



THE JUDICIARY

FIRST MEETING OF AFRICAN WOMEN
JUDGES - GABON

TRUE LESSONS OF LIFE BY THE MOST
IMPORTANT MEMBERS OF OUR SOCIETY

JUDICIAL ETHICS, KEY TO THE GOOD
IMAGE OF THE JUDICIARY

CRIMINAL CIRCUIT COURTS AT PRISON
FACILITIES

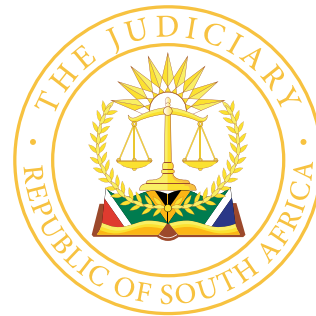


 The South African Judiciary

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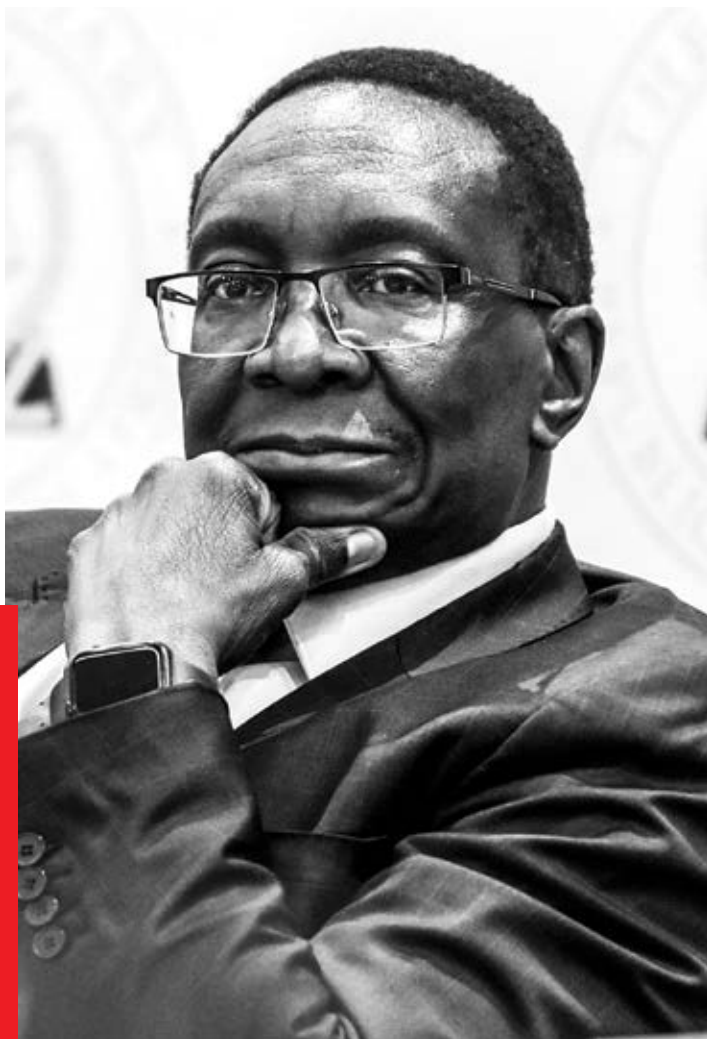
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Greetings from a cold Gauteng! UNtulikazi (the month of July) marks the midpoint of our winter season, and it is usually around this time that the cold season intensifies its grip.

We have already seen snow blankets in Eastern Cape towns as severely cold temperatures hit the southern Drakensberg. This cold snap is expected to spread throughout the country. KwaZulu Natal has also fallen victim to some peculiar weather, particularly the coastal areas that were swept by a tornado. Our thoughts and prayers are with everyone who has been affected in KwaZulu Natal.

We wish Justice Molemela well in her new role and assure her of our ongoing cooperation and support as we work to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts ”

FROM THE EDITOR

The gloom of winter, however, does not overshadow the good. Please allow me, on behalf of all my colleagues, to extend warm congratulations to Madam Justice Mahube Molemela on her appointment by the President of the Republic as the President of the Supreme Court of Appeal (SCA), effective 1 June 2023. We wish Justice Molemela well in her new role and assure her of our ongoing cooperation and support as we work to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts.

Deputy Chief Justice Mandisa Maya is also making international strides! We congratulate the Deputy Chief Justice for being elected as International Association of Women Judges (IAWJ) Vice President at the 16th Biennial Conference of the IAWJ that took place in Marrakesh, Morocco, in May. Deputy Chief Justice Maya is also the President of the South African Chapter of the International Association of Women Judges (SAC-IAWJ).

We also take this opportunity to acknowledge the contribution by Justice Nonkosi Mhlantla of the Constitutional Court and Justice Mahube Molemela on the advancement of transformation in the Judiciary on the African continent. The two Justices recently attended a meeting of African Women Judges in Libreville, Gabon, to assess and share perspectives on the presence of African women Judges in the Judiciary, where they shared the South African experience. Please read more about this on page 5.

The theme of transformation runs through this edition of the Judiciary Newsletter. Women legal practitioners commemorated the centenary of the Women Legal Practice Act of 1923, which opened legal practice to women in the country. The commemoration of the Act highlighted the journeys of women who were not allowed to work in the legal field until 100 years ago. On pages 14 to 37, we publish reflections of members of the legal fraternity, Judges, Magistrates and Legal Practitioners, as they commemorated the occasion.

Malibongwe igama lamakhosikazi!

Judge President Dunstan Mlambo

Chairperson: Judicial Communications Committee

CHIEF JUSTICE'S EVENTS



MEETING OF THE HEADS OF COURT

Chief Justice Zondo, together with the heads of Court met at the Office of the Chief Justice's (OCJ) National Office in Midrand on the 26th of April 2023.

Top L-R: Justice D H Zondi, Deputy Judge President A Ledwaba, Judge President T Poyo-Dlwati and Judge President N M Manoim. **Centre L-R:** Judge President P Tlaetsi, Acting Judge President Y Meer, Judge President R Hendricks, Acting Judge President M V Semanya and Judge President S Mbenenge. **Front L-R:** Judge President F Legodi, Deputy President of the Supreme Court of Appeal X Petse, Chief Justice R Zondo, Judge President D Mlambo, Judge President B Wagley, Judge President C Musi.



L-R: Justice D H Zondi, Judge President R Hendricks, Judge President S Mbenenge, Judge President F Legodi and Judge President D Mlambo.



Chief Justice R M M Zondo



Acting Judge President of the Limpopo Division of the High Court, Acting Judge President M V Semanya



Judge President of the KwaZulu-Natal Division of the High Court, Judge President T Poyo-Dlwati

CHIEF JUSTICE'S EVENTS



The Heads of Court met with the Portfolio Committee on Justice and Correctional Services on 5 May 2023, in Midrand.

HEADS OF COURT AND PORTFOLIO COMMITTEE MEETING

On 5 May 2023, the Heads of Court, led by Chief Justice Zondo, met with Parliament's Portfolio Committee on Justice and Correctional Services to discuss matters of mutual interest.



Chief Justice R Zondo with Ms M Sejosengwe, Secretary-General of the Office of the Chief Justice.



Chief Justice R M M Zondo



Member of the Portfolio Committee, L-R: Ms N H Maseko-Jele, Adv G Breytenbach and Mr S N Swart



Deputy Chief Justice M M L Maya

SUPREME COURT OF APPEAL JUDGES' FAREWELL



Chief Justice R Zondo and Deputy Chief Justice M Maya



Chief Justice R Zondo delivering the keynote address

FAREWELL FOR RETIRED SCA JUDGES

On 25 April 2023, the Acting President of the Supreme Court of Appeal (SCA), Bloemfontein, Madam Justice N Dambuzza, hosted an official function to mark the retirement of Mr. Justice Shongwe, Madam Justice Lewis, Mr. Justice Seriti, Mr. Justice Leach, Mr. Justice Swain, Mr. Justice Cachalia, Mr. Justice Wallis, Mr. Justice Navsa, Mr. Justice Dlodlo, Mr. Justice Mbha and Mr. Justice Plasket. The event also celebrated the elevation to the Constitutional Court of Madam Deputy Chief Justice MML Maya, Madam Justice ZLL Tshiqi, Mr. Justice SA Majiedt and Mr. Justice RM Mathopo.



Justice D Zondi, Justice of the Supreme Court of Appeal and Chairperson of the Electoral Court



Deputy President of the Supreme Court of Appeal, Justice X Petse



Justice C Mocumi, Justice of the Supreme Court of Appeal



Acting Judge President V M Semanya (middle) with Judge President F Legodi (right) in conversation with one of the guests.



Guests mingling ahead of the farewell ceremony

FIRST MEETING OF AFRICAN WOMEN JUDGES

HELD IN LIBREVILLE, GABON
FROM 2 TO 5 MAY 2023

By Justice N Mhlantla and
Justice of the Constitutional Court

Justice M Molemela
Justice of the Supreme Court of Appeal

In other jurisdictions, the representation of women in the judiciary is still very low and gender parity in the judicial systems of many African countries has not yet been achieved ”

The Conference of African Constitutional Jurisdictions of Africa (CJCA) and the Constitutional Court of the Gabonese Republic jointly organised the first meeting of African Women Judges in Libreville, Gabon from 2 to 5 May 2023.

The United Nations Development Program (UNDP), United Nations Organization on Drugs and Crime (UNODC) and UN Women provided additional support. The participation in the meeting was exclusively reserved for African Women Heads of Jurisdictions, Vice-Presidents of Jurisdictions and members. Due to the unavailability of Deputy Chief Justice Mandisa Maya, the Chief Justice requested Justice Nonkosi Mhlantla of the Constitutional Court and Justice Mahube Molemela of the Supreme Court of Appeal (now President of the SCA) to represent the South African judiciary.

We arrived in Libreville on Monday, 1 May and were warmly welcomed at the airport and hotel by a delegation of judges from the Constitutional Court of Gabon. The meeting was attended by women judges from various African countries, including Gabon, South Africa, Kenya, Malawi, Swaziland, Mozambique, Benin, Angola, The Gambia, Egypt, Morocco, Comoros, Ethiopia, Djibouti, Central African Republic, Senegal and Zimbabwe. On Tuesday, 2 May, the President of the National Assembly held a welcome cocktail at the seat of the National Assembly, the Palais Leon Mba.

The formal proceedings commenced on 3 May and were held in the conference room of the Constitutional Court of Gabon. The President of the Constitutional Court, the Honourable Justice Mrs Marie-Madeleine Mborantsuo delivered a welcome address. This was followed by an address by the Vice-President of the CCJA, Mr Dieudonne Kamuleta Badibanga, who is the President of the Constitutional Court of the Democratic Republic of Congo. The President of the Gabonese Republic, H.E. Ali Bongo Ondimba delivered an opening address.

The theme of the meeting was “The presence of African women in the judiciary: assessment and perspectives”. The objective of the meeting was to create a framework for reflection on the barriers that prevent women from entering the judiciary, obstacles faced by women judges and their impact on women’s constitutional rights, and assess the progress made by the various jurisdictions in the appointment of women Judges.



L-R: Justice M Molemela and Justice N Mhlantla attended the first meeting of African Women Judges in Gabon



Libreville–Gabon: Opening of the work of the First Meeting of African Women Judges

barriers to women's entry into the judiciary in Africa include cultural, legal, institutional and social aspects ”

The proceedings were conducted in French with interpretation or translations in English. Judges representing countries with different legal traditions were afforded an opportunity to share their experiences on three sub-themes; namely (i) existing experience, best practices and identification of barriers to the promotion of women judges in Africa; (ii) supporting women in the justice sector: existing good practices and regional learning experiences; and (iii) identification of actions to be developed to promote women in judicial systems across Africa and ensure progress and transparency in access to judicial jobs.

Each speaker was provided ten minutes to make a presentation. Some countries have made strides and taken steps to appoint more women judges and in leadership positions. In other jurisdictions, the representation of women in the judiciary is still very low and gender parity in the judicial systems of many African countries has not yet been achieved. In this regard, few women judges occupy leadership positions. In some of the Constitutional Courts, there are few women judges. For example, the Constitutional Court of Cameroon consists of ten judges made up of nine male judges and one female judge. It was reported that the barriers to women's entry into the judiciary in Africa include cultural, legal, institutional and social aspects, such as:

- (a) Negative gender stereotypes and attitudes based on religion, traditional conceptions of women's role in the family and society;
- (b) Limitations in selection and recruitment processes due to stakeholders' commitments to gender equality as provided for in international and national laws;
- (c) Lack of impartiality in judicial appointment processes in common law systems;
- (d) Gender-sensitive institutional policies and lack of gender equality strategies for the judiciary;
- (e) Lack of mentorship, role models and limited investment in raising lawyers' awareness of judicial entry;
- (f) Barriers reported by female judges which include: discrimination, relocation, gender criticism, harassment, safety concerns, bullying and physical threats, expectations for work-life balance and lack of mentorship;
- (g) Lack of political will on the part of the appointing authority.

We were granted an opportunity to intervene and make our presentation. Justice Mhlantla gave a short input on the SA judiciary (both at magistrates' level and superior courts) and provided the statistics in respect of women appointed as judges and magistrates and those in leadership positions. She also mentioned the role played by the South African Judicial Education Institute (SAJEI).

Justice Molemela covered the aspect relating to the fast-tracking of women and the project that was initiated by the former Minister of Justice, Ms Bridgette Mabandla — the Aspirant Women Judges' Programme. As Justice Molemela was part of the initial group, she was able to share her experiences, the component of the programme which included a practical component of being placed at the High Court; how they survived as they had to be away from their practice and alluded to the stipend that was provided to the participants to assist them whilst away from practice. She also mentioned that the project has since been resuscitated and is being run by the SAJEI. Various delegates were impressed by the progress made in SA on the appointment of women judges, and most were interested in the training programme for aspirant women judges. Some delegates held the view that the programme should be replicated by the other jurisdictions – this would require the involvement of their respective Heads of Courts and the Ministry of Justice.

The meeting was concluded on Thursday, 4 May and culminated with the adoption of the "Libreville declaration", which defines a strategy aimed at overcoming discrimination based on sex and identify the actions to be developed to promote the role of women in the judicial African systems. A draft "Libreville declaration" is attached. At the end of the proceedings, the President of the Constitutional Court Mrs Marie-Madeleine Mborantsuo hosted a gala dinner. ■



TRUE LESSONS OF LIFE BY THE MOST IMPORTANT MEMBERS OF OUR SOCIETY

BY JUDGE PRESIDENT M F LEGODI

Mpumalanga Division of the High Court

The two pictures appearing in this piece were preceded by intense soul searching of who we are, or we are not, particularly those of us who have collected positions of "high standing" in the society we live in.

The events that happened between Wednesday 26 to Saturday 30 October 2022 prompted one to do a lot of introspection and soul-searching. In the course thereof, I was reminded of the profound words captured in Chapter 2 of the book written by Robin Sharma titled "Life Lessons from the Monk who sold Ferrari". The book was given to me by a friend as a gift while acting at SCA in 2014. I had never taken the words to heart until the events of Saturday 30 October 22. The following words of wisdom in Chapter 2 of the book drew my attention and invoked my inner soul-searching:

"On his deathbed, Aldous Huxley reflected on his entire life's learning and then summed it up in seven simple words: 'Let us be kinder to one another.' All too often, we believe that in order to live a truly fulfilling life we must achieve some great act or grand feat that will put us on the front covers of magazines and newspapers. Nothing could be further from the truth. A meaningful life is made up of a series of daily acts of decency and kindness, which, ironically, add up to something truly great over the course of a lifetime.

Everyone who enters your life has a lesson to teach and a story to tell. Every person you pass during the moments that make up your days represents an opportunity to show a little more often compassion and courtesy that define your humanity. Why not start being more of the person you truly are during your days and doing what you can to enrich the world around you? In my mind, if you make even one person smile during your day or brighten the mood of even one stranger, your day has been a worthwhile one. Kindness, quite simply, is the rent we must pay for the space we occupy on this planet.

Why not just start now
and be more of the
person you truly want to
be during your days and
do what you can to enrich
the world around us ”

Become more creative in the ways you show compassion to strangers. Paying the toll for the person in the car behind you, offering your seat on the subway to someone in need and being the first to say “hello”, are great place to start”. On the afternoon of Wednesday 26 October 2022, my two secretaries approached me in my office. I could see from their faces that I was just about to receive depressing news. One of the cleaners had lost her daughter, so they reported to me. We then tried to reach the cleaner for directions to her house that afternoon. We could not reach her as her phone rang unanswered. My two secretaries tried to give me the description of the cleaner, but still, I was not able to associate her with my office.

When we could not find the cleaner for directions to her home, a decision was taken that we would attend the funeral. Particulars of her physical address were obtained. On the Saturday of the funeral, my protectors and I were almost the first people to arrive at the house. The home surroundings were story-telling of living in poverty and suffering. I was one of the first people to take a seat in the tent. I took a seat in the third row from the front left. As I was seated there, I pondered on the past I had gone through. The many days and nights one had spent in the earlier stage of our upbringing without food and a decent place to sleep. The priest, members of the congregation and members of the community started to fill the tent. Later the priests and other members of the community moved into the house to pay their last respects. I remained seated. Later they came out of the house carrying the coffin. As I looked behind, I saw my two secretaries distraught and crying. Behind the coffin, was the mother of the deceased. She was supported on both sides as she could not properly walk on her own.

I immediately stopped looking as I did not want my two secretaries to realise that I could not hold back my tears. There was a reason to be overwhelmed. This was a cleaner that I had known since we moved into the Division's new building in 2019. Secondly, I could not stand it seeing her so traumatised. I got to better understand why she was so

every person we pass during the moments that make up our days, represents an opportunity to show a little more of the compassion and courtesy that define our humanity ”

traumatised as tributes were starting to pour in during the service in the tent. The late was her only daughter. She had raised the late as a single parent. Her body was found lifeless in her room in the Free State. She was studying Social Science at the University of the Free State. She was in her second year. Apparently, she had just dressed up to go to the University when she collapsed.

I felt like knocking my head against a brick. I asked myself these questions: Who am I? Why had I, not all these years taken an opportunity to know the cleaner better? I felt like if I had taken an opportunity to know her, I would have known her daughter too. I would have been there for the cleaner's daughter as a father or grandfather figure. I felt like perhaps she would not have died. I suspected that she might have been overwhelmed by preparations for the exams and that probably she did not want to worry her mother. And, that she probably needed someone to talk and confide to. I felt so guilty. That feeling is still there.

At the graveyard, in the tent, I saw a young boy crying so bitterly and non-stop. The lady who was seated next to him tried to comfort him but that did not help. I enquired from the people who were standing next to me at the grave-yard and was told that the young man was the little brother of the deceased. As we were moving from the graveyard, I followed the young man. I held him on the shoulder and comforted



Judge President Legodi with the support staff – Security, Cleaners and Garden staff – of the Mpumalanga Division of the High Court, Mbombela



Middelburg High Court support staff – Security, Cleaners and Gardeners – with Judge President Legodi during a lunch with the Judge President

him. He appeared suspicious of me, and I could tell from the look in his eyes that he was wondering who this person was, showing interest in me? Ultimately, he opened up and told me that he had just written his final year exam at the University of Cape Town where he was studying towards a diploma in Food Science. That was the first time I had heard about a Food Science diploma.

Driven by a guilty conscience, I felt I needed to create a relationship with him. We exchanged mobile phone numbers. We spoke a day thereafter. A week later, the mother came to see me in my office. She told me that the boy needed support and asked me to mentor him as a father. She said she thought that he needed someone who could talk to him, guide and appreciate him. That was a life lesson for me. Who are we? Are we living for ourselves only? Where lies our empathy? What has happened to our ability to understand and share the feelings of others? Where is our humanity? Have we forgotten about practising Ubuntu and living in harmony with each other?

While grappling with these questions, I remembered the book by Robin Sharma quoted at the beginning of this article. It was almost like self-discovery after intense self-searching. Regrettably, this realisation took place at my advanced age. Perhaps, it is never late to do things right and learn pure and better lessons of life from the ordinary members of our society.

By following Robin Sharma's teachings, who does not want to live a meaningful life? A life made up of a series of daily acts of decency and kindness which ironically, adds up to something truly great over the course of one's lifetime? Who does not want to be reminded that everyone who enters our lives has a lesson to teach and a story to tell? Who does not want to be reminded that every person we pass during

the moments that make up our days, represents an opportunity to show a little more of the compassion and courtesy that define our humanity? Driven by the question posed by Robing Sharma, I asked myself: Why not just start now and be more of the person you truly want to be during your days and do what you can to enrich the world around us? Perhaps I decided late as it might be, to turn over a new leaf. I believe it is never too late though.

The picture you see at the bottom of page 8 is the picture that was taken at 2:02 pm on the 25th of November 2022 at High Court Mbombela (Main Seat). In the picture, are cleaners, gardeners and security personnel. The lady on my right is the mother of the young girl who passed away. She is the mother to the young man I spoke about. On the morning of 31 November 2022, I spoke to Zenzo, the young man and son to the cleaner. As I was about to drop the line after having spoken to him; he said: "Mkhulu, thank you very much". Zenzo will be graduating in April 2023 and it would be for the first time for her mother to touch Cape Town ground. One could imagine the joy she would be experiencing.

The "thank you" was with reference to me having phoned him, spoken to him, and enquired about how he was and whether he was coming home during the festive season. The "thank you" was humbling to the core. It is perhaps these little things like a call, that mean a lot to people.

The picture at the top of this page was taken at 1:34 pm on the 29th of November 2022, with the Middelburg Court (Local Seat) cleaners, gardeners and security staff. These pictures were respectively taken during the lunch with the Judge President. The moments I spent with these ordinary, but very important members of our society would forever be memorable to me. It is a pity that it happened towards one's

retirement. From these ordinary members of our society, one has become a true beneficiary of the teachings that, “everyone who enters your life has a lesson to teach and a story to tell...” To be told straight in my face and frankly that they genuinely believed they were not supposed to be talking to people in higher positions, was a pure moment of one’s self-reflection. They believed that they are not supposed to be spoken to with kindness and respect by those who occupied high positions within their working environment. Let alone have lunch with them. This poked and evoked one’s feelings of deep reflection.

The moral lesson deduced from this encounter was “an opportunity to show a little more of the compassion and courtesy that define our humanity” towards fellow citizens, irrespective of their position, status and titles. That is what we need as a society and every one of us has the ability to do so. One will strive to do this, late as it might seem.

This is a promise that one would wish to keep, more so after having learned so much from the people appearing in the two pictures attached to this article. Many of these men and women continue to have dreams and hopes to better their lives and those of their parents, siblings, their children and extended family. Having listened to their dreams and what got them where they are, has conveyed one message. That is, despite all the hardships of life and the sufferings still experienced by the majority of our society, not all is lost. Hope is still there.

“an opportunity to show a little more of the compassion and courtesy that define our humanity” towards fellow citizens, irrespective of their position, status and titles. That is what we need as a society and every one of us has the ability to do so ”

But I am also greatly indebted to my two secretaries whom I regard as my true daughters. From them, I have learned so much. To them, it is all about that ‘respect is earned’. Caring and humility are not only what they preach but it’s what they live. Had it not been for them, I would not have found myself at the funeral of Senzo’s sister in a village called Mahushu Trust. I would not have known Senzo or his mother better and I would never have had an opportunity to have lunch with these important members of our society from whom I learned so much.

Prudence and Lala (my two secretaries) are my heroes and my teachers of life lessons. Hopefully, they will maintain this spirit as I bow out of the judiciary, after having been in the judiciary for 20 years. Their gesture to me is a great lesson. The importance of giving and educating sincerely from the heart, is what they are blessed with. As you are aware, from the 8th of May 2023 I will go on long leave until 21 August 2023 when I will be discharged from active service by the President of the country.

I am looking forward to my retirement and looking forward to learning more from ordinary members of our society. ■





JUDICIAL ETHICS, KEY TO THE GOOD IMAGE OF THE JUDICIARY

BY JUDGE PRESIDENT M F LEGODI
Mpumalanga Division of the High Court

ethical conduct refers to standards of conduct or the ways in which we should behave, based on our moral values and standards that arise from a principle about what is right and wrong ”

On 10 January 2023 at 2:48pm my PA received an email from SAJEI which reads as follows: “Please note that JP Legodi has gladly agreed to speak at a seminar for the Magistrates, the draft-programme is attached. JP can decide on the topic”

Let me clarify something upfront regarding this statement. I did not “gladly agreed to speak at this seminar”. I was effectively commanded by SAJEI to speak at this seminar. I am a messenger who was not given a right of refusal. I am also a messenger without a message. The statement: “JP can decide on the topic”, says it all. When I looked at the draft programme my attention was drawn to the bolded words which reads as follows: JUDICIAL ETHICS.

My thoughts took me back to 48 years ago when I registered for B. Com degree and two weeks thereafter deregistered and registered for a law degree. You know why? I was getting tired of hearing everyday a chant which went on like this: “Law is an honourable profession. Law is dynamic. Law changes every day?”. Who would not want to follow a profession which is so well spoken and chanted.

The rest is history. But in the course of this history, I realised something about being in the law profession. In order to fit into this honourable profession, in order to see law as a dynamic profession which changes every day, you have to be something else.

What is it? Especially in the context of judicial officers like you. In the course of pondering on what topic to address you on, I found myself choosing this topic: “Judicial ethics is key to the good image of the judiciary”. This is my self-designed topic for today. This self-designed topic should be mirrored into the theme of this workshop. That is: “Domestic Violence, Gender Based Violence and Femicide”. And who are the victims of these crimes? What is ethics? You ask me, I will say I do not know.

All what I know is that ethics is based on a well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues. This definition as I see it, can be divided into two categories. That is ethical conduct and work ethics.

These are the categories which in my view, are married to each other and are dependent on each other. Look at it this way: Ethics is a self-instilled discipline virtue. And for those who know better, see work ethic as “a belief in work as a moral good”. It is a set of values centred on the importance of doing work reflected in a desire or determination to work hard.

On the other hand, ethical conduct refers to standards of conduct or the ways in which we should behave, based on our moral values and standards that arise from a principle about what is right and wrong in our business, in our work environment or in our profession.

As you can see, work ethics and ethical conduct are interlinked in the definition of ethics. That is: A well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness or specific virtues.

In other words, and with regards to work ethic, as they say, you have never lived a good life until you have become of benefit to your society and until you have acted fairly and in a proper manner in the execution of your responsibility in the work you have undertaken to do. Let us face it! You will never find a school for ethics. It is all about self-instilled ethical conduct and work ethics.

Look at it this way: A magistrate executes his or her duties objectively, competently and with diligence, courtesy and self-control. A magistrate acts at all times, also in his or her private capacity in a manner which upholds and promotes the good name, dignity and esteem of the office of the magistrate and the administration of justice.

But let us face it: How do you do this? You must have the ability first, to uphold and promote your good name, dignity and esteem of your inner-self. Almost like charity begins at home. Charity begins with yourself before it can be emboldened on other people. Remember, a magistrate is a person of integrity. He or she is a person who administers justice without fear, prejudice or favour. A magistrate, is a person who executes his or her judicial functions diligently and thoroughly and requires his or her sub-ordinates to do likewise. A magistrate shall be a person who maintains good order in his or her court and requires dignified conduct

from litigants, witnesses, court staff, legal practitioners and the public. Your theme of the seminar or workshop for these two days, is about domestic violence, gender based violence and femicide. Why this theme? Why this theme? And, I want to repeat, why this theme?

In the preamble of the Domestic Violence Act is first and foremost recognised that:

“...the domestic violence is a serious social evil; there is a high incidence of domestic violence within South African society; victims of domestic violence are amongst the most vulnerable members of society; domestic violence takes on many forms; acts of domestic violence may be committed in a wide range of domestic relationships; and that the remedies currently available to the victims of domestic violence, have been proved to be ineffective.”

This seems to be a statement of helplessness and cry for help. It is statement that calls on every member of our society to be alive to the difficulties our fellow vulnerable members of our society are exposed to, almost like on a daily basis.

The preamble then concludes as follows:

“It is the purpose of this Act to afford the victims of domestic violence the maximum protection from domestic abuse that the law can provide and to introduce measures which seek to ensure that the relevant organs of state give full effect to the provisions of this Act, and thereby to convey that the state is committed to the elimination of domestic violence”.

Where does it start to ensure that the state is committed to the elimination of domestic violence? You ask me this question now, I will say, I do not know.

All what I know is this: A society that is tolerant to wrong things, a society that turns a blind eye on wrong things, almost like what is happening next door, is not my business. This stance, is what defeats the purpose of the Act. It is this attitude that turns into almost like saying “domestic violence is a serious social evil”, but it has got nothing to do with me because it happens to my neighbour or it happens to the

Remember first, magistrates and judges are independent. They perform their judicial functions without fear, favour or prejudice as so enshrined in the Constitution ”



Judge President M F Legodi

people I do not know or not related to. It is this kind of attitude that drives us to pretend like we are not aware of this serious social evil act of domestic violence.

Well, if this is what the society wants to resort to, next time is going to be your child, your cousin, uncle, brother or sister or even your friend caught up in a domestic violence act. What would you say? And, what would you do?

Clearly, those who make the laws out of frustration and helplessness in my view, resorted to deal with those who are indifferent to this serious social evil of domestic violence.

Section 2B of the Domestic Violence Amendment Act, 2021 which came into effect in 2022 deals with an “obligation to report domestic violence and to provide information”. In terms of this section, a person who fails to report a domestic violence act, is guilty of an offence and on conviction could be liable to be sentenced to three months’ imprisonment or fine or to both fine and such imprisonment. Perhaps a provision for more severe sentence that courts can impose in this regard is required.

The next question is: How do judicial officers get involved? They are involved because when domestic violence acts are committed, when gender based violence acts are committed, the perpetrators are brought to our courts for the courts to decide on their guilt or otherwise. So, when times comes to deal with these matters in our courts, it is required of every judicial officer to be who he or she is supposed to be in terms of our oath of office and ethics.

Remember first, magistrates and judges are independent. They perform their judicial functions without fear, favour or prejudice as so enshrined in the Constitution. Magistrates and judges take decisions on these matters guided by what proven facts and the applicable law take them to. Their independence must be confirmed and displayed by how they execute their judicial functions. The how part of it, is about the two categories of ethics.

That is, a conduct that is well-founded on standards of right and wrong that prescribe what humans ought to do in terms of the law, in terms of rights, obligations, benefits to society, fairness or specific virtues. This requires ethical conduct and work ethics. Work ethics should be founded on our knowledge, our preparedness in dealing with these matters.

We need to be on top of everything. We need to know the applicable laws in each case or where to find it. This is the beauty about a profession that is honourable. A profession that is dynamic and a profession that changes every day. You need to prepare well for every

case, knowing that no case is big and no case is small. Every case needs to be adjudicated on with all the seriousness and the zeal it deserves.

This has to be blended with ethical conduct. That is, in terms of your code of conduct, a magistrate acts at all times, also in his or her private capacity in a manner which upholds and promotes the good name, dignity and esteem of the office of the magistrate and administration of justice. You need to show by your own conduct and articulation in your judgments and in public or in private, that you are a person of integrity and knowledge.

You need to show that you are a person who takes himself or herself and his or her work seriously. When you are seen as a person of integrity, it becomes easier as you are required to do to maintain good order in your court.

Dignified conduct that is required from the litigants, witnesses, the public and the legal practitioners becomes a tradition in your court as you are known for order and for being on top of your game and everything.

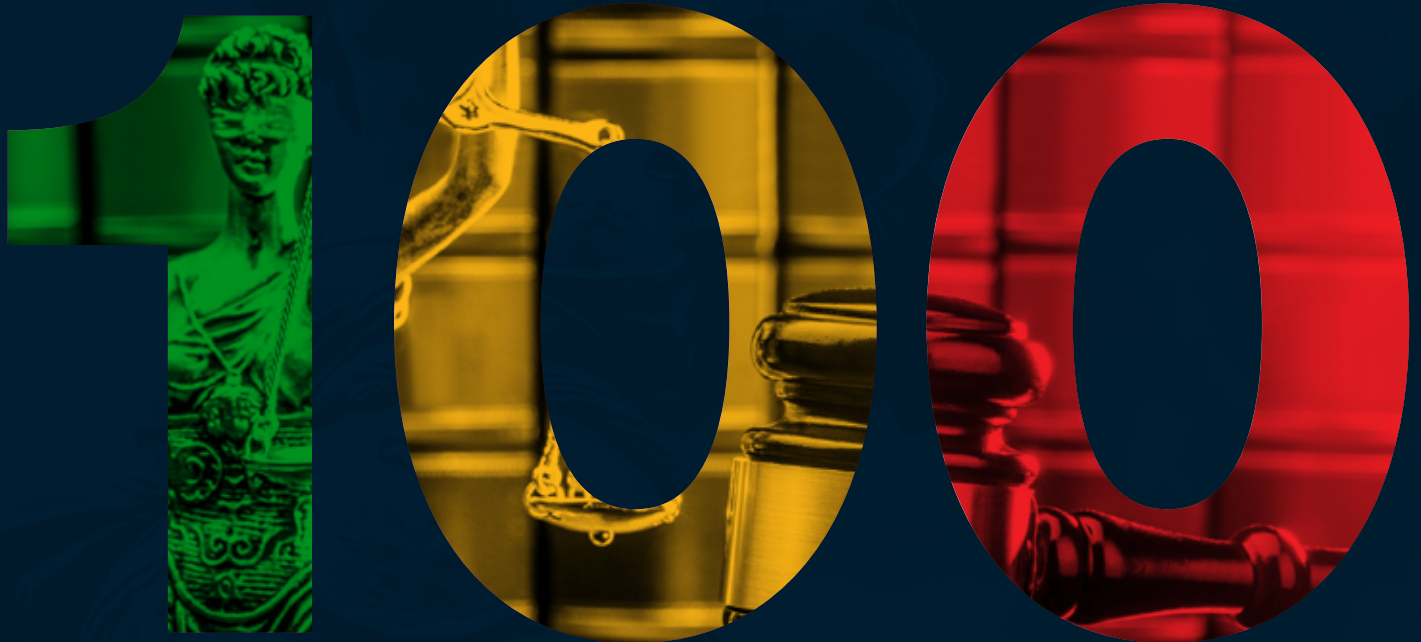
So, it is all about judicial ethics being key to the good image of the judiciary.

Work ethics and ethical conduct by our judicial officers, is what inspires confidence in the judiciary. ■

You need to prepare well for every case, knowing that no case is big and no case is small. Every case needs to be adjudicated on with all the seriousness and the zeal it deserves ”



COMMEMORATING



WWW.100MORE.ORG

YEARS OF **WOMEN** IN THE LEGAL PROFESSION

During the April and May 2023 the High Courts throughout the country held ceremonial sittings to commemorate the centenary of the Women Legal Practice Act of 1923. The sittings were celebratory and reflective occasions, hosted in collaboration with the South African Chapter of the International Association of Women Judges and the **100More Campaign**. In this issue of the Judiciary Newsletter, we publish reflections of members of the legal fraternity, Judges, Magistrates and Legal Practitioners, as they commemorated the occasion.

#COUNTMEIN | #100MORE



WOMEN DESERVE EQUAL OPPORTUNITIES FOR SUCCESS & ADVANCEMENT

MS P ANDREWS

Acting Regional Court President at the KwaZulu
Natal Division of the High Court

As we commemorate the significance of the Women Legal Practitioners Act, let us pause to reflect on the remarkable progress that the legal profession has made, and acknowledge the vital role that women have played in this journey.

Before the passing of the Act, women were barred from the legal profession and were denied the opportunity to study and practice law. This was a time in which women's rights were limited and gender discrimination was prevalent in almost every aspect of society. Women were considered to not have the same level of intellectual capacity as what males had, nor were they viewed as having the necessary skills to be successful attorneys and advocates.

One strategy used by women who fought for their right to pursue legal education was to seek private legal education since formal legal education was not readily available. Women also challenged discriminatory policies through legal action. For instance, Madeline Wookey was refused entry to the profession in 1912. In 1913, Bertha Solomon petitioned the Transvaal Law Society to be admitted as an attorney. Although the petition was unsuccessful, her challenge paved the way for future legal action. Women fought tirelessly for their rights, and they refused to give up. Women worked hard to prove that they were just as capable as men. With the passing of the Women Legal Practitioners Act, they succeeded in breaking down the barriers that had once held them back.

I would like to share a glimpse of my story, a story that has not yet been told. I was born in a place called District 6 in Cape Town. My family was forcefully removed from our home under the Group Areas Act. I was raised by my mother and grandmother, both of whom had no formal education. We were relocated to the Cape Flats,

Women worked hard to prove that they were just as capable as men. With the passing of the Women Legal Practitioners Act, they succeeded in breaking down the barriers ”

Manenberg to be exact; and thereafter moved to Mitchells Plain. My grandmother was a factory worker. I had no father figure as my mother and father got divorced when I was just 6 years old. I only reconnected with him much later in my adult life. Be that as it may, I don't even think that my mother was aware that I had made applications to universities and other institutes of higher learning, with the help of my school Guidance Teacher. Through the help of my grandmother who passed away in February this year, I was able to study towards my law degree. I was accepted at the University of the Western Cape. Travelling to University meant taking a taxi to the train station and taking two trains and then walking to campus from Unibelle Station and traversing the same way back home again.

I have experienced poverty, hardship and lack. I look back with appreciation for the sacrifices made by my grandmother and mother. The battle was not over as I, after graduating needed to secure Articles of Clerkship, which too proved to be a challenge. One law firm wanted to employ me as a legal secretary despite me having a legal qualification. Needless to say, I kept knocking on doors until I secured articles at a small law firm situated in the heart of Elsies

River, owned by a woman. This experience included me witnessing a murder suicide. Being left with two bodies all alone, young woman was indeed traumatic to say the least. Thereafter, I bravely opened my own law firm, where it was incredibly difficult to make inroads as a sole female practitioner. In order to survive I could not take maternity leave. I appeared in court in the morning and gave birth to my twins in the afternoon. There are many more anecdotes that I would like to share of my legal career before joining the bench in 2002, which I will reserve for another time.

My journey as a Magistrate, Senior Magistrate, Acting Regional Court Magistrate, Acting Judge and Regional Court Magistrate, too was fraught with many challenges, more stories for another day, owing to time constraints. I carry scars and wounds that are still healing. Throughout my legal career I have been ridiculed, bullied, harassed, belittled, faced hostility and continue to face significant opposition and discrimination. Doors have been shut on me unfairly. I am still struggling to break through the proverbial glass ceiling. But today I am the Acting Regional Court President of KwaZulu Natal, but by the grace of God.

I must add that my career path in the legal profession was not all negative. I am thankful for the support received throughout my legal career by many of my male colleagues, to whom I will forever be grateful.

Many women in the legal profession like myself persevered. In this moment, we celebrate the incredible achievements of women in the legal profession. We celebrate the women who have made history; the women who have fought for justice; and the women who have inspired future generations. We celebrate the first woman who was admitted to law school; the first woman who passed the bar exam, and all the women who have argued landmark cases in court. We celebrate women who have used their legal skills to fight for equality justice; and human rights.

We celebrate phenomenal women who contributed towards developing our country's legal system, like retired Justice Yvonne Mogoro who was the first woman to serve at the Apex Court, Justice Mandisa Maya the first female Deputy Chief Justice of the Republic of South Africa, Justice Thoba Poyo Dlawti the first woman Judge President of KwaZulu-Natal, and the newly appointed Supreme Court of Appeal President, Justice Mahube Molemela.

We also salute our sisters on whose shoulders we are standing:

- Francis Lyndall Schreiner;
- Zainmussa Cissie Gool;
- Desiree Finca (First African female to be admitted as an attorney);
- Lucy Mailulla; and
- Navi Pillay.

I wish to also acknowledge Regional Magistrate Sharon Marks, who was one of the first three women in KwaZulu Natal who was approached in 1991 to test for appointment as Regional Magistrates. She was appointed to the Regional Court bench in 1992, as the first woman Regional Magistrate in KwaZulu- Natal.

We laud the efforts of organisations such as the South African Chapter of the International Association of Women Judges (SAC-IAWJ), which strive to elevate the status of women in the legal profession, advocate for gender parity in the judiciary, and augment the quality of justice for all individuals in South Africa. Similarly, we recognise the valuable work of SAWLA, which aims to champion the rights of women lawyers in South Africa, tackle challenges that impact women in the legal field, and empower women to attain their utmost potential in their professional lives.

But as we celebrate these achievements, we must also acknowledge that there is still work to be done. Women continue to face barriers and challenges in the legal profession. Women are still underrepresented in the upper echelons of the legal profession, and they still face discrimination and harassment in the workplace.

We must work together to ensure that women have equal opportunities for success and advancement in the legal profession. We must work to eliminate gender bias in hiring and promotion. We must continue to work to create a culture that supports and encourages women to pursue careers in the legal profession.

As we celebrate this milestone, let us honor the achievements of women in the legal profession, and let us commit ourselves to continuing the work of advancing gender equality in the legal profession.

"Women have played a vital role in shaping the legal landscape of South Africa, and we must continue to advocate for gender equality in all areas of the law." – Thuli Madonsela. ■

We celebrate the women who have made history; the women who have fought for justice; and the women who have inspired future generations ”





APPRECIATION FOR AN OUTSTANDING LEADER

MS H MKHASIBE

Acting Senior Magistrate

**ON BEHALF OF MR EB NGUBANE, CHIEF MAGISTRATE
AND HEAD OF ADMINISTRATIVE REGION 6**

His confidence in us is
our biggest motivator.
He really knows how to
bring out the best in us,
and we thank him ”

I recall a quote by an outstanding woman poet, Maya Angelou, where she says “I love to see a young girl go out and grab the world by the lapels”.

This quote sums up who our Chief Magistrate, Mr E B Ngubane, is to us as women. While we celebrate women and the 100 years we have been allowed to practice law, I feel obliged to share that we have an outstanding leader who makes certain that he places us as young women in positions that lift up our potential.

I shall name these young women to demonstrate my point.

Ms Thobeka Nomvungu was the Senior Magistrate at the Family Court, where I am currently acting as a Senior Magistrate. Ms Nomvungu is now a Regional Court Magistrate.

Ms Nompumelelo Ndlovu / Mabaso, Ms Phumelele Ntlabati and Ms Ntombizefa Nhleko, are all Senior Magistrates in the Civil section in Durban, Pinetown and Empangeni, respectively.

It is profound that in all efforts and fights women have had to go through in the legal field, we are led by a leader who avails opportunities to us by pushing us into the deep end where our potential is realised.

I have been selected as one of the South African Chapter of the International Association of Women Judges’ (SAC-IAWJ’s) Rising Leaders Cohort, representing KwaZulu Natal, through the support of our Chief Magistrate. His support is not only for myself, but it is in recognition of the fact that my role in SAC-IAWJ will positively impact young female Judicial Officers in KwaZulu Natal at large.

On behalf of all the young women leaders in the KwaZulu Natal Magistracy who have been positively impacted by Mr Ngubane, I express sincere gratitude to him for his support. His confidence in us is our biggest motivator. He really knows how to bring out the best in us, and we thank him for always listening to our concerns and making us feel heard. ■

THE LEGAL LANDSCAPE IS CHANGING IN FAVOUR OF WOMEN

MS M SINGH

Magistrate, Pietermaritzburg

"There is no force equal to a woman determined to rise", as stated by Web Dubois

Each time a woman stands up for herself, she stands up for all woman – Maya Angelou

We salute women in the Judiciary and Legal Fraternity. When a woman is in a leadership position, there is a deep sense of empathy/ reasoning. First and foremost, Region 7 acknowledges the lady at the helm (our Superwoman), Chief Magistrate Ms Mpho Evelyn Monyemore. We are proud to say she was the first African woman to be appointed Chief Magistrate in Pietermaritzburg (PMB)

Another female of colour, Ms Thonjeni, was seconded to PMB as a result of a dispute pertaining to her application to the Cape Province. Ms Thonjeni was with the office of PMB for a period of 2 years and thereafter Ms Monyemore was appointed with effect from 3rd July 2013 to date. She comes from humble beginnings in the Province of North West. She overcame the extremely challenging issues with regard to the language barriers. On her assumption of duty, there was some underlying resistance, not only because she was a woman, but because she was an African woman.

Her strong personality, charm and professionalism made her overcome these slight hurdles. She was also embraced by some who supported her strongly, which carried her through. As the first female African Chief Magistrate, she was the architect and the transformation of the Administrative Region 7 as she encouraged all Magistrates to act in higher posts in a fair and equitable manner. She empowered women by exposing them to higher challenging leadership positions. On assuming her duties she arranged 2 aspirant training courses at the Golden Horse Casino, which was predominantly attended by aspirant female Magistrates. In the year 2018 and 2020, 70% of females were appointed to the Judiciary.

Ms L Rusi was the first African woman from Region 7 lower court judiciary to be appointed as the Judge under the rein of Ms Monyemore. The following were appointed as Senior Women Magistrates:

Ms P Jourbert, Ms B Du Preez both who are now retired.



The legal landscape is changing, all women ought to be prepared to embrace leadership positions ”

The following women were promoted to the Regional Court:

- E Goosen,
- A Dathoo,
- CP Zungu, and
- L Lewis.

The following women are currently Senior Magistrates:

- E Gropp: Vryheid
- S Patan: Pietermaritzburg

It must be further noted that Ms Radebe was promoted as the Senior Magistrate but passed on due to Covid before assuming duty. Ms Z Dlamini was acting Senior Magistrate for the Civil Section for the past year.

In our Region, 65% females are acting as Magistrates and in Senior posts. She has also assisted in providing the High Court with assessors, namely: Ms Donna Sindane from our Judiciary Component.

She advocated for a separate sexual offences court, which culminated in the old annex building and is fully functional to this day. This court functions at optimal level and is headed by a female Magistrate. She ensured that no bar exists that prevents women from escalating. The legal landscape is changing, all women ought to be prepared to embrace leadership positions without fear, favour or prejudice. ■

WE ARE THE PRODUCT & LIVING EVIDENCE OF TRANSFORMATION IN THE PROFESSION

MS S MAHARAJ

Acting Regional Court President at the KwaZulu
Natal Division of the High Court



Somehow, as I get older, 1923 does not seem so long ago. So, let us look some twenty years earlier when Madeline Wookey began fighting for the right to practice law in South Africa. In this most notorious case, the full bench of the Cape Supreme Court refused Wookey's application on the basis that the term "person" excluded women.

The thinking then as published in 2014 in the South African Law Journal was that women were "conspicuously unfitted for the law" because they have no idea of relevance or analogy or evidence. The author referred to an American court decision which found that women were temperamentally unsuitable for the legal profession.

Little did they know that women are self trained to collect and retain evidence. Ask any divorce lawyer.

Clearly, racism and sexism filtered into the courtroom and with regard to women as legal practitioners change would emanate not from the judiciary but from the legislature. The key institution that legitimated the racial political order was the judiciary. Race aside, the same stereotypes in the judiciary impeded entry of women into the profession. South Africa belonged to the White Men.

The Women Legal Practitioners Act 7 of 1923 opened the door for women to be admitted as attorneys and advocates. The one hundred years start from Irene Geffen's admission as an attorney, this has importance in the context, firstly, of the struggle of women in South Africa and the world to be recognised as equal to their male counterparts.

Of course we know we are superior.

The celebration of this event, however, has to be placed in context again and THIS CONTEXT is the struggle of women in this country, particularly black women against the backdrop of racial injustices that were perpetrated against black people in this country.

Because it took a further 46 years for the first black female Desiree Finca from Mthatha to be admitted as an attorney, it is on her shoulders that we stand today, and it is to her that we owe a huge "Siyabonga Ma Finca".

Desiree Finca drew inspiration from greats like Nelson Mandela, who, like her, went to Healdtown School, and from Oliver Tambo and his family who encouraged her to study law. She served articles under Swazi activist Douglas Lukele and later Godfrey Pitje. She assisted Robert Sobukwe with his admission as an attorney when the Law Society opposed his application after his release from Robben Island.

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it took a further 46 years for the first black female Desiree Finca from Mthatha to be admitted as an attorney. It is on her shoulders that we stand today and it is to her that we owe a huge “Siyabonga Ma Finca”



Ms Desiree Finca, the first black woman to be enrolled as an attorney in 1967. Ms Finca attended the Pretoria High Court's Ceremonial Sitting.

The first time she appeared in a Free State Magistrates' Court, the Magistrate refused to accept her appearance certificate. He said that African women cannot be attorneys. He asked her for a number for a white attorney in Transvaal. Only after Mr Hellman a white attorney from Transvaal confirmed that she appeared regularly in Johannesburg did the Bloemfontein Magistrate allow her to appear before him.

Desiree Finca was a trailblazer who paved the way for us and she is the role model we celebrate today.

This occasion cannot pass without special mention of Justice Yvonne Mokgoro, the double barrel dynamite who was the first female appointed as the Justice of the Constitutional Court and also the first black female Judge. As we pray for her full and speedy recovery you cannot help but notice the parallel between her journey and that of Desiree Finca. Both of their fathers insisted that they study something more suited to women. They started their legal studies as second careers.

Recently, Justice Mokgoro delivered a speech in Johannesburg in celebration of this 100th year. As she related her struggle and journey in detail and there was not a dry eye in the audience.

She went on to encourage us to fill a metaphoric bag with skills that we would develop in each of our own professional journeys and as this bag of skills fills and becomes strong, heavy and powerful we use this same bag of skills to shatter the glass ceiling that confines us. What a brilliant analogy from the gender that does not understand the term.

As recent as 20 years ago when I commenced practice in a semirural town called Umkomaas, clients would walk in and ask to speak to the man lawyer and I would have to convince them that I was really a lawyer. But the killer line for me has always been “the white man said”.

Even though I could hardly afford to lose a client, that temperament the 1910 judiciary referred to kicked in and I would ask the client to do us both a favour and go back to the white man. I was only so bold because I guessed that the client was sitting in front of me only because they could not afford the white man's fee. That was 80 years after the first women was admitted. Now, 100 years later, we were still surviving on crumbs.

When the Legal Practice Council (LPC) was formed the allocation of specific seats on the council based on race and gender was not popular in some circles. The LPC has gone a long way in strengthening transformation efforts in the profession. Without this specification of race and gender, I wonder, given the dominance of the white male electorate in the profession, how many black people and women in particular would have been elected to the LPC.

That we still ask this question raises concern. But we see evidence of new hope every day; hope in the form of our own Judge President whose efforts towards transformation have not gone unnoticed. Hope in the form of Madam Deputy Chief Justice Mandisa Maya, Mahube Molemela, Shamila Batochi, Pearl Andrews, Pat Moodley, and Pearl Mfusi. In our JP's own words, it is no coincidence that the National Association of Democratic Lawyers (Nadel) and the Black Lawyers Association (BLA) in this province are chaired by women. We are the product and living evidence of transformation in the profession. ■



Judges of the KwaZulu Natal Division of the High Court, Pietermaritzburg together with members of the legal profession gathered on 25 April 2023 to commemorate 100 years of women in law





DISPROPORTIONATE TREATMENT OF WOMEN IN THE LEGAL PROFESSION INEXCUSABLE

JUDGE L MODIBA

President of the Special Tribunal

I write this with mixed feelings. I had to seriously reflect on what there is to celebrate, because one hardly requires reference to empirical research to know and understand that as we mark this centenary celebration, the immense discrimination of women in the legal profession continues.

The fact that women in the legal profession stand on the shoulders of trailblazers like Madeleine Wookey and Sonya Schlesin who went ahead of us shattering gender discrimination barriers and paving the way for subsequent generations of women in unimaginable ways is worth celebrating. The creation of gender neutral spaces such as tea rooms and bathrooms and the existence of sexual harassment policies in various institutions may seem insignificant but are critical achievements towards transforming the legal profession.

However, it is worth noting that the progression of women in the profession has been and remains woefully slow. The disproportionate treatment of women in the legal profession demonstrates that women are not a homogeneous group. While white women benefited from the Women's Legal Practitioners Act of 1923 almost immediately, it took more than 40 years before the first black female attorney was admitted into the legal profession and another 64 years before the first African woman became a member of the bar council as an advocate. 30 years after South Africa became a constitutional democracy, we are still anticipating the appointment of the first woman Chief Justice.

The leadership of the judiciary at the level of heads of courts is battling to transform. With the retirement of Monica Leeuw JP, who until recently was the only post-1994 woman Judge President, there is a scramble to transform the judiciary leadership. It is comforting to see that not only are women judges stepping forward to make themselves available, the Judicial Services Commission has in its past two sittings recommended two women for appointment to these positions. One of them has already

been appointed to the position of Judge President for the KwaZulu Natal Division. Almost thirty years since the first woman Judge was appointed to the Gauteng Division of the High Court, the Division is yet to have gender representation in its leadership.

Barriers to entry in the profession remain high, particularly for women from poor backgrounds. Briefing patterns and instructions to women legal practitioners remain skewed.

These pressing issues remind us that the journey to the substantive equality of women in the profession remains long. The slow progression and disproportionate treatment of women in the legal profession and on the bench taking place in a constitutional democracy is inexcusable. It calls for honest and deep reflection and the immediate adoption of more effective measures to correct it. Various activities are lined up to mark this centenary year. I invite us not only to use the centenary year to celebrate the momentous milestones achieved to date but to further promote the equitable participation of women in the legal profession and on the bench. As I have highlighted, it is certainly not just a numbers game.

In conclusion, I would like to inspire us with words by the late Justice Ruth Bader Ginsburg —

"We have made huge strides ... but we have not reached nirvana. There's still rampant discrimination on the basis of race, gender. It's true that most of the explicit classifications — men are treated this way, women that way — are gone from the law books. But what remains is what has been called unconscious bias. One excellent example of that is the symphony orchestra. In my growing up years I never saw a woman in a symphony orchestra, except perhaps a harp player."

I challenge each and every one of us to constantly evaluate the extent to which unconscious bias in the choices and decisions we make in whatever role we play in the legal profession negatively impacts the achievement of substantive equality of women. ■

LADY JUSTICE AT LAST IS IN THE HOUSE!

JUDGE R KEIGHTLEY

Judge of the Gauteng Division of the High Court



Until today I believed that my appointment as a Judge was, and would probably remain, the greatest privilege of my life. I must now qualify that belief: writing this, as a Judge of the unparalleled Gauteng Division of the High Court is, without doubt, a greater privilege.

My task is twofold: (1) to contextualise the origins of the Women Legal Practitioners Act and (2) to cast a spotlight on the pioneers who forged and followed its path despite the blatant discrimination they faced solely because they were born women and not men. We begin with the year 1909: As we know, it was on 23 April of that year that the Supreme Court of the Transvaal refused Sonya Schlesin's application to compel the Law Society to register her articles of clerkship.

But what else was going on in South Africa and the wider world when this decision was made? Well, for starters, the South Africa Act was promulgating, establishing the Union of South Africa. Mohandas Ghandi was arrested and imprisoned for 3 months for failing to present a registration certificate. (There is a further link to Mr Ghandi which I will get to later). If you search the internet for this year, you will find many events are reported about the conduct and sporting achievements of men (as politicians, soldiers, scientists etc) but precious little about women. I found two exceptions: Joan of Arc was beatified in Rome in 1909 – this only took 500 years – and the first woman was admitted as a member of the Royal College of Physicians in England.

The Schlesin decision is not noted as an event for that year: We should not be surprised – women still did not have the vote in either England or South Africa. It was only white men who enjoyed that unqualified privilege (in those days it was not a right) of enfranchisement. It was in 1930 that white women, alone, were afforded this privilege.

I turn next to 1912, which is when the Appellant Division overturned the decision of Maasdorp J who had granted Madeline Wookey's application to compel the Law Society to accept and register her articles.

Despite this, there was a smidgeon of recognition for one notable woman in South Africa: the town of Hobhouse was established in honour of Emily Hobhouse. Further afield, if one researches notable world events, women are hardly mentioned, save for the suffragettes who are reported to have attacked shop windows and pillar boxes in England. Many, of course, were imprisoned and on hunger strike. Unless one does a targeted search, there is no reference to the Wookey decision as a notable event in South Africa in the year 1912.

Often overlooked, too, is that in 1912 the Bantu Women's League handed a petition to the then Prime Minister, Louis Botha, to protest the proposed introduction of the pass system for African women – the precursor to the women's march on the Union Buildings in 1956.

We should not forget that it was in the following year, 1913, that the Native Land Act was passed in South Africa, in effect, providing a blueprint for the Apartheid system that would follow decades later and which continues to shackle our democracy. So, it was a firmly male world when Ms Schlesin and Ms Wookey embarked on their quests to be treated as equals with their male colleagues. We know what happened: the courts drew up the drawbridge and retreated to the safety of the castle keep, where only Lords, and not Ladies were permitted entry. So much for Lady Justice. It is worth recalling what the courts said in their infamous decisions. Judge Mahalelo has selected some passages highlighting how intractable the courts were in the shockingly discriminatory stance they took. There is no indication that the courts had any regard for who these women were, what their capabilities were and what they could offer to the legal profession. Blinded by their ignorance, this is what they missed:

Sonya Schlesin was born in Moscow of Lithuanian Jewish parents who later immigrated to South Africa. She was employed as Mr Ghandi's secretary at the age of 17. In her early 20s he had recognised her

potential. She was entrusted with executive decision-making in his law practice and his political movement. According to Mr Gandhi: 'during the Satyagraha days she led the movement single handed'. At his insistence she became Secretary of the Transvaal Indian Women's Association. In 1908, the year before her exclusion from legal practice, Mr Gandhi delivered a speech at a rally of over 2 500 supporters at the Hamadia Mosque near Johannesburg to protest the Restriction Act. The Act limited the movement and business activities of Indian immigrants. It was written by Ms Schlesin who had been inspired by the suffragettes' struggle and their demands. Mr Gandhi, publicly acknowledged that it was her speech. However, she could not deliver the speech herself because it would not have been acceptable for a white woman to do so in public to a large group of mostly Muslim and Hindu men.

African women suffered double discrimination as blacks and as women. But this was no deterrent for the indomitable Ms Finca ”

Ms Schlesin's dream of following Gandhi into legal practice was shattered by the court's decision. After Gandhi returned to India she became a Latin teacher in Krugersdorp. At the age of 65 she enrolled at the University of Natal to study law. Sadly, ill health prevented her from completing her mission.

Madeline Una Wookey was the daughter of Reverend Alfred Wookey who was largely responsible for a revision of Reverend Moffat's original translation of the Bible into Setswana. The revised version (1908) is still referred to as the 'Wookey Bible'. Ms Wookey was sent to boarding school in England at the age of 6 and did not see her parents again until she was about 12 years old. The sacrifice paid off. After she returned to South Africa she continued her schooling and matriculated at Victoria Boys School in Grahamstown. The alternative, the Wesleyan School for girls, did not offer the subjects Ms Wookey needed for her matriculation. She obtained excellent matric results and was offered a scholarship to Rhodes (quite an achievement for a woman at that time). But, she declined because she had promised to return to work for Mr de Beer's attorneys firm in Vryburg. She indentured herself as a law clerk with him, as one did in those days if you who wished to become a lawyer. The Law Society was very concerned about this development, given that Ms Wookey had the cheek to be a woman. Undaunted, Ms Wookey resolved to force the issue and tendered her articles to the Law Society for Registration. The Society's refusal led to the litigation that followed.

A fact that is not as well known as the infamous decision of the Appellate Division, is that a fund, known as the Shilling Fund, was established to raise fees to support the litigation — a very early example of crowd funding. I have the privilege of having been given access to a postcard, kept by the family, from one Edwin Lloyd in 1912. He appears to have been a friend of the Wookey family. After the usual personal greetings and reports about the weather ('Very hot here - no rain) he says: 'We are sending some shillings to the Madeleine Wookey Fund. May it prove a successful fund, and may we soon see our M.W. a real lady lawyer.' As we know, this was not to be. However, as the women on that march to the Union Buildings years later sang: Wathint' abafazi, wathint' imbokodo - you strike the women you strike a rock. Rather than giving up the fight for admission to the profession, women's societies agitated

for the removal of the prohibition imposed by the court decisions. It was through these efforts that the Women Legal Practice Act was passed.

Ms Wookey never became a lawyer. She had a long and happy marriage to a farmer, Herbert Metcalfe, and they lived on the farm, Glen Una. They had eight children. The legal profession's loss indirectly resulted in a personal gain for me: one of Ms Wookey's many, many great-grandchildren is my much-loved daughter in law, Laura Hudson. The Act cleared the path for women to enter the profession. The first of these was Irene Antoinette Newmark Geffen in 1923, the year of promulgation. If one does a general search of notable events for this year, Ms Geffen's admission as the first woman advocate is not listed, neither is the Act itself. Ms Geffen was admitted as an advocate at the Johannesburg Bar and remained in practice until the birth of her first daughter. In 1928 she published her book: The Laws of South Africa affecting Women and Children, in response to a call from the International Council of Women for national organisations to publish summaries of laws affecting women and children in each jurisdiction.

Coincidentally, it was also in 1923 that the Native (Urban Areas) Act was promulgated, ushering in urban racial segregation and influx control. Ms Geffen's daughter, Felicia Kentridge was a celebrated human rights lawyer who, through her work with, among others, the University of the Witwatersrand's Law Clinic, did much to defend the legal rights of those affected by this draconian legislation. Ms Geffen's granddaughter, Isabella, has followed in her footsteps and is a member of the Johannesburg Bar. What a legal legacy she gave birth to.

Finally, chronologically-speaking, in 1967 Desiree Finca, was the first black African woman to be admitted as an attorney. At this time, apartheid had a firm grip on South Africa: the Terrorism Act was promulgated, and all white males faced compulsory conscription. While there was no law at that time prohibiting black South Africans from being admitted to legal practice, the discrimination black lawyers faced made professional life far more difficult for them than for their white peers. African women suffered double discrimination as blacks and as women. But this was no deterrent for the indomitable Ms Finca.

Ms Finca was born in Mthatha in the then Transkei. She matriculated with maths, science and Latin among her subjects and wished to proceed to Fort Hare to study for a degree. However, her father refused permission and insisted that she attend a domestic science college in order to become, as she put it, 'better groomed as a young girl'. She did not disobey her father and completed her course. But thereafter, she crafted her own destiny after moving to Johannesburg with her husband, Nimrod Mkele. Inspired by Nelson Mandela, who was known to her family from her Mthatha days, and Oliver Tambo, who was a classmate of her husband's at Fort Hare, Ms Finca studied law through Unisa. Thereafter, on the advice of Oliver Tambo, she entered into articles of clerkship with Douglas Lukhele, who was originally from Swaziland. She later joined Godfrey Pitje as a partner in his law firm. Ms Finca retained her surname for professional purposes throughout her career. At the age of 95, Ms Finca joined the celebrations in the Pretoria High Court.

These are the extraordinary women who were either denied admission to the profession by the courts, or who would have been denied, had women not agitated for Parliament to change the law. They lowered that draw bridge and lit the path enabling us to enter the previously males-only keep of the legal profession. Lady Justice at last is in the house!

Let us honour their legacy by striving to become equally exceptional legal women. ■

FOUR GOALS FOR THE NEXT 100 YEARS

MS L DLEPU

WOZA Leadership Academy

Urban poet, **Rupi Kaur**, wrote: “I stand on the sacrifices of a million women before me thinking ‘what can I do to make this mountain taller so the women after me can see farther?’” This short but impactful poem, titled ‘Legacy’ is about the sacrifices women have made throughout time to improve the lives of women who followed.

We commend Sonja Schlesin, Madeline Wookey, Frances Lyndall Schreiner, Irene Antoinette Geffen, Constance Mary Hall, Bertha Solomon and Gladys Steyn who stood tall and took the first steps to having women recognised in the legal profession. We honour Olga Brink, Zainunnissa Gool, Desiree Finca, Navanethem Pillay, Lady Felicia Kentridge, Victoria Mxenge, and Leonora Van Den Heever for enduring through difficult times and forging further ahead to realise their dreams.

We celebrate Catherine O'Regan, Yvonne Mokgoro, Brigitte Mabandla, Lucy Mailula, Sisi Khampepe, Monica Leeuw, Thuli Madonsela, Shamila Batohi, and Mandisa Maya for championing the cause for women in the post-1994 dispensation and beyond.

The list of names is long. As we reflect on the past 100 years, there is no doubt that these women and many others in the legal profession have made tremendous sacrifices. Some have pushed barriers, others have shattered glass ceilings, some have fought for our rights, and others have laid down their lives. I and many young women lawyers stand atop this mountain they have laid for us and look towards 100 more years.

Even with the great strides that have been made to bring us here today, there is still so much more to look forward to and more work to do. More than half of South Africa's population is female, and yet this is not reflected in most industries and professions. The legal profession is no exception. Women are not as well represented as they could be in our profession, this speaks to practitioners, the bench and to academia. This is the first goal for the next 100 years: to have a profession that reflects South Africa as it is. To have women and those who identify as women represented in the profession. Not just adequately represented, but well represented.

Many suffer from the misconception that just having women taking up space is enough for empowerment, diversity, and parity. This could not be further from the truth. It is of no use to have a woman lawyer sitting pretty for the sake of it without making a meaningful contribution. The issues of skewed briefing patterns, unconscious bias, and the gender pay gap have cast a dark cloud over the light that shines within women



The issues of skewed briefing patterns, unconscious bias, and the gender pay gap have cast a dark cloud over the light that shines within women lawyer ”

lawyer. This is the second goal for the next 100 years: to have quality, specialised work being allocated to deserving women lawyers, so that they may also diversify their skills and establish themselves in specialised fields of law.

The concept of a “work/life” balance has gained great momentum following the COVID-19 pandemic and at face value it seems that the option just doesn't exist for working women, especially in the legal profession. Balancing the demands of a successful career and home has become more of a challenge, with young women feeling like they have to choose one over the other. This is the third goal for the next 100 years: to have a working environment that allows the various areas of our lives flourish without having to sacrifice or neglect the others.

The last but most important goal for the next 100 years is to live in a society free of violence against women, children, and other vulnerable people. Empowering women in the legal profession isn't just an exercise in transformation and gender equality, but a vehicle to improving society as a whole. When you empower a woman, you empower a community. With various initiatives and organisations such as 100more.org, WOZA Women in Law, Basadi ba Molao, the South African Women Lawyers, and the Legal Practice Council championing the cause for the next 100 years, I look forward to being part of the next cohort of women legal practitioners to make the profession of our dreams a reality. ■



Honourary guests: members of the Wookey, Geffen/Kentridge and Finca families and invited speakers



Judge President D Mlambo, Judge N Khumalo, Deputy Judge President A Ledwaba with Ms P Pitman, and Ms D Finca



Deputy Judge President Sutherland handing out gift to the speakers



National Director of Public Prosecutions, Adv S Batochi together with women of the legal profession who attended the commemoration



Members of the Wookey, Geffen/Kentridge families



Judges of the Gauteng Division of the High Court, Pretoria.





AN INCLUSIVE PROFESSION ALLOWS SOCIETY TO BENEFIT FROM DIVERSE VIEWPOINTS

JUDGE N M MBHELE

Deputy Judge President of the Free State Division of the High Court, Bloemfontein

13th April 2023 marked exactly 100 years and three days since women were permitted to be admitted in the legal profession. We celebrate this milestone alive to the difficulties that confronted women who came before us. We are grateful to the women who blazed the trail and made it easy for us to enter the profession of law. These are women who were burning to pursue the law profession, encountered barriers but set it in their hearts that they would overcome them and did overcome.

In 1875 Lavinia Goodell, approached a Supreme Court in the United States (Supreme Court of Wisconsin) to be admitted to practice as an attorney. Justice Edward G. Ryan, in denying Goodell's suit on the basis of her gender stated the following:

"womanhood is moulded for gentler and better things" than legal matters, and women should not be permitted to "mix professionally in all the nastiness of the world which finds its way into courts of justice." Nature, he added, "has tempered woman as little for the juridical conflicts of the court room, as for the physical conflicts of the battlefield."

Some Judges in South Africa would later on when approached by women for requests to be admitted as attorneys embraces the views expressed above.

The first woman to approach court for admission into the practice of law was Sonja Schlesin. Her case appears in our law reports as (Schlesin v Incorporated Law Society 1909 TS 363). The Transvaal Supreme Court held that the word 'attorney' had always referred to people 'of that class who have always been capable of being attorneys', namely men. Bristowe, J went on to say that admitting women as attorneys could also lead to them being admitted as advocates 'a change which would mean an enormous

difference in the practice of the courts in this country' and in his view that would not be a positive change. A few years later in 1912 Madeline Wookey approached the Cape Supreme Court for an application to be allowed to register articles of clerkship which would later make her qualify for an admission as an Attorney. The full court in the Cape found in her favour. Her excitement would be short lived because the Cape Law Society successfully appealed the decision at the Appellate Division. It is notable that the findings of Innes CJ dealt with whether Wookey as a woman was a person as defined in the Cape Charter.

These are women who were burning to pursue the law profession, encountered barriers but set it in their hearts that they would overcome them and did ”

There was no law that expressly excluded women from the practice of law but it is the courts that interpreted the definition of person to exclude women. Her case is reported as Incorporated Law Society v Wookey 1912 AD 623.

The above tells us that when courts and the legal profession are not reflective of the society we run a risk of having a one sided story which is not in the interest of society. An inclusive profession allows the society to benefit from diverse viewpoints, backgrounds and life experiences and that would help legal practitioners and the courts to have a balanced view of the challenges the society is battling with.

It was on 10 April 1923 when the Women Legal Practitioners Act 7 of 1923 was passed. Section 1 of the Act provided that “Women shall be entitled to be admitted to practice and to be enrolled as advocates, attorneys, notaries, public conveyancers...subject to the same terms and conditions as apply to men”. This Act gave way for Irene Antoinette Geffen (née Newmark), the first woman to be admitted as a legal practitioner in South Africa. Three years after the Act came into operation, Constance Mary Hall became the first woman to be admitted as an attorney in South Africa, and Gladys Steyn became the first female advocate to be admitted to the Bar. The position of black women, however, remained the same for almost 40 years, it was only in 1962 that Zainunnisa Gool, a coloured woman from the Cape was admitted as an advocate at the Cape Bar.

Desiree Finca who was a domestic worker in Mthata became the first African black woman to be admitted as an attorney only in 1967. Notably 44 years after the Act was passed. In May 2022, when BLA celebrated 45 years of its existence in Kimberley, I was given the honour to speak about Ms Desiree Finca, a former domestic worker who is the first African woman to be admitted as an attorney. She, like many others was denied the right to be recorded in the history books because of consequence of a history detailed with racial prejudice and systematic segregation that we all know of. It was only in 1967, 44 years after the admission of the first white female attorney that Desiree, was admitted.

Appearing before a magistrate in Vereeniging, Finca struggled to be heard (given an audience) as the magistrate claimed that he had never heard of a black female attorney. It was only after he confirmed her status with another attorney that the magistrate allowed her to continue representing her client before him. This is the type of prejudice that most women are confronted with. They first have to prove to their peers and colleagues that they are just as capable before convincing possible clients out there that their matters will be in safe hands. None of that has changed. Shortly after her admission there was a relative flourish as a number of African practitioners were admitted within the old Transvaal during the 1960s through to mid-1970s. Is that still the case, do we continue to flourish in contemporary South Africa a 100 years on?

We cannot discuss the history of women in this country or history in general without touching on the tragic events of apartheid which had a huge impact on the development of female practitioners. It is our past, it shaped us, it affects all of us, young and old, it shaped the justice system and the complexion of the practice of law. The legacy of Ms Finca and that of many other women paved way for future generations and women in law in particular. Current and future generations need to know the struggles that past women in law have endured in order to shape the legal fraternity, especially for women. That said, has there been transformation since 1923, in the last 100 years that the Act was in operation.

One must acknowledge that indeed there has been progress with regard to giving women opportunities, platforms and the recognition to showcase their skills. Are there enough women in key positions? It was 2009 when we had our first female JP in this country, the now retired Judge Monica Leeuw. The second appointment was that of Judge Molemela in 2015. Notably, Justice Mandisa Maya was recently appointed as the first female Deputy Chief Justice in South Africa. Although her appointment was applauded by many it was also met with lot of criticism and undermining from people with patriarchal notions who still hold the perception that women cannot hold key positions. The latter, indicates one of the many challenges that women continue to face in modern South Africa. Judge Thoba Poyo-Dlwati was recently appointed as the Judge President of the KwaZulu Natal Division..

Section 174 (2) of the Constitution requires that the racial and gender composition of society be considered when appointing judges. However, the gender transformation process has been a bit slow.

THE JUDICIARY

Based on February 2022 statistics, there are 254 judges in the Superior Courts (the Constitutional Court, Supreme Court of Appeal, and High Courts, including specialist courts). Of the 254, approximately 114 are women, which translates to about 44% of the total.

Despite making up nearly half of the judiciary today, women are grossly under-represented in judicial leadership. There are two female heads of court currently – Justice Molemela, President of the Supreme Court of Appeal, and Judge Thoba Poyo-Dlwati of the KwaZulu Natal Division.

Compared to the superior courts, lower courts are making much progress in leadership positions than the Superior Courts. As of June 2022, 51% of magistrates nationwide are women, and 75% of these are black. At the leadership level, 4 of the 8 permanent Regional Court Presidents who head up regional courts across all 9 provinces are women (the one acting RCP is also a woman). Of the 16 chief magistrates, 10 are women.

WOMEN ADVOCATES AND ATTORNEYS AS AT 23 MARCH 2023

- Attorneys: 32302
- Female Attorneys 14156
- Advocates: 9348
- Female Advocates: 2868

CURRENT ISSUES FACED BY WOMEN IN THE LEGAL PROFESSION

Discrimination, sexism and racism.

The International Bar Association conducted a survey in 27 countries, South Africa included, in which they investigated issues that impact on the growth of women in the legal profession. Sexual Harassment and Bullying featured prominently in all 27 countries as one of the reasons that stifle growth of women in the legal profession. This impacts on their health and sustainability of their practices. Women have to, on top of their challenging jobs, fight gender stereotypes and the society that does not believe they are capable of delivering on their responsibilities.

True transformation, however, must go beyond representation, it must also include a deeper commitment to the values of the Constitution. Gender parity alone does not necessarily improve the position of women in the legal fraternity. Women face a lot of challenges on their daily lives. Our country is plagued by Gender Based Violence and discrimination, especially black African women and women lawyers are not immune to this. We need to advocate for the promotion and model of ethical leadership in all spheres. In order to deepen our democratic culture and strengthen the culture of transformation and inclusion, it is imperative that institutions of law must be modernized and strengthened to meet the challenge. The principle of good governance underpinned by ethical leadership are a fertile ground for a budding developed nation like our republic. We all have a responsibility to make the environment conducive for the woman lawyer to thrive.

keep in mind the words of the late Supreme court of the United State Justice Ruth Bader Ginsburg:

“As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we'll all be better off for it. “Women belong in all places where decisions are being made. It shouldn't be that women are the exception.” ■

LIKE RACE, GENDER IS STILL AT THE CENTRE OF STRUGGLE

JUSTICE N DAMBUZA

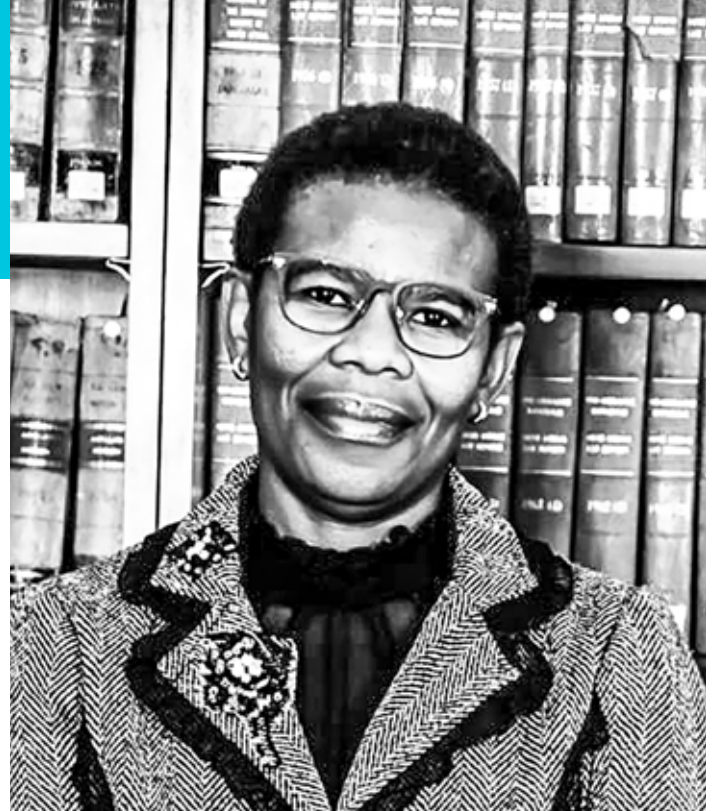
Justice of the Supreme Court of Appeal

The doors of the legal profession only opened for women in 1923 by the passing of the Women's Legal Practitioners Act of 1923, which was promulgated on the 10th of April 1923. The passing of this legislation was preceded by struggles of a number of women who were trying to enter the legal profession.

These struggles that they went through left us with the legacy of judgments that enlighten us of the extent of the determination by some men in those days to keep women out of the legal profession – that they would take pains to engage in complicated and even incomprehensible interpretation of simple words, to distort their meaning, only so that they could keep women out of the legal profession.

The Transvaal Supreme Court did this in *Schlesin v Incorporated Law Society* in 1909 when refusing to admit Sonya Schlesin as an attorney, by interpreting the word “attorney” to mean ‘people of that class who have always been capable of being an attorney, namely men’. And in 1912, when Madeline Wookey challenged the Cape Law Society’s refusal to her practicing law. This Court, in *Incorporated Society v Wookey*, in 1912, engaged in an elaborate examination of the Roman Dutch Law, foreign law, and South African law, to come to a conclusion that it could not be inferred from the use of the word “person” in section 20 of the Cape Charter of Justice, that the legislator intended to effect so important an alteration to the meaning of the word “person” as to include women. Part of the reasoning in this instance went like this: “The question is not whether this lady is likely, adequately, satisfactorily to discharge her duties as a legal practitioner. The question is simply that she is not a person as referred to in the Cape Charter of Justice of 1883”. Perhaps if this was not recorded in our law reports today some of us would not believe that at some stage our courts reasoned in this manner.

The Women's Legal Practitioners Act of 1923 contained a single, simple section that said: “Women shall be entitled to be admitted into practice, and to be enrolled as advocates, attorneys, and notary public or conveyancers in any province of the Union subject to the same terms and conditions as apply to men and any law in force in any province of the Union regulating the admission and enrolment of persons as advocates, attorneys, notary publics or conveyancers”.



commemorate this day in response to the clarion call sounded by the 100More campaign to pause and look back, recognise, and honor those women on whose shoulders we stand ”

Next up was the admission of Irene Antoinette Geffen, who was the first woman to be admitted as an advocate to the Transvaal Bar, as it then was, in 1923. I learnt a few days ago one of Ms Geffen's daughters was a lady by the name of Felicia Geffen, an attorney in her own right, who ran the law clinic at the Wits Law School.

So, commemorate this day in response to the clarion call sounded by the 100More campaign to pause and look back, recognise, and honor those women on whose shoulders we stand; to express our appreciation of their determination and to celebrate them and the progress made by the first women in the legal profession, such as: in the Supreme Court of Appeal, Leonora van den Heever, South Africa's first female Judge; Desiree Finca, the first black South African woman to be admitted as an attorney; Mokgadi Lucy Mailula, South Africa's first black female Judge.

The advancement of women into leadership positions in various fields of the legal profession has been slow and, like race, gender is still at the centre of the struggle for a democratic South Africa.

By commemorating this occasion, we refresh our commitment to playing our own part in creating even more opportunities for women in the legal profession. ■

THE HISTORY OF WOMEN AT THE SUPREME COURT OF APPEAL

JUSTICE C NICHOLLS

Justice of the Supreme Court of Appeal



Justice Leonora van den Heever is the start of a great progression that we've had. She started off in 1991 as the 60th judge to be appointed to the Supreme Court of Appeal (SCA) and the only woman.

Today, there are 12 female judges appointed to the SCA, out of a compliment of 25. So, the progression has been quite remarkable and we pay tribute to these women.

For almost seven years after Justice Van den Heever's retirement, there was no woman judge appointed to the SCA – until the appointment of Justice Carole Lewis in 2003. She had served as an academic, editor and judge of the High Court prior to her appointment to the SCA in 2003 until 2019. She is currently enjoying retirement in Cape Town.

We are privileged to hear Justice Lewis' experiences at the SCA in her own words. This is what she has written:

"I was the first woman judge appointed to the SCA in the democratic era. I first acted in 2002 and was appointed permanently with effect from January 2003. I was enormously honoured to have been asked to act by Judge Joos Hefer in mid 2001 but could not do so as I was in the middle of a part-heard trial. Coming into a strange city, Bloemfontein, where I had been only once previously and into an unfamiliar court was extremely daunting. The whole environment was strange and the work was difficult and then of course all my colleagues were men. All of them spoke Afrikaans which although I could understand was hard for me to speak. I was quickly made aware that I was not welcomed by several colleagues. One of them told Joos Hefer that he would "never sit with that woman". He subsequently became a great friend and colleague after he had discovered that I did know some Roman Law and liked whiskey. One of the objections to me was that I hadn't come

Today, there are 12 female judges appointed to the SCA, out of a compliment of 25. So, the progression has been quite remarkable and we pay tribute to these women ”

through the traditional route to the Court i.e. the bar and the bench for a long period. I had sat in the High Court in Johannesburg for only two years and had spent a term in Pretoria which was an amazing alien environment. Previously I had been an academic at Wits so I was regarded as a strange newcomer and many colleagues doubted my ability. I did however receive great support from Joos and several others, particularly Louis Harms and fortunately my very good friend Edwin Cameron who had been appointed the previous year, and Robert Nugent and Mahomed Navsa who had been at the High Court when I was there, they were there to extend friendship and company.

I became used to the Court very quickly and found the work interesting and challenging. I found some of the traditions bizarre especially the fact that each judge was allocated a particular seat at the tea table. For years I sat between a man who ate a glove of garlic every single day and Joos, whose left ear was deaf. So conversation was difficult. Apart from that it was usually in Afrikaans. I started nagging about changing the rigid seating tradition early in my tenure and eventually succeeded only to discover that people tend to gravitate to the



Justices of the Supreme Court of Appeal on the occasion of the commemoration of 100 years of women in law

same seat anyway. I was joined by other women in 2004, Belinda van Heerden, and then by Mandisa Maya. Male domination had come to an end. I spent 18 worthwhile and challenging years at the SCA. The latter years were more difficult though. Most of the colleagues who mentored me had retired and I felt increasingly isolated. The Court had become a different place now. Judges were no longer grumpy old men. But I look on my first few years with nostalgia and great affection.”

A year after the appointment of Justice Lewis, Justice Belinda Van Heerden, from 2004 — 2013, was a judge of the SCA. Prior to her appointment, Justice van Heerden served as an academic, attorney, and a judge of the Western Cape High Court. She now lives in Cape Town. We are fortunate that she also shared an account of her experiences at the SCA.

“I joined the Supreme Court of Appeal in August 2004 after acting in that court for a year. My acting stint meant that by the time I became a permanent member of the court the other members of court were already well-known colleagues and in some cases close friends. At the time I joined the court, Justice Craig Howie was President and Justice Lex Mpati his deputy. I was fortunate to have their full support and also the support of all my colleagues, all male, except for Justice Carole Lewis.

It was a challenge getting used to the modus operandi of an appeal court and I felt quite free to ask for help from other judges, which help was readily given. Of course, over the years during my tenure more women joined the court in addition to myself and Justice Carole Lewis.

They were Justices Mandisa Maya, Bess Nkabinde, Suretta Snyders, Nonkosi Mhlantla, Zukisa Tshiqi, Leona Theron, and Halima Salduka. It was wonderful to be able to draw on the insight and wisdom of fellow

As we celebrate a 100 years of women in law in South Africa I am of view that the SCA has by and large provided an enabling environment for women judges in the court ”

women judges and we all got on very well indeed. The experience of working together as women judges at an appeal level was novel and refreshing. The fact that all the women judges on the SCA were also members of the South African Chapter of the International Association of Women Judges gave us another shared sphere of interest and activity.

The Supreme Court of Appeal is a very demanding working environment, the workload is punishing both during court terms and recesses, the volume of reading and preparation is enormous. In this regard I found it most gratifying in being able to draw from the experiences of other members of the bench and to work together so as to present a well-prepared front when discussing the relevant appeal. In most cases the collaboration and writing, discussing, and settling the judgment was collegial and often exciting. This is not to say that there were no disagreements or disputes.

There were certainly disagreements from time to time and these were ended amicably. As we celebrate a 100 years of women in law in South Africa I am of view that the SCA has by and large provided an enabling environment for women judges in the court. The fact that there were only two women judges when I joined the court and seven more by the time that I left shows that women play an increasingly important role in the work of the court. There are those who including myself would argue that the pace of appointment of women judges to the SCA has been too slow but this does not detract in any way from the support given to women judges and the quality of such judges.

The fact that a number of women judges appointed in my tenure have gone on to join the Constitutional Court shows the high esteem in which women judges of the SCA are held. My time at the SCA as a woman judge was most rewarding and I am proud to have been a member of that Court".

We then go on to Justice Maya, who is no stranger to us all. She was appointed two years after Justice Van Heerden's appointment in 2006 and she is the current Deputy Chief Justice of the country.

Prior to her appointment, Justice Maya was a puisne judge in the Eastern Cape Division of the High Court in Mthatha. She also held various positions in the South African judicial system, most notably as an academic and as an advocate. In 2015 she was appointed as the first women Deputy President of the SCA. In 2017 she became the first President of the Court; and in 2022 she became the first women Deputy Chief Justice of the country, a position that she still holds today.

The next appointment was Justice Mhlantla, who was appointed to the SCA in 2008. Prior to that, she was a judge in Gqeberha, and an attorney in Port Elizabeth. She was elevated to the Constitutional Court in 2016 and she currently serves in the Constitutional Court.

In 2009 two women were appointed to the SCA, Justices Tshiqi and Snyders. Justice Tshiqi was an attorney and judge in the Johannesburg High Court. In 2019, Justice Tshiqi was elevated to the Constitutional Court, where she is currently serving. Justice Snyders joined in the SCA in 2009 and, prior to her elevation to the SCA, she was a judge of the Gauteng Division of the High Court in Johannesburg. Sadly, Justice Snyders passed away while still in office in 2014.

The next appointment of a woman judge was in 2010, and this was Justice Theron. In 2017 she was elevated to the Constitutional Court where she is still serving. Justice Saldulker was appointed to the Court in 2013. Prior to her appointment she was a judge of the Gauteng Division, Johannesburg, and where she had served as an advocate.

women judges are now
an unstoppable force
and we will continue to be
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large numbers ”

Our next female judge was Justice Dambuzi, who joined the SCA in 2015 where she is still serving. Prior to that she was an attorney and lecturer. She is currently serving as the Acting Deputy President of the SCA.

In 2016 Justice Mocumie joined the Court and is still in the SCA. In 2018 Justice Molemela joined the Court and has taken up the seat as Justice Maya's successor.

We then get a flood of women being appointed. In 2019, for the first time, three women judges were appointed to the SCA. Justice Mokgohloa is one of them and she still serves in the SCA. The next one was Justice Nicholls, who is still at the SCA. The third was Justice Mbatha also still a judge of the SCA. In 2021, three more women judges were appointed to the SCA. Justice Carelse was one of them and still serves at the SCA. Justice Hughes was the second judge to be appointed and she still serves. Justice Mabindla-Boqwana was the third judge.

In 2022 two women judges were appointed. Justice Weiner was one, and the second was Justice Molefe, both are still judges of the SCA. So, it is apparent that from a single judge being appointed here-and-there, women judges are now an unstoppable force and we will continue to be appointed to the SCA in large numbers. ■



GENDER INEQUALITY IMPEDES WOMEN'S GROWTH

**DEPUTY JUDGE PRESIDENT
M V PHATSHOANE**

Deputy Judge President at the Northern Cape
Division of the High Court

The journey towards the liberation of our South African women from the chains of inequality has not been easy. It has been through hardship and resilience that the women of this country endured and their unwavering determination, which paved way for their entry into the legal profession.

I retrace this journey in our law reports to 23 April 1909 when Ms Sonya Schlesin set the scene in the Supreme Court of the Transvaal. An application was moved on her behalf to compel the Law Society to register her articles of clerkship. Her counsel sought to demonstrate that the law society was wrong in refusing to register her articles and urged the court to compel it to do so. Having considered the Law Society's Ordinance 1905, Bristowe J said:

'(W)hatever the Ordinance may provide, and whatever the bye-laws may enact, it is quite clear that they do not alter the law with regard to who are to be admitted as attorneys; and common sense would seem to dictate that if a woman is not entitled to be admitted, it is idle for the Law Society to register her articles of clerkship. Therefore, I do not propose to say anything with regard to the argument based on the Law Society's Ordinance, but shall confine myself solely to the question whether a woman can be admitted as an attorney under sec. 11 of the Administration of Justice Proclamation.

Looking at that section, without anything more, it would seem that the legislature had the male sex in view, because it uses the words "him" and "he" throughout. Not only so, but the persons to whom it gives the right to be admitted are in many cases persons who could not be women — for instance, solicitors in England, writers to the signet, attorneys of the Supreme Court of the Cape of Good Hope, and attorneys of the High

Court of the late South African Republic. Therefore, reading this section alone, one would come to the conclusion that the legislature had in view men, and not women.'

Having considered s 11 of the Administration of Justice Proclamation he was of the view that the word "attorney" had to be construed as persons of that class who had *'always been capable of being attorneys, and not of that class who, so far at all events as practice is concerned, have never been capable of being attorneys.'* An important change, with regard to the admission of women into the profession, resided with the legislature not the courts, he reasoned. He was disinclined to depart from what has been the universal practice, more so because similar arguments raised by counsel for Ms Schlesin could be raised in "an application by a woman to be admitted as an advocate — a change which would mean an enormous difference in the practice of the courts in this country, and in any other country where such a change was made." Ms Schlesin's application was dismissed and she was mulcted in paying the costs.

Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance ”

Three years later, following the *Schlesin* decision, on 09 April 2012, a similar application, for an order compelling the Incorporated Law Society to register articles of clerkship, was moved in the Cape of Good Hope Provincial Division, of which Northern Cape Division was part of, on behalf of Ms Madeline Una Wookey. She had entered into articles of clerkship with Mr Reginald Edmund De Beer, an attorney and notary practicing at Vryburg. There, Maasdorp JP came to the conclusion that women, similarly to men, were entitled to be enrolled as attorneys upon giving proof of their possession of the requisite qualifications, and were entitled to become articulated in order to acquire such qualifications. Ms Wookey's victory was short-lived. The decision by Maasdorp JP was overturned on appeal by three judges of the Appellate Division in *Incorporated Law Society v Wookey* 1912 AD 523 (Wookey). I refrain from commenting on the latter decision and confine myself to the pronouncement by Goldstone J in *President of The Republic of South Africa and Another v Hugo* where he said the following concerning Wookey:¹

'Women's responsibilities in the home for housekeeping and child rearing have historically been given as reasons for excluding them from other spheres of life. In a case note concerning *Incorporated Law Society v Wookey*, which denied women the right to be admitted as attorneys, a commentator wrote:

'A revolt against nature is involved in any proposal to allow women to enter into the legal profession. This idea is incompatible with the ideas and duties of Motherhood.' To use the generalisation that women bear a greater proportion of the burdens of child rearing for justifying treatment that deprives women of benefits or advantages or imposes disadvantages upon them would clearly, therefore, be unfair.'

I pause to note with humility that the Gauteng Division of the High Court, recently in April 2023, at its special sitting in commemoration of the 100 years of women in law, issued an order that Ms Schlesin and Ms Wookey be admitted and enrolled to practice, albeit posthumously. Almost a decade later, following Ms Schlesin and Ms Wookey unsuccessful attempts to gain entry into the legal profession, on 10 April 1923 the Women Legal Practitioners Act 7 of 1923 was promulgated and published in – *The Union of South Africa Government Gazette Extraordinary*. Indeed, this was extraordinary in the context of our deeply inegalitarian past. The Act contained one section which provided that:

'Women shall be entitled to be admitted to practice and to be enrolled as advocates, attorneys, notaries public or conveyancers in any province of the Union, subject to the same terms and conditions as apply to men, and any law in force in any province of the Union regulating the admission or enrolment of persons as advocates, attorneys, notaries public or conveyancers shall henceforth be interpreted accordingly.'

For the first time in the history of our country women were admitted to practice as attorneys and advocates. The promulgation of the Women Legal Practitioner's Act 7 of 1923, has seen, albeit at a glacial pace, the admission of women into the legal profession. It is laudable that the first woman to be admitted as an advocate was Ms Irene Geffen in 1923 whereas the first woman attorney was Ms Constance Mary Hall in 1926. In what can fairly be attributed to past discriminatory practices Ms Desiree Finca became first black woman attorney to be enrolled in 1967.

Since then women lawyers continue to make impactful contributions towards the betterment of their circumstances. We have observed them steadily taking up leadership roles and continue to build successful legal practices and careers.

Today we celebrate Justice Leonora van den Heever who was born in Windhoek on 9 July 1926, three years after the promulgation of the said widely celebrated statutory enactment. She obtained her BA degree *cum laude* at the University of Pretoria and an MA in English also *cum laude*. In 1951 an LLB degree was conferred on her by the University of the Orange Free State. She was admitted to the Bloemfontein Bar in 1952. In an article published by the Nelson Mandela University in 1998 for her Doctor of Law (*Honoris Causa*)² it is reported that Justice van den Heever raised eyebrows in 1968 when she became the first woman in South Africa to be awarded the silk status. A much larger stir was caused in 1969 when she was appointed to the Free State Bench in an acting capacity.

The winter of that year, 1969, became a momentous occasion in the legal annals of the Northern Cape Division when Justice Van den Heever became the very first woman to be appointed a judge in South Africa in this Division. Ten years later, at the end of 1979, she accepted a transfer to the Cape Division of the Supreme Court. It is noted with pride that in the last few years of her stay in Kimberley Justice Van Den Heever was a board member of the William Humphreys Art Gallery.

Justice Van den Heever also acted on bench of the Bophuthatswana Supreme Court of Appeal. She made history once more in 1991 when she became the first woman to be appointed a judge of appeal in the Appellate Division, Bloemfontein. She retired from active service in July 1996. Upon Justice Van den Heever's retirement she served for a while in the Cape Provincial Division. She also served on the Appeal Benches of Lesotho and Swaziland.

In 1987 she was celebrated as the Western Cape Woman of the Year by the Women's Bureau and in 1996 was awarded a Chancellor's Medal by the University of Pretoria. She is a recipient of an honorary doctorate in Law which was conferred by the University of Stellenbosch.

Some 33 years following the appointment of Justice Van Den Heever, in May 2003, this Division welcomed the first black women to its Bench, Justice Cecile Williams. We celebrate you my sister. That is a remarkable feat. I followed seven years later in January 2010. Justice Bulelwa Pakati was appointed in May 2012 and Justice Mpho Mamosebo in January 2016. Our bench is currently constituted of by seven judges with diverse backgrounds. Three are men and three are women. With the imminent appointment of Adv Almé Stanton we will welcome the second 'white' woman, in the new democratic order, to serve as a judge since 1969, 54 years ago.

In terms of s 174(2) of the Constitution³ the need for the judiciary to reflect broadly the racial and gender composition of South Africa must be considered when judicial officers are appointed. I would therefore be remiss if I did not acknowledge the following female judges who acted in the Northern Cape Division and were appointed across the country. In this regard this Division punched above its weight. They are Justice Baratang Constance Mocumie (SCA), Justice Fikile Mokgohloa (SCA), Justice Wendy Hughes (SCA), Justice Patricia Goliath (WC Division),

¹ 1997(1) SACR 567(CC) para 39.

² <https://www.mandela.ac.za/Leadership-and-Governance/Honorary-Doctorates/Leonora-van-den-Heever-1998>.

³ Act 108 of 1996

Justice Esther Steyn (KZN Division) Justice Jacqueline Henriques, (KZN Division) and Justice Nozuko Mjali (EC Division).

We also wish to salute Justice Yvonne Mokgoro, a retired justice of the Constitutional Court of South Africa. We do so because she is a daughter of this soil. Born in Galeshewe, Kimberley, and matriculated at the local St Boniface High School in 1970. Justice Mokgoro was the first black woman to be appointed in the Constitutional Court where she served for 15 years from 1994 to 2009. She obtained Bachelor of Law (B.Luris) degree at the University of Bophuthatswana in 1982; two years later, Bachelor of Law (LLB) and completed Master of Laws (LLM) in 1987. She also studied at the University of Pennsylvania in the USA, where she was awarded a second LLM degree in 1990.

In 2006 Justice Mokgoro was selected as an icon of the history of Women Lawyers in South Africa. Her illustrious legal career is quite phenomenal. Prior to her appointment in the Constitutional Court she was a clerk in the department of justice, Bophuthatswana; a public prosecutor; a lecturer in law (Department of Jurisprudence) at the University of Bophuthatswana and a part-time lecturer at the University of Pretoria. She also served as an associate Professor at the University of Bophuthatswana and the University of the Western Cape.

While she was in the academia Justice Mokgoro participated in a number of research projects and held positions on the boards of a number of civil society organisations, including community-based organisations. She was also a Specialist Researcher (Human Rights) at the Centre for Constitutional Analysis at the Human Science Research Council. She has presented papers and participated in a myriad of national and international conferences mainly in sociological jurisprudence and particularly on human rights, customary law, focusing on the impact of law on society generally, and on women and children.

She is an honorary (emeritus) Professor of Law in five universities in this country. She has been conferred with the Doctor of Laws (Honoris Causa) by the University of North West, the University of KwaZulu-Natal, the University of Toledo (Ohio) USA, University of the Western Cape, University of Pretoria, University of the Witwatersrand (Wits), University of South Africa and the University of Pennsylvania (USA). She is a recipient of a number of honours and awards, to mention but a few, the Legal Profession's Woman Achiever Award by the Centre for Human Rights- University of Pretoria; the Kate Stoneman Democracy Award (Albany Law School, New York, U.S.A), and the James Wilson Award by the University of Pennsylvania Law School [(Philadelphia, Pennsylvania). She was selected by the President of South Africa as an official Advocate for Social Cohesion in South Africa for the period 2013-2018. She is the third recipient of the George Bizos Award- given to those who have excelled in protecting human rights, particularly the poor.

Justice Mokgoro chaired various institutions and organisations which included the South African Law (Reform) Commission. On 19 August 2014 she was appointed a member and elected the Chairperson of the Inaugural Council of the Sol Plaatje University, Kimberley, where she served up until 23 June 2021. She is still the patron of the Sol Plaatje University's Talent Pipeline Project.

There is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountain top of our desires ”

Justice Mokgoro was recently involved in a horrific accident. She remains hospitalized. Our thoughts and prayers go out to her and her family for her full recovery.

The road the South African women travelled has been tortuous, characterised by multiple forms of discrimination and gender-based violence. In a discussion document on Gender Transformation in the Judiciary⁴ it was noted that in 2017 at a Women Leading in Law (WOLELA) Conference, participants expressed concern that young women were still experiencing sexual harassment, entrenched racism, patriarchy, misogynist behaviour and sometimes outright insults.

Gender inequality impedes growth and denies women the ability to participate effectually in shaping up the future. Justice Kate O'Regan, who served for 15 years in the Constitutional Court along Justice Mokgoro, remarked that discrimination on the basis of sex has resulted in deep patterns of disadvantage which are acute in the case of black women, as race and gender discrimination overlap. It was a key message of the Constitution that all these forms of discrimination be eradicated from our society. The preamble states the need to create a new order in 'which there is equality between men and women' as well as equality between 'people of all races'.⁵

Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.⁶ To achieve what has been termed "ambitious" Sustainable Development Goals (SDGs), which includes gender equality, as SDG 5, concerted effort to eradicate all systemic patterns and practices of inequality is required.

Although South Africa has made significant progress to off-set gender oppression through various legislative mechanisms that affirms the democratic values of human dignity, equality and freedom and safeguards against gender based discrimination in the workplace and in various sectors of our society, the challenges still abound. This notwithstanding, I am optimistic that in good time gender imbalances would taper off and dissipate. Former President Nelson Mandela reminded us "There is no easy walk to freedom anywhere, and many of us will have to pass through the valley of the shadow of death again and again before we reach the mountain top of our desires". ■

⁴ Discussion document ON GENDER TRANSFORMATION IN THE JUDICIARY AND THE LEGAL SECTOR as published in DEPARTMENT OF TRADE AND INDUSTRY NOTICE 394 OF 2018 on 13 July 2018 at p 20.

⁵ *Brink v Kitshoff* NO 1996 (4) SA 197 (CC) at para 44

⁶ Former UN Secretary-General Kofi Annan's statement delivered at the Conference on African Women and Economic Development, Addis Ababa.



L-R: Judge President Tlaletsi sitting alongside Deputy Judge President Phatshoane who led the sittings



Members of the organised profession, OCJ Officials as well as members of the public attended the sittings



Ms. Janine Snyders (Attorney and one of the speakers) represented the Diamond Fields Society of Attorneys



L-R: Mr KG Senye (CRT), Ms G Lemmetjies (Secretary to the Judge President) and Ms A Bezuidenhout (Secretary)



Ms. Simone-Lanique Basson (Chief Registrar and one of the speakers) represented the Office of the Chief Justice



Adv Sinazo Makawula (An advocate and one of the speakers) represented the South African Women Lawyers Association (SAWLA)



Ms. Taahira Prinsloo (An Attorney and one of the speakers) represented Legal Aid South Africa-Kimberley Office



Adv Liesel Hoffman (An advocate and one of the speakers) represented the Office of the Family Advocate



The North West Division of the High Court Judges with the Attorneys and Advocates who attended the ceremonial sitting



Some of the attendees who attended the sitting



Some of the attendees who attended the sitting



Some of the attendees who attended the sitting



Some of the attendees who attended the sitting

CRIMINAL CIRCUIT COURTS AT PRISON FACILITIES IN THE WESTERN CAPE

MS ZURIKA PIENAAR

Director Court Operations – Western Cape High Court

The Honourable Acting Judge President of the Western Cape High Court, Judge PL Goliath recently visited the Pollsmoor and Goodwood Correctional Centres to note the progress made in terms of the establishment and construction of the Western Cape Criminal Circuit Courts at those sites. The WC Regional Commissioner of Correctional Services, Delekile Klaas led the site visits and other stakeholders such as the DPP, Legal Aid South Africa and the OCJ administrative managers accompanied the Acting Judge President.

The establishment of the Criminal Circuit Courts was gazetted under Notice 11/2021 dated 22 January 2021 and amended under Notice 561/2021 dated 17 September 2021. The notice envisages the establishment of Criminal Circuits Courts at the Pollsmoor, Goodwood, Malmesbury, Drakenstein and George Correctional Facilities. Criminal Circuit Courts have to date been erected on the grounds of the Pollsmoor Correctional Centre and the Drakenstein Correctional Centre and are in use by both the High Court as well as the Regional Courts in the Province.

The Courts were established to assist with high risk cases and to prevent accused persons in such matters from travelling to and from Court with the risk of possible escapes en route. It is also envisaged that the postponement of matters will be dealt with at these facilities to avoid unnecessary travelling of accused persons to and from Court. High risk cases will be identified by the Office of the Judge President for hearing at these Courts.



Acting Judge President P Goliath with the team attending the visits at the Pollsmoor and Goodwood Correctional Centres

The Pollsmoor Criminal Circuit Court has been running since the 11 June 2021 with the first criminal pre-trial having taken place before the Honourable Judge President JM Hlophe on that day. The Court was originally utilised for postponements both virtual (during the COVID 19 pandemic) and in person. The trial of the S v Davids & 6 others commenced at the Court before the Honourable Acting Judge Wathen-Falken on 08 August 2022 and is still running at present.

Acting Judge President Goliath on her visit on 28 March 2023, noted the progress of the Court at the Pollsmoor Correctional Facility in terms of the overall appearance. The Court features include the necessary technology in respect of the equipment installed by the Department of Correctional Services such as in-camera witness testimony equipment, as well as viewing screens in the gallery adjacent to the entrance of the facility which allows for real time viewing of cases running at the Court. The facility adequately provides accommodation for the Judiciary, Support Staff, DPP and Defence Counsel.

The first of its kind, the OCJ WC in collaboration with the Department of Correctional Services have made immense inroads into making these Courts a reality.

In camera technology for “at risk” witnesses at the Pollsmoor Criminal Circuit Court Acting Judge President Goliath also visited the Goodwood Correctional Facility on the same day, to view the construction of two courtrooms with additional facilities for the Judiciary, the Support Staff as well as both the State and Defence Counsel. One of the courtrooms will be ready for use in the 3rd term of 2023. The additional Court facility which is still under construction is expected to be operational in the New Year.

Acting Judge President Goliath perusing the plans for the second courtroom under construction at the Goodwood Correctional Facility site. ■



JUDICIAL APPOINTMENTS & ACHIEVEMENTS

JUDICIAL **APPOINTMENTS**

SUPREME
COURT OF APPEAL



Justice M B Molemela

Appointed as President of the
Supreme Court of Appeal

As of 01.06.2023

EASTERN CAPE
DIVISION, GQEBERHA



Judge I Bands

Appointed as Judge of the Eastern Cape
Division of the High Court, Gqeberha

As of 01.06.2023

JUDICIAL APPOINTMENTS (CONTINUED)

GAUTENG DIVISION OF THE HIGH COURT



Judge J Holland-Muter

Appointed as Judge of the Gauteng Division of the High Court
As of 01.06.2023



Judge M M D Lenyai

Appointed as Judge of the Gauteng Division of the High Court
As of 01.06.2023



Judge M P Motha

Appointed as Judge of the Gauteng Division of the High Court
As of 01.06.2023



Judge M V Noko

Appointed as Judge of the Gauteng Division of the High Court
As of 01.06.2023



Judge L A Retief

Appointed as Judge of the Gauteng Division of the High Court
As of 01.06.2023

NORTHERN CAPE DIVISION, KIMBERLEY



Judge A Stanton

Appointed as Judge of the Northern Cape Division of the High Court, Kimberley
As of 19.06.2023

NORTH WEST DIVISION, MAHIKENG



Judge S Mfenyana

Appointed as Judge of the North West Division of the High Court, Mahikeng
As of 15.06.2023

COMPETITION APPEAL COURT



Judge L G Nuku

Appointed as Judge of the Competition Appeal Court
From 01.06.2023 – 31.05.2023
(for a period of 5 years)

JUDICIAL ACHIEVEMENTS



Deputy Chief Justice M M L Maya

Vice President of the IAWJ

Deputy Chief Justice Maya elected Vice President of the IAWJ during 16th Biennial IAJ Conference which took place 10-14 May 2023 in Morocco.

As of 10.05.2023



Judge R Mossop

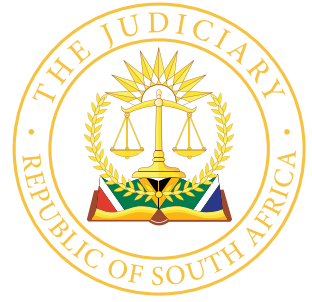
Long service award

Received a long service award, bestowed upon him by Deputy Minister J Jeffery after 21 years continuous service as a Small Claims Court commissioner.

Date: 15.04.2023



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