attempt to persuade me of her right to represent the company.

She explained that she had a "legal background", that she was competent. I explained to her that it was not a question of competency only, but there had to be further reasons why she should be allowed to represent the entity in question. I then dealt with the fact that Ms Govendsamy had asked that she be allowed to jump the queue in the urgent court.

I said to her you asked that you be allowed to be heard out of turn, she stated yes, she said if possible. I said yes, can you just tell me why. She had explained that she had needed to be in another court. I asked for details in relation to the court in question. She had indicated that she wanted to be heard before 2 o'clock. She then said that she was, had an appointment with a Magistrate in chambers at the Johannesburg Magistrates' Court, to discuss some form of process.

I asked her who she was representing in such matter before the Magistrate. She said that she was representing herself personally again. I asked that she provide me with the documents in relation to the matter. She became somewhat irascible and indicated that she did not wish to disclose the documents to me. I explained to her that she was asking an indulgence, that she

was representing herself in another matter, and that I wish to have sight of the pleadings in the other matter.

She said that she had left them in her car. By this stage it was 20 to 2, so I adjourned the proceedings for what was left of the lunch adjournment. I had already sat through a large portion of the lunch adjournment in a bid to accommodate Ms Govendsamy. I repaired to chambers, whereupon Ms Govendsamy attended on my chambers and spoke to my registrar.

She indicated that she wanted to hand me the documents personally. I said I would take the documents, but I was not prepared to give her a personal audience at the time. When this was conveyed to her outside my chambers, she became almost hysterical. She began shouting and screaming that she wanted to see me, because she said that I had been rude to her, and she wanted to see me in chambers so that she could deal with this.

This was a different version to wanting to give me documents. When my registrar was on the brink of summoning the security officer to make sure that she left the corridor outside my chambers, she suddenly fled. She had previously said that because of the alleged rudeness, she was not going to come back to court. It was conveyed to her that she must come back to court, because I had directed her to give me documents.

She was on her version, outside my office in possession of the documents, and I wished that she hand them up in court. Unfortunately, when the court resumed at 2 o'clock, Ms Govendsamy was absent. In the circumstances the matter is removed from the roll, and no order is made as to costs.

FISHER, J

[7] In terms of section 17(3)(c) of the Act, the complainant was invited to comment on the documents received from the respondent. The complainant filed her response, and stated that the document dated 18 March 2025, ‘styled’ as a “Judgment”, and filed by the respondent is a ‘document generated by the Respondent herself which purports to be a judicial record but functions as a post-hoc narrative constructed to justify her conduct and shield her from accountability’, and was ‘designed to create the illusion that the Respondent’s version of events is the ‘record’ and therefore carries presumptive weight’.

[8] The complainant contends that the judgment filed by the respondent is not a response as contemplated in section 17 of the Act, does not address the allegations of misconduct, does not constitute a proper judicial determination on the merits of her application, and was filed improperly after she had lodged her complaint. Furthermore, the complainant states that she was not provided with the 'ex tempore judgment', and that this committee should decline to accept it.

[9] The complainant contends that during the proceedings, the respondent abandoned the consideration of the merits of her application, and instead conducted an '*inquisition*' into her personal legal affairs, resulting in irrational accusations, and subjecting her to humiliation in open court. She further asserts that the respondent treated her differently from represented litigants, which constituted unfair discrimination. The complainant states that the respondent exceeded her authority by demanding information concerning separate proceedings in another court for no logical or rational reason. During this '*irrational questioning*', the complainant stated that she shook her head in disbelief (the head-shaking incident), not in defiance but as a natural reaction to the '*unfairness of what was happening*'. She repeatedly explained that she was not insulting the respondent.

[10] The complainant states that because she had another matter in the Johannesburg Magistrates' court, she had made a routine inquiry earlier on the day of the hearing as to when the matter before the respondent would be heard. She denies that she had requested an '*indulgence*', or requested to be allowed to '*jump the queue in the urgent court*'.

[11] In response to the events outside the respondent's chambers, the complainant explained that she was complying with the respondent's direction to produce documents. She had the documents on her computer and was not prepared to hand her computer to the respondent's secretary. She stated that she was 'deeply distressed' by what happened in court and wished to speak to the respondent personally to express how 'humiliated' she felt. She explained that she left because she felt intimidated and distressed and was in no condition to return to court.

[12] Following receipt of the parties' submissions, a transcript of the proceedings (transcript) on 18 March 2025, was obtained in terms of section 17(3)(b) of the Act, and both parties were afforded an opportunity to provide their comments. The transcript reads:

'REGISTRAR: Calling matter number 21 on the roll, the matter of Kreetiv Communication CC versus Bob Cuts, case number 032387/25.

COURT: Yes?

MS GOVINDSAMY: As it pleases the court, M'Lady.

COURT: Yes.

MS GOVINDSAMY: My name is Christine Govindsamy, and I am the CEO and founder of Kreetiv Communications.

COURT: Yes?

MS GOVINDSAMY: The applicants in this matter. The application is currently unopposed. I would just like to call, and see if there is appearance in opposition. But, from my understanding I have not received any papers.

COURT: Why should I let you represent your company, your close corporation?

MS GOVINDSAMY: I have a modest legal background. I have a master 's degree. I have also represented my company in multiple matters across the Labour Courts and Civil Courts. I am fully competent on the matter, and I think I am the best representative at this time, considering the financial burden my company has been placed in.

COURT: Well, you see, that, it is not a question of qualification.

MS GOVINDSAMY: Yes.

COURT: Because, if it was, then, you know, every half-qualified person would be standing up for companies. You have to make out a case as to why. Because the default position is that you need an attorney to represent your close corporation.

MS GOVINDSAMY: I am aware of that, M'Lady. I have made a case in the papers in this founding affidavit. One of the primary reasons is that this matter, from inception, has currently costed the company around R350 000 odd, and we have exhausted all financial funding in order to pursue the matter. The only alternative in order to finalise this matter is representation from the company executive.

COURT: And, there is nobody here for Bob Cuts?

MS GOVINDSAMY: Correct, [indistinct].

COURT: Have you served?

MS GOVINDSAMY: It has been served multiple times, yes.

COURT: Alright. I will hear you in due course.

MS GOVINDSAMY: Just let the matter stand down for now?

COURT: Yes, the matter stands.

COURT ADJOURNS [09:44]

COURT RESUMES [12:47]

COURT: Call it.

REGISTRAR: *Calling matter number 21 on the roll, the matter of Kreetiv Communication CC versus Bob Cuts, case number 0323807/25.*

COURT: *Just give me that number again, please.*

REGISTRAR: *M'Lady it is 032387/25*

COURT: *Oh, yes. Yes, I am not going to allow you to represent until I have heard what all of this is about. Because you need to tell me what is going on here. So, I am not allowing you, but I am going to hear you if that makes any sense.*

MS GOVINDSAMY: *It does not quite make any sense but ... [intervenes]*

COURT: *Well, what I am saying is, you are not authorised to represent your close corporation. I am prepared to hear you in relation to why you think you should be heard, and I want to know the nature of the matter. So, just let me know what is going on here. But the fact that I am hearing you does not mean that I am allowing your authority.*

MS GOVINDSAMY: *I hear you, M'Lady. Thank you very much. The reason I am here is because our company has instituted legal action – the company is a microenterprise. I am protect it under the Consumer Protection Act because our turnover is substantially low. So, it is very interconnected and closely aligned with the director. Henceforth, it is a small business that cannot afford substantial amounts of money in order to keep paying legal Counsel. We are here because we have had ongoing issues with the opposing party in honouring the various deadlines, and now the most recent issue pertaining to urgency is that we have got a punitive cost order, which the company paid close to R100 000 for representation, after taxing that bill, we only got a taxed bill of R50 000, which the various respondents refused to pay. In the contract from 2019, since this matter is six years old, it was enrolled in trial twice already and postponed twice on accounts of the defendants. So right now, the respondents refuse to pay even a taxed bill.*

COURT: *Where do I find that this matter has been served?*

MS GOVINDSAMY: *The proof of service is on Section 04, item number 1, 2, and 3. There was three proofs of service.*

COURT: 04?

MS GOVINDSAMY: 04-1, 04-2, 04-3.

COURT: 04-1?

MS GOVINDSAMY: Yes.

COURT: What I have in front of me is a Gmail account.

MS GOVINDSAMY: Yes, it is [indistinct].

COURT: It says: "Kindly note we served you with our notice of withdrawal. Kindly serve the application directly on the respondent without including our office in the correspondence." I do not know what that means.

MS GOVINDSAMY: The erstwhile attorneys have withdrawn as attorneys of record for the respondents.

COURT: Yes.

MS GOVINDSAMY: He marked the pages ... [intervenes]

COURT: Yes. And that is for Bob Cuts?

MS GOVINDSAMY: Correct.

COURT: Alright.

MS GOVINDSAMY: Yes, and then on 04-2, it was proof of service directly to the first and second respondent, and it was repeated on 04 ... [intervenes]

COURT: On 042?

MS GOVINDSAMY: Correct.

COURT: 04-2. I do not see. But there has been no personal, there has been no service. You have only gone about serving by way of email.

MS GOVINDSAMY: We have agreed service by email.

COURT: But with who?

MS GOVINDSAMY: With the previous attorneys, as well as Bob Cuts and Geraldine Kanyaka on various ... [intervenes]

COURT: Where do I find that?

MS GOVINDSAMY: ... occasions. This is the ... [intervenes]

COURT: Where do I find it?

MS GOVINDSAMY: Okay, uhm, I would have to invite you on to the main matter. Because this is an urgent matter which is lodged separately on CaseLines. So, on the main ... [intervenes]

COURT: The attorneys have said they have withdrawn, and they asked you please to not include them in any correspondence.

MS GOVINDSAMY: Correct.

COURT: So, to the extent that there has any agreement – please do not shake your head. Please do not shake your head at me.

MS GOVINDSAMY: Sorry, I meant no disrespect. I am just trying to understand what you are referring to.

COURT: The attorneys say they have withdrawn.

MS GOVINDSAMY: Correct.

COURT: And they say you must correspond with the respondents.

MS GOVINDSAMY: Correct.

COURT: If you do not have an agreement in relation to how you correspond with the respondents, then you do not have proper service in front of me.

MS GOVINDSAMY: Correct. So, on the email, it is to correspond to first and second respondent by email. They provided us with the email address.

COURT: But where is this agreement that you speak of?

MS GOVINDSAMY: It is on the main matter. It has been ongoing. So, from the main matter it was agreed service via email, and that agreed service by email carried through all the way to this matter.

COURT: But I – look, is this a different case number?

MS GOVINDSAMY: Yes, yes. So, when you file an urgent application that was originally filed on CaseLines, it needs to be done on ... [intervenes]

COURT: Look, you do not have to tell me about procedure. I think that ... [intervenes]

MS GOVINDSAMY: I am just explain to me the process I went through.

COURT: You do not need to explain to me the process.

MS GOVINDSAMY: Yes, M'Lady.

COURT: I understand it very well. You tell me that you are in another court. My registrar says to me that you say you need to be called now because you are in another court at 14:00?

MS GOVINDSAMY: 14:30.

COURT: Which court?

MS GOVINDSAMY: Johannesburg Magistrates Court.

COURT: For what?

MS GOVINDSAMY: Oh, it is unrelated.

COURT: Well, you have got to be available if you come to this court, and I am hearing you now.

MS GOVINDSAMY: Yes, M'Lady.

COURT: Are you representing yourself there too?

MS GOVINDSAMY: Oh, it is just, it is an in chambers consult with two parties that came to a consensus on a matter. So, it is procedure only.

COURT: And who are these parties?

MS GOVINDSAMY: To a matter that is unrelated to this matter?

COURT: Yes, I want to know. Who are these parties? How are you involved?

MS GOVINDSAMY: Me on a personal capacity.

COURT: Yes.

MS GOVINDSAMY: It is me on a personal capacity.

COURT: So, you are involved in a commercial capacity. You say it is two parties that have reached what?

MS GOVINDSAMY: A consensus.

COURT: Yes.

MS GOVINDSAMY: That is sitting in chambers to follow a procedure for a conduct. That is it.

COURT: What conduct – I ... [intervenes]

MS GOVINDSAMY: I would prefer not to get into the details of an unrelated matter. With the greatest of respect.

COURT: I would prefer that you answer my questions. You are in my court, you have asked for an indulgence. You tell me that you need to be heard at a particular time because you are going off to another court, which is lower than my court, and I am asking you how that operates. Now, please can you tell me what the nature of the matter is?

MS GOVINDSAMY: M'Lady, I did not ask for an indulgence. I asked if ... [intervenes]

COURT: You were asking to be heard under circumstances where there should be an attorney standing where you are standing, and I have been very indulgent.

MS GOVINDSAMY: I hear you.

COURT: And you have been shaking your head at me.

MS GOVINDSAMY: Well, I meant no disrespect.

COURT: Well, disrespect has been taken. Now, I am asking you again, what is going on in the Magistrate's Court? Because I am sitting through the lunch adjournment here. What is going on in the Magistrate's Court that takes precedence over your appearance in this court?

MS GOVINDSAMY: Nothing takes precedence over this appearance in the Magistrate's Court. So, I am not sure how you got that information, but I can assure you that is not what I said.

COURT: Look, I am not in the habit of having my registrar provide information to me, which is not correct. She is very reliable, and she said you wanted to be called early ... [intervenes]

MS GOVINDSAMY: It was possible, yes.

COURT: And now you tell me you have only got until 14:30, and I am asking you why.

MS GOVINDSAMY: If M'Lady would like to see me after, all M'Lady has to do is request so, and I will make myself available.

COURT: After what?

MS GOVINDSAMY: Whenever you would like to see me, if now is not preferable.

COURT: You have brought an application. You have begged an indulgence that you be heard in the stead of somebody else who should be here, and now you have got another

matter where you say you are representing yourself or somebody else, and I want to know about it.

MS GOVINDSAMY: It is a matter in the Johannesburg Magistrate's Court in Chambers. I am representing myself.

COURT: Yes, in Chambers? What is the nature of the matter?

MS GOVINDSAMY: It is with regards to a cost order against the other person, not myself, and they want to file an urgent application. So, we are sitting in Chambers to discuss with the magistrates if it is possible or if it is not possible. That was set down for 14:30. I am representing myself personally. I would be happy to give you the case number, but I do not, unfortunately, have it in front of me.

COURT: Have you got the papers?

MS GOVINDSAMY: I do, but it is in my car because everything is printed out for the Johannesburg Magistrate's Court.

COURT: I am going to take the lunch adjournment, and I would like to see the papers at 14:00. I would like to see the papers in the matter.

MS GOVINDSAMY: At 14:00?

COURT: At 14:00.

MS GOVINDSAMY: Okay, that is fine.

COURT: The court will adjourn until 14:00.

COURT ADJOURNS [13:00]

COURT RESUMES [13:28]'

[13] In her response, the respondent confirmed that *'the transcript appears to be in accordance with my recollection. For ease of reference, I again attach my judgment (ex tempore) handed down on Ms Govindsamy's default of appearance in relation to the matter and in which I record her conduct in the corridor outside my chambers'*. The respondent furthermore, filed a judgment in the matter of *Govindsamy and Kreetiv Communications CC v Kganakga and Others*, dated 14 August 2025, by Dippenaar J (Dippenaar judgment) of the Gauteng High Court, Johannesburg, and commented as follows:

- *'Further to this request, please find attached a judgment in the matter by Dippenaar J, which sets out further conduct of the matter both before and after the appearance in my urgent court which has generated the complaint.*
- *I must add that, as emerges from the transcript sent earlier, Ms Govender adopted a discourteous and contemptuous demeanour before me by shaking her head vigorously and gesticulating when I asked her perfectly reasonable questions as to her standing to represent the applicant.*
- *As appears from the judgment of Dippenaar J, Ms Govender has made regular and vexatious appearances in the matter in question before various judges in the urgent court. She was found by Dippenaar J to be dishonest.*
- *Her requirement that she be allowed to "jump the queue" in a crowded urgent court on the purported basis that she had to be in another court proved to be unsubstantiated. It seems that she was unable to produce the documents relating to the other matter which she said she was possessed of. She became abusive at the door of my chambers when she was denied access. Her failure to appear in court thereafter, notwithstanding her undertaking that she would do so, is further evidence of her disdain for the court process.*
- *It emerges from the attached judgment of Dippenaar J that the applicant that she sought to represent was deregistered at the time she brought the matter before my urgent court'.*

[14] The complainant's response to the transcript is that, she was initially heard on the issue of representation, and that the matter stood down for later hearing. However, she contends that, when the matter resumed, the transcript records a contradictory approach adopted by the respondent to *'a hearing that moved from initial acceptance for later hearing, to renewed non-recognition, to service, to alleged disrespect, to alleged indulgence, to interrogation about an unrelated matter, and finally to a demand for papers in that unrelated matter'*. The complainant states that *'the certified transcript, on its own wording, corroborates that the proceedings were contradictory, unstable in their procedural footing, and diverted away from the urgent matter itself into issues that were separate and unrelated'*, and that *'the court transcript shows conclusive evidence of being constantly interrupted and bombarded with questions I was not given the opportunity to respond to. This became an impossible situation at the end, brought by the highly irregular actions, mannerism and intent of Judge Fisher'*.

[15] The central issue is whether the respondent's conduct was wilful or grossly negligent, and therefore constituted misconduct in breach of the Code and the Constitution. Section 12(5) of the Act, read with section 14(4)(b), provides that the Code serves as the prevailing standard of judicial conduct, to which judges are required to adhere. A breach of the Code constitutes misconduct only where it is committed wilfully or with gross negligence. Article 2(3) of the Code provides that any wilful or grossly negligent breach of the Code constitutes a ground upon which a complaint may be lodged in terms of section 14(4)(b) of the Act. That section includes: *'Any wilful or grossly negligent breach of the Code of Judicial Conduct referred to in section 12, including any failure to comply with any regulation referred to in section 13(5)'*. In addition, section 14(4)(e) includes any other wilful or grossly negligent conduct that is incompatible with, or unbecoming of, the holding of judicial office, including conduct prejudicial to the

dignity, efficiency, or effectiveness of the courts. Under the Act, a mere breach of the Code is not punishable, even if negligent. It is only a wilful or grossly negligent breach of the Code that may result in disciplinary action in terms of section 14 of the Act.

[16] The complainant relies principally on the transcript of the proceedings to contend, that the respondent abandoned her judicial neutrality; treated the complainant with hostility ; embarked upon irrelevant and intensive enquiries into the complainant's personal legal affairs, her entitlement to represent the CC and the service of documents ; improperly required details and documents relating to the unrelated Magistrates' Court matter; improperly focussed on the complainant's court-room demeanour, particularly the shaking of her head; displayed bias and a lack of impartiality; infringed the complainant's constitutional rights to dignity and a fair hearing; and subsequently sought to justify her conduct by reference to her *ex tempore* judgment. The complainant contends that the transcript shows that the proceedings shifted from the issue of service to unrelated litigation in another forum, and the hearing concluded, without the urgent application being heard on the merits, but instead, with a direction that the complainant produce documents of the unrelated matter. The complainant submits that all of these actions amount to judicial misconduct on the respondent's part, and demonstrate a failure to uphold the standards expected of a judicial officer.

[17] It appears from the transcript that, from the outset, the respondent raised the question whether the complainant was entitled to represent the CC. She made it clear that the issue was whether sufficient grounds existed to justify a departure from the general rule that juristic persons must be represented by duly admitted legal practitioners, and indicated that the complainant would be required to

establish a proper basis for such an indulgence. The respondent thereafter enquired into the issue of service and directed that the matter stand down to enable it to be heard later that day, expressly indicating that the complainant would be afforded an opportunity to address her.

[18] When the matter resumed, the respondent clarified the procedural position in terms that, while perhaps not immediately apparent to the complainant, were nonetheless consistent with established legal principles, namely that the complainant was not thereby granted authority to represent the close corporation, but would be afforded an opportunity to address the respondent on the question of whether such authority should be recognised. Although the complainant expressed some confusion regarding this distinction, the transcript demonstrates that the respondent continued to engage with her on issues of service and procedural compliance, thereby showing a willingness to hear the matter within the bounds of procedural propriety.

[19] The complainant alleges that the respondent's demeanour throughout the hearing was hostile, dismissive and condescending. In particular, she contends that she was 'aggressively interrogated' about having contacted the respondent's secretary earlier that day to enquire whether the matter would be heard before the luncheon adjournment because she was required to appear in the Magistrates' Court later that afternoon. The complainant submits that the respondent's enquiries concerning the Magistrates' Court matter were irrelevant to the urgent application, and that she was improperly directed to produce documents related to those proceedings, whereupon the matter was adjourned for that purpose. It further appears from the respondent's judgment that, during the adjournment, the complainant attended at the respondent's chambers in an attempt to hand the

documents to the respondent, but was not granted a personal audience. The complainant states that she was '*deeply* distressed' by the events in court, and wished to convey to the respondent personally how '*humiliated*' she felt, and ultimately left because she was ignored, intimidated and traumatised.

[20] The transcript further reflects that, during the respondent's enquiries concerning service, the complainant 'shook' her head. The complainant explained that this head movement was not intended as an act of disrespect or defiance. It was a 'natural reaction' arising from her shock at the manner in which she believed she was being treated by the respondent.

[21] The transcript indicates that the respondent perceived the complainant's 'head-shaking' as disrespectful. Whether that perception was objectively correct is not the issue in this inquiry. A judicial officer is entitled to address perceived courtroom impropriety and to insist upon appropriate decorum. Even accepting, that the complainant genuinely experienced the proceedings as stressful, unfair and humiliating, the relevant enquiry is not whether the complainant was offended or dissatisfied in the circumstances of this case, but whether the respondent's conduct was manifestly unfair, improper, discriminatory, or abusive as to constitute judicial misconduct. The record does not support such a conclusion.

[22] The transcript demonstrates that the respondent did not summarily refuse to hear the complainant. Rather, she adopted a structured approach aimed at determining whether the matter was properly before the court. The respondent was entitled to enquire into the complainant's authority to appear, the adequacy of service, the explanation concerning the Magistrates' Court matter, and the

practical management of the proceedings before her. All of these enquiries fall squarely within the responsibilities of a judicial officer. A judicial officer is entitled, and indeed obliged, to enquire into issues of standing, urgency and procedural compliance, and to safeguard the integrity of court proceedings. That a litigant may experience discomfort as a result of such questioning, does not, without more, render the inquiry misconduct under the Act.

[23] The complainant has characterised the respondent's conduct as being motivated by improper personal considerations and constituting an abuse of judicial power. Those allegations find no support in the record. There is no evidence that the respondent abused her judicial authority or acted in a manner that undermined public confidence in the administration of justice. Although aspects of the respondent's conduct may reasonably be described as firm, robust persistent or probing to the complainant, however, judicial firmness, impatience, scepticism or insistence upon responsive answers do not, without more, constitute judicial misconduct. The transcript reflects active judicial engagement of the kind that is both permissible and often necessary. There is no indication that the respondent departed from the standards of judicial impartiality, dignity or decorum required by the Code.

[24] The complainant submits that the respondent's *ex tempore* judgment cannot be relied upon in answer to the allegations of misconduct. She contends that the *'transcript does not lie. The transcript does not exaggerate. The transcript is the record. And the record shows a judge who lost her neutrality, who took personal offence at a trivial gesture, who conducted an irrelevant inquisition, all the while humiliating a lay person in open court. This very judge now seeks to hide behind a "judgment" and an unrelated court ruling. This must not be allowed to stand.'*

This submission cannot be sustained. The relevant enquiry is not whether the respondent was entitled to rely upon her judgment, but whether that judgment accords with the contemporaneous record of the proceedings. The *ex tempore* judgment forms part of the record, and provides relevant context. It records the respondent's understanding of the issues before her, the reasons for her procedural approach, and the basis upon which the order was ultimately granted. The judgment is not materially inconsistent with the transcript. On the contrary, the two are substantially aligned. The respondent was accordingly entitled to rely upon the judgment in explaining the circumstances giving rise to the complaint.

[25] During the course of the inquiry that followed the lodging of the complaint, the respondent referred to the judgment of Dippenaar J delivered on 14 August 2025. That judgment arose from separate proceedings involving the present complainant, and the same close corporation, Kreetiv Communications CC. The complainant submits that the Dippenaar judgment is irrelevant to the issues before this Committee and should not be accorded significant weight. I agree.

[26] The Dippenaar judgment does not form part of the events of 18 March 2025, and is of no assistance in determining whether the respondent's conduct on that date constituted judicial misconduct. This inquiry is confined to the events giving rise to the complaint. It is therefore unnecessary to consider that judgment further in this matter.

[27] Properly analysed, the complaint amounts largely to a disagreement with the manner in which the respondent exercised her judicial discretion and regulated the proceedings before her, rather than an allegation of conduct of a disciplinary character. The transcript does not establish unfair discrimination, bias, bad faith,

improper motive or judicial impropriety on the respondent's part, nor does it disclose a deliberate attempt to humiliate the complainant. The conduct complained of falls within the ordinary exercise of judicial case management, courtroom control and procedural enquiry. It does not disclose deliberate abuse of judicial office, nor does it approach the threshold of wilfulness or gross negligence required by section 14 of the Act.

[28] The respondent's questioning was directed at matters she regarded as relevant to the discharge of her judicial function. I am satisfied that the respondent acted within the scope of her judicial authority and in accordance with acceptable judicial standards. Her conduct was consistent with the legitimate exercise of judicial discretion. No breach of the Code has been established, nor has any infringement of the complainant's constitutional rights been demonstrated.

[29] Having considered the complaint, the submissions of the parties, and the contemporaneous record as a whole, I am not persuaded that the respondent acted wilfully or with gross negligence, or in a manner incompatible with the office of a judge as contemplated in section 14(4) of the Act.

[30] Accordingly, the complaint against the respondent is dismissed.



JUDICIAL CONDUCT COMMITTEE