



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/258/10/2025

In the matter between:

JAN HENDRIK STEPHANUS VENTER

COMPLAINANT

and

DEPUTY JUDGE PRESIDENT LEDWABA

FIRST RESPONDENT

JUDGE POTTERILL

SECOND RESPONDENT

Date: 10 July 2026

Decision: The appeal is dismissed

SECTION 18 RULING

THE JUDICIAL CONDUCT COMMITTEE (Jafta J, Saldulker JA and Mabindla-Boqwana JP)

Introduction

[1] This is an appeal against the decision of the Acting Chairperson of the Judicial Conduct Committee (Committee) in terms of which a complaint lodged by Mr Jan Hendrik Stephanus Venter (complainant) was dismissed. The complaint was lodged against Deputy Judge President Ledwaba (first respondent) and Judge Potterill (second respondent). At the relevant time the first respondent was appointed as the Acting Judge President and the second respondent was the Acting Deputy Judge President.

[2] The complaint was summarily dismissed at the first stage in terms of section 15(2) of the Judicial Service Commission Act (Act).¹ The dismissal was framed in these terms:

“Subsequent to receiving your complaint the following conclusion is reached:

The complaint is dismissed in terms of section 15(2)(c) and 15(2)(d) of the JSC Act, on the basis that it is, in substance, a complaint about procedural rulings / case management and related administrative handling, and that the broader allegations against the Division’s leadership are insufficiently particularized on the papers to disclose judicial misconduct.”

[3] The complainant was duly advised that if he was dissatisfied with this outcome, he may appeal to this Committee within a month after receiving the decision. As he was unhappy, the complainant filed this appeal. The issue arising on

¹ Section 15(2) of the Act provides: “A complaint must be dismissed if it-
(a) does not fall within the parameters of any of the grounds set out in section 14 (4);
(b) does not comply substantially with the provisions of section 14 (3);
(c) is solely related to the merits of a judgment or order;
(d) is frivolous or lacking in substance; or
(e) is hypothetical.”

appeal is whether the Acting Chairperson was right to dismiss the complaint for the reasons he furnished. The determination of this issue requires us to consider section 15(2) of the Act and the facts on which the complaint was based.

Section 15(2)

[4] Plainly this provision obliges the Chairperson of the Committee to summarily dismiss a complaint if any of the conditions listed in it is present. Five conditions are listed as (a) to (e). section 15(2)(c) and (d), on which the Acting Chairperson relied, deals with circumstances where a particular complaint relates solely to the merits of a judgment or order (c) or the complaint itself is frivolous or lacks in substance(d). In this matter the Acting Chairperson concluded that the complaint relates to the rulings made and that it also lacked substance, hence the reliance on section 15(2)(c) and (d).

The complaint

[5] The complainant had instituted an application in the Gauteng Division of the High Court, Pretoria. He submitted to that court a request that the matter be set down for hearing in open court or virtually. The second respondent, in her capacity as the Acting Deputy Judge President, issued a directive to all litigants with matters which were pending, to the effect that all cases would be heard in the open court. Following that directive, the complainant's matter was placed on the roll and on the appointed day, the complainant failed to appear when the matter was called and consequently it was struck off the roll.

[6] It appears from the record of the complaint that the complainant was not aware of the directive issued by the second respondent and also that his matter was on the roll the date it was struck off the roll. According to him, he only became aware of the striking off from the letter of 2 October 2025 that was addressed to him and which was signed by the second respondent. He took issue with what had happened because he was still expecting a response to his earlier request. He then lodged a complaint against the leadership of the court.

[7] He grounded his complaint in sections 34 and 165 of the Constitution and articles 4, 5 and 11 of the Code of Judicial Conduct (Code). He framed his complaint thus:

“E. Why this engages the JSC/JCC (judicial conduct)

13. Section 34 of the Constitution guarantees a fair public hearing; s 165(4) obliges the State and judicial officers to assist and protect the courts to ensure effectiveness and accessibility. The court’s leadership must organise case-flow and modalities in a way that does not disenfranchise lay litigants. (see Annexure A4, sec D.)

Second complaint JSC against Ho...

14. The Judicial Code of Conduct requires diligence (Art 4), fairness and courtesy (Art 5), and effective administration (Art 11). The ADJP’s 2 Oct letter – which ignores my on-paper/remote requests and the unanswered emails – fails those standards, and the persistent refusal to issue written orders frustrates review and appeal. (Annexures A1 – A3.)

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Formal Reply to Honourable Deput...

15. The JSC Act empowers the JCC to deal with such complaints. The JSC/JCC's own materials confirm that a sworn statement with supporting evidence is the correct route (which I provide here and by annexures)

16. The point is not perfection in form by a layperson; it is that the court leadership chose to protect a culture of technical ambush and administrative indifference rather than protect the rule of law and equal access. The Hlophe removal shows that judicial accountability is not theoretical."

[8] Elsewhere in the complaint, the complainant bemoaned the fact that his request was neither answered nor its receipt acknowledged. He alleged that he was a victim of procedural unfairness from the court. In support of this issue he referenced two issues. First, he alleged that under the current leadership, his cases have been repeatedly struck off the roll "on technical or administrative grounds." However, he did not state that the respondents were the Judges who struck his cases from the roll. Second, he alleged that on one occasion he was involved in a virtual hearing where the presiding Judge made a personal remark about him and struck his matter off the roll and refused to entertain his oral application for leave to appeal, again this did not apply to the present respondents. The complainant has lodged a separate complaint against the Judge who presided over the virtual hearing. This Committee has considered that complaint and has given its decision.

The response

[9] After the filing of the appeal by the complainant, the respondents were afforded an opportunity to respond to the complaint and the proposed appeal. They were not invited to do so earlier because the Acting Chairperson had reached the conclusion that the complaint was to be summarily dismissed in terms of section 15(2) of the Act. If a complaint is to be dealt with under this provision, it becomes unnecessary to ask for a response. But when a dismissal made in terms of that section

is appealed, section 18(1) requires that both the complainant and the respondent be allowed to submit written submissions.²

[10] Acting in terms of section 18(1), this Committee invited the complainant and the respondents to submit written submissions in March 2026, in preparation for a meeting which was held on 9 April 2026, to consider this appeal. In her submissions the second respondent contended that the complainant's case was enrolled as an urgent matter for hearing on 9 September 2025. She had issued a directive on 5 September 2025, informing litigants that all urgent matters would be heard in an open court. A copy of the directive was also sent to the complainant's email address. When the matter was called on 9 September, there was no appearance and as a result it was struck off the roll.

[11] On 11 September 2025 the second respondent received a letter from the complainant, pertaining to the struck off case. She informed him that it was struck off the roll because there was no appearance. The second respondent submitted that "without particular facts, it was not possible for her to respond to the complaint on leadership failures."

[12] In his submissions, the first respondent concurred with the second respondent and argued that the complaint lacks the necessary details and that it was correctly dismissed on the basis that it lacked substance.

Evaluation of the dismissal

² Section 18(1) of the Act provides: "The Committee must consider an appeal referred to in section 15 (5) or 17 (7) at a meeting determined by the Chairperson, and the Chairperson must inform the complainant and the respondent in writing-

(a) of the time and place of the meeting; and

(b) that they may submit written representations within a specified period for consideration by the Committee."

[13] It will be remembered that what we are called upon to decide is whether the complaint was correctly dismissed in terms of section 15(2) of the Act. To the extent that the complaint was based on sections 34 and 165 of the Constitution, the complainant has failed to bring it within the parameters of section 14(4) of the Act.³ This section requires that complaints against Judges should be based on the grounds enumerated in it. If a complaint is based on a ground that is outside its ambit, section 15(2) mandatorily requires the Chairperson to summarily dismiss it.

[14] With regard to the complaint that was based on the breach of articles 4, 5 and 11 of the Code, the complainant has failed to show the respects in which these articles were breached by the second respondent's letter of 2 October 2025. The entire complaint falls short of raising a valid complaint based on a breach of the Code. It will be recalled that section 14(4)(b) tells us that it is only a wilful or grossly negligent breach of the Code which constitutes misconduct. Here not even a breach was established.

[15] The complaint makes two references to the first respondent. This is found in paragraph 4 which outlines the context in relation to the leadership of the Gauteng Division. The complaint states that since the departure of the Deputy Chief Justice,

³ Section 14(4) of the Act provides: "The grounds upon which any complaint against a judge may be lodged, are any one or more of the following:

- (a) Incapacity giving rise to a judge's inability to perform the functions of judicial office in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177 (1) (a) of the Constitution;
- (b) 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);
- (c) Accepting, holding or performing any office of profit or receiving any fees, emoluments or remuneration or allowances in contravention of section 11;
- (d) Any wilful or grossly negligent failure to comply with any remedial step, contemplated in section 17 (8), imposed in terms of this Act; and
- (e) Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d), that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts."

that Division had acting leaders. Other than this, one finds a general statement on “systemic and supervisory failures by the Acting Judge President and Acting Deputy Judge President over the Division’s Judges and registry staff.” This statement is made in the introduction part of the complaint and no substantiation of it was provided in the body of the complaint. But more importantly, a failure to supervise Judges and other staff does not constitute a misconduct under the Act. Therefore, the dismissal was correct.

[16] For all these reasons, the appeal is dismissed.

A handwritten signature in black ink, appearing to be 'C. H. M.', written over a horizontal line.

THE JUDICIAL CONDUCT COMMITTEE