



MARCH 2023 | Q4 ISSUE



# THE JUDICIARY

ANNUAL JUDICIARY DAY 2023

THE BRIGITTE MABANDLA ASPIRANT WOMEN  
JUDGES' PROGRAMME

RHODES UNIVERSITY HONOURS CHIEF JUSTICE  
ZONDO & JUSTICE MADLANGA

GENDER EQUALITY IN THE LEGAL PROFESSION

LAUNCH OF THE VICTIM SUPPORT ROOM

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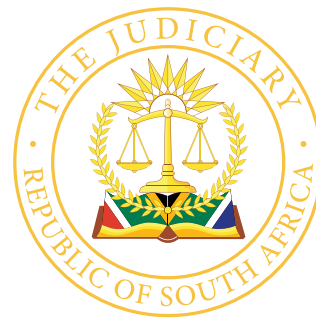
*"The Arch for Arch" | Built by Norwegian architecture firm Snøhetta and the South African architect Thomas Chapman in honour of Archbishop Desmond Tutu | Situated: Constitution Hill - Johannesburg (2nd Instillation) - Find out more about this art piece: <https://bit.ly/3M9BjzK>*

 The South African Judiciary

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## TABLE OF CONTENTS

- 02. The Judiciary's performance of its judicial functions continues to improve
- 06. Chief Justice R M M Zondo delivers OR Tambo Public Lecture
- 08. Rhodes University honours Chief Justice R M M Zondo
- 10. Justice M Madlanga honoured by the Rhodes University
- 12. Chief Justice R M M Zondo launches the Brigitte Mabandla Aspirant Women Judges' Programme
- 14. Gender equality in the legal profession is fundamental to achieve legitimacy
- 18. The SAC-IAWJ journal signifies a profound purpose and impact in the quest for gender equality in the legal field
- 20. Chief Justice's events
- 23. 43 New Regional Court Magistrates appointed
- 24. Celebrating Phenomenal Women in the Judiciary
- 28. Judge President F Legodi bows out
- 33. Acting Judge President P Goliath opens Victim Support Room
- 34. The link between continental African traditions and South Africa
- 38. Best kept secret?
- 40. Judicial Retirements and Appointments
- 41. In memoriam

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*It has been an eventful start to the 2023 for Judiciary. In this autumn edition of the Judiciary Newsletter, we bring our readers notable news, updates and events that took place between January and March 2023. We do this in keeping with the objective of this publication to inform members of the Judiciary and stakeholders of the latest judicial developments, heighten contact between members of the Judiciary, act as a platform for the Judiciary to share views on general matters that affect them, and profile Judicial Officers in the execution of their constitutional mandate.*

Under the leadership of Chief Justice Zondo, the Judiciary presented to stakeholders and the public its 2021/22 Annual Judiciary Report during the Judiciary Day on 24 February 2023. The Report was presented by Chief Justice Zondo during an event at the Constitutional Court, attended by a wide range of stakeholders. Please read more about this from page 2.

The Constitutional Court was also the venue for two other important events during the past quarter. These were launch events of the report on women in law and leadership in South Africa by the Institute For African Women In Law (IAWL), the South African Chapter of the International Association of Women Judges (SAC-IAWJ) along with Juta & Company; and

## FROM THE EDITOR

the launch of the Law Journal of the SAC-IAWJ, both of which took place on 24 January 2023. Deputy Chief Justice Maya played a key role in both these initiatives. You can read what she had to say regarding gender equality in the legal profession on page 14.

Chief Justice Zondo was invited to deliver the 2023 OR Tambo Lecture at the University of Fort Hare. His presentation on Justice, Democracy and the Rule of Law moved many. If you missed the Lecture, please see page 6 of the newsletter, where you will be directed to an online page to view it in full.

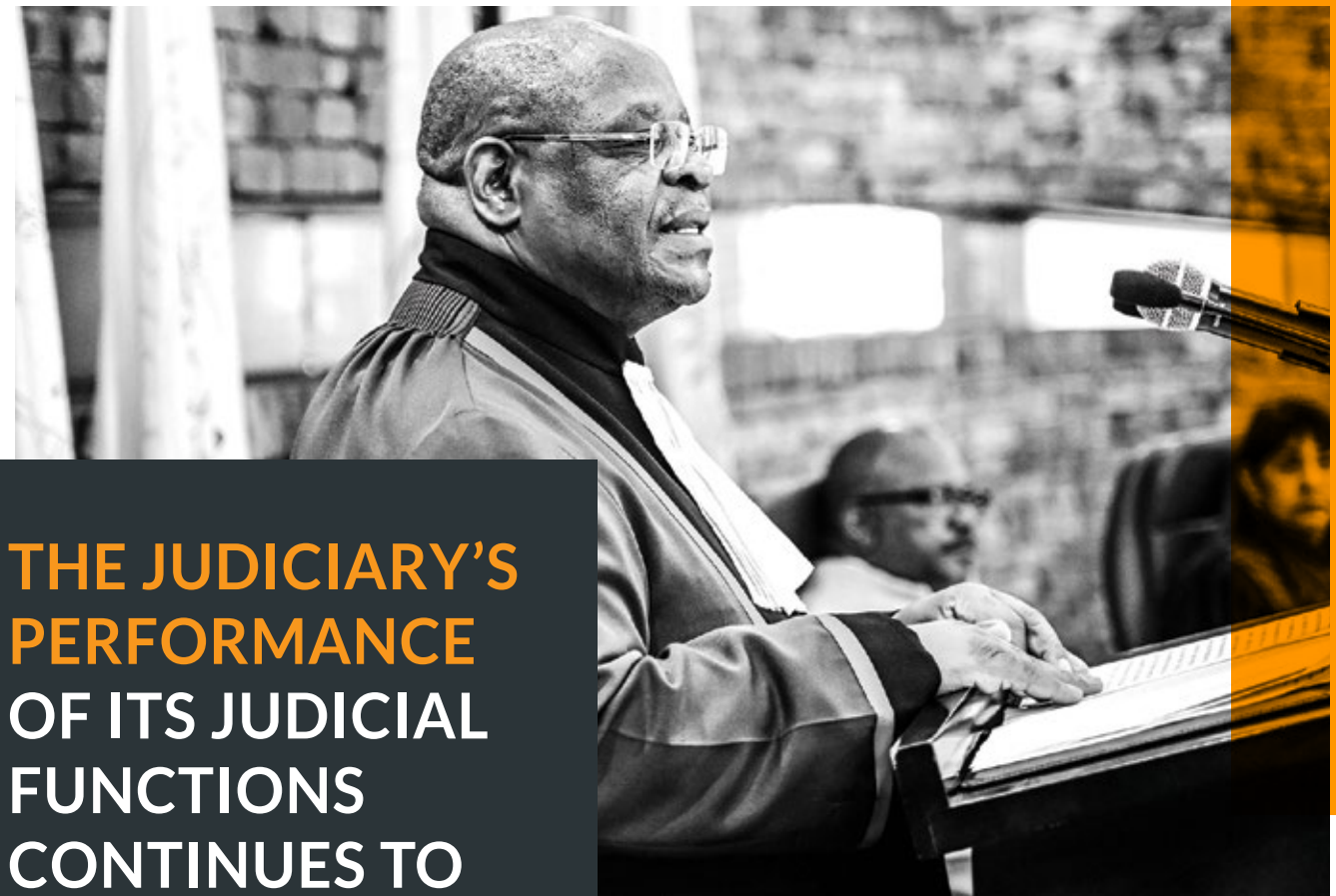
The Rhodes University honoured Chief Justice Zondo and Constitutional Court Justice Mbuyiseli Madlanga with honorary doctoral degrees recently. We congratulate both of them for this honour. It demonstrates that their massive contributions, in their own individual rights, to the legal profession do not go unnoticed.

Lastly, but not least, we pay tribute to a colossal figure in the Judiciary, my brother Judge President Francis Legodi of the Mpumalanga Division of the High Court, who hangs his judicial robes next month. We spoke to him about his life in the Judiciary and things that are important to him. See page 28 for this inspiring interview and join us in wishing him an enjoyable retirement. *Au revoir, my brother! Izenzo zakho zikhuluma kakhulu kunamazwi.*

**Enjoy the newsletter!**

**Judge President Dunstan Mlambo**

Chairperson: Judicial Communications Committee



# THE JUDICIARY'S PERFORMANCE OF ITS JUDICIAL FUNCTIONS CONTINUES TO IMPROVE

**Chief Justice R M M Zondo**  
Chief Justice of the Republic of South Africa

*The Judiciary of the Republic of South Africa released its Annual Judiciary Report for the 2021/22 Financial Year on Judiciary Day, 24 February 2023. On this day, Chief Justice R M M Zondo presented the Report to stakeholders at the Constitutional Court. The following is the foreword by the Chief Justice from the Annual Judiciary Report.*

It is my pleasure to present the fifth Annual Judiciary Report to the people of South Africa on the Judiciary's performance of judicial functions. As I do so, I welcome our newly appointed Deputy Chief Justice, Justice Mandisa Maya, who attends this year's Judiciary Day in her new role as Deputy Chief Justice of the Republic.

Section 165(1) of the Constitution provides that the judicial authority of the Republic of South Africa is vested in the courts. Section 165(2) provides:

*"The courts are independent and subject only to the Constitution and the law which they must apply impartially and without fear, favour or prejudice."*

Section 165(3) provides that no person or organ of state may interfere with the functioning of the courts. Section 165(4) reads:

*"Organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts."*

Section 165(6) provides that the Chief Justice is the head of the Judiciary and exercises responsibility over the establishment and

monitoring of norms and standards for the exercise of the judicial functions of all courts.

In terms of section 85 of the Constitution, the executive authority of the Republic is vested in the President. In terms of section 92(2) members of the Cabinet are accountable collectively and individually to Parliament for the exercise of their powers and the performance of their functions.

As indicated above, in terms of section 165(2) the courts are subject only to the Constitution and the law. The Judiciary regards section 165(2) as the constitutional basis for its obligation to account to the people of South Africa for its performance of its judicial functions. The Annual Judiciary Reports that we present to the public every year on Judiciary Day is our way of accounting to the people. The Annual Judiciary Report for 2021/2022 is presented in order for the Judiciary to fulfil its obligation to account to the public. During the first ever Judicial Accountability Session in 2018 the former Chief Justice, Justice Mogoeng Mogoeng, said that, like functionaries in the other arms of the State, Judicial Officers are accountable to the public in the execution of their functions. This report will, therefore, contribute to enhancing transparency, accountability and public confidence in the Judiciary of South Africa.



In February 2014, former Chief Justice Mogoeng Mogoeng issued the Norms and Standards contemplated in section 165(6) of the Constitution and section 8 of the Superior Courts Act, 2013. The objectives of these Norms and Standards are to:

- enhance access to quality justice for all;
- affirm the dignity of all users of the court system; and
- ensure the effective, efficient, and expeditious adjudication and resolution of all disputes through the courts, where applicable.

The commitment and co-operation of Judicial Officers have ensured that we continue to improve the Judiciary's performance of its judicial functions in many respects as is illustrated by the Annual Judiciary Report for 2021/2022.

In terms of Regulation 3(2) of the Regulations relating to the disclosure of Judge's registrable interests, newly appointed Judges are required to disclose their registrable interests to the Registrar within thirty (30) days of their appointment. In 2021/2022, thirty-seven (37) Judges commenced active service in the Judiciary of South Africa. The newly appointed Judges disclosed their registrable interests within thirty (30) days of appointment as prescribed by the Regulations. The disclosed information has been recorded in the Register. Copies of entries made in the Register were provided to the Judges in accordance with Regulation 3(3).

In the financial year 2021/2022, there were two hundred and fifty-three (253) Judges in active service and all the Judges disclosed their registrable interests in March 2022 as prescribed by the Regulations.

The efficient and effective performance of the Courts is critical for a vibrant democracy. During the period under review, ten (10) of thirteen (13) performance targets were achieved. This represents a 77% achievement. Only three (3) performance targets were not achieved: Percentage of Competition Appeal Court Cases Finalised (50%), Percentage of Land Claims Court Cases Finalised (49%) and the reduction percentage of criminal case backlogs (49%).

The Judicial Service Commission (JSC) is consulted by the President in terms of section 174(3) of the Constitution on the appointment of the Chief Justice, Deputy Chief Justice, Justices of the Constitutional Court, President of the Supreme Court of Appeal and the Deputy President of the Supreme Court of Appeal.

It is also responsible for advising the President of the Republic of South Africa on the appointment of all other Judges. During the period under review, the JSC conducted interviews in the months of April 2021 and October 2021 in order to fill judicial vacancies in various Courts. It also interviewed candidates for appointment to the Water Tribunal. The JSC further convened a special sitting from 01 to 05 February 2022 to interview four candidates who had been nominated by the President for appointment to the position of Chief Justice of the Republic of South Africa.

The JSC also deals with complaints lodged against Judges. The Judicial Service Commission Act, 1994 confers powers on the Judicial Service Commission to request the Chief Justice to appoint a Judicial Conduct Tribunal whenever it appears that there are reasonable grounds to suspect that a Judge is suffering from incapacity, is grossly incompetent or is guilty of gross misconduct. A Tribunal was appointed by the Chief Justice to conduct an inquiry into certain allegations of misconduct.

The continued education and training of the Judiciary is critical in order to enhance judicial accountability and transformation of the Judiciary. During the period under review the South African Judicial Education Institute (SAJEI) conducted one hundred and sixty-eight (168) courses, exceeding the planned target of one hundred and five (105) courses.

On 24 March 2022, in celebrating its 10th anniversary, SAJEI held an international webinar on judicial training, which was attended by one hundred and twenty-five (125) participants from several African and European countries. This highlighted the importance of cooperation and collaboration of Regional and International Judicial Education Institutions.

The Covid-19 pandemic has accelerated the use of virtual platforms to the extent that one hundred and forty-eight (148) newly appointed District Magistrates attended virtual training sessions during the period under review. The course content included, Judicial Wellness, Virtual Presentation Skills, Gender Based Violence and Femicide, Equality Court skills and Illegal Wildlife Trade.

The Judiciary, supported by the Office of the Chief Justice (OCJ), continued to prioritise Information and Communication Technology (ICT) as a strategic enabler. Technology plays an important role in ensuring an efficient court system. As such, advantage was taken of the Fourth Industrial Revolution (4IR) with initiatives such as the court online system, which aims to provide a platform for filing documents to the courts electronically and helps to minimise the physical movement of people and paper-based court processes in regard to litigation.



Use the QR code to access the Annual Judiciary Report, 2021/22.



The Court Online system consists of two separate, yet interlinked, components:

- A case management solution (Customer Relations Management CRM-Dynamics); and
- An evidence management solution (CaseLines).

This is beneficial for storage, retrieval and management of electronic documents on the filing system. Modernisation of the courts and digital transformation initiatives remain crucial for improving service delivery.

During the period under review, the OCJ had planned to roll out the Court Online system in two service centres. The Court Online system was, however, partially implemented in the Gauteng Division of the High Court. The pilot phase will proceed until all defects have been dealt with to ensure a fully effective and operational system when it is rolled out to all other Superior Courts.

The Annual Judiciary Report provides an overview of the performance of all courts. Unfortunately, the information concerning the performance of the District courts will again be excluded as the systems crash at the Department of Justice and Constitutional Development affected the integrity of the data on the Integrated Case Management System. As a result of this, it is not possible to have proper and accurate information. The Leadership of the Magistracy advised that such information should not be included in the Report. It is regrettable that, once again, the performance of the District courts has to be excluded for a second year as the majority of members from the public are served by these Courts. The Judiciary depends on the Department of Justice and Constitutional Development to get this problem solved as soon as possible.

It is an honour and privilege for me, as Head of the Judiciary of South Africa, to present this Annual Judiciary Report to the public.

In keeping with the constitutional principles of accountability and transparency, this Annual Judiciary Report provides the public with information on the performance of judicial functions by the Judiciary in order to ensure transparency and the Judiciary's commitment to account to the public.

I would like to convey my gratitude to the leadership of the Judiciary for their unwavering support and co-operation throughout the 2021/2022 financial year. I thank the Deputy Chief Justice, the Acting President of the SCA, the Judges-President, all the Regional Court Presidents, the Chief Magistrates and all other leaders within the Magistracy for their support, their ideas and suggestions from time to time and their commitment and dedication to the achievement of a justice system that is fair, accessible, efficient, effective and always upholds our Constitution and the rule of law. I take this opportunity to thank the Judicial Accountability Committee (JAC) for the good work it has done in ensuring that we have this Report and in ensuring that this year's Judiciary Day happens. For a long time this Committee was led by Judge President Monica Leeuw, who was the Judge President of the North West Division of the High Court, until her retirement in July last year. I thank her for her diligence and dedication all these years and wish her a peaceful retirement. The Deputy Chief Justice took over the leadership of this Committee after the retirement of Judge President Leeuw.

I also wish to thank the leadership of the OCJ and all officials of the OCJ who made a contribution to the preparation of this Report and for their hard work to ensure that we have a successful Judiciary Day. I would also like to convey my appreciation to the Portfolio Committee on Justice and Correctional Services and all other stakeholders for their support to, and co-operation with, the Judiciary. I also thank the Minister of Justice and Correctional Services for the support he continues to give to the Judiciary.

Lastly, I convey my sincere gratitude to the leadership and all officials of the OCJ for their administrative support to the Judiciary, their hard work and dedication. ■



Use the QR code to access the Chief Justice's speech, on the occasion of the presentation of the fourth Annual Judiciary Report.



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The continued education and training of the Judiciary is critical in order to enhance judicial accountability and transformation of the Judiciary.





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1. Chief Justice Zondo with Deputy Chief Justice Maya, Justices of the Constitutional Court, the Heads of the Superior Courts and the Heads of the Magistracy.
2. Chief Justice R M M Zondo, delivering his keynote address.
3. Deputy Chief Justice M M L Maya, delivering the welcoming address
4. Acting President of the Supreme Court of Appeal, Justice X Petse, facilitated the question and answer session with stakeholders
5. Judge President of the Gauteng Division of the High Court, Judge D Mlambo, outlining the purpose of Judiciary Day
6. Judge President of the Free State Division of the High Court, Judge C Musi, was the Programme Director
7. Acting Judge President of the Land Claims Court, Judge Y Meer, responding to a question during the Q&A session
8. Chairperson of the Electoral Court, Justice D H Zondi, giving the vote of thanks





## CHIEF JUSTICE ZONDO DELIVERS OR TAMBO PUBLIC LECTURE

On 24 March 2023, Chief Justice Raymond Zondo delivered the Oliver Reginald (OR) Tambo Public Lecture on Justice, Democracy and the Rule of Law at the University of Fort Hare's Alice campus.

The Public Lecture is held in celebration of the life and times of the late OR Tambo – A South African political icon who was a lawyer by profession who strongly advocated for inclusive African Nationalism as a force for liberation.

Previous keynote speakers for this significant event include former SA Presidents, Thabo Mbeki and Jacob Zuma; current President Cyril Ramaphosa (who was a deputy president at the time) and; former Minister and political activist, Pallo Jordan.

This year's lecture drew inspiration from the role that the late OR Tambo played in navigating the dichotomy between obeying the (rule of) law and guaranteeing fairness and justice. It sought to examine the important contribution on, amongst others, law, justice and democracy, that OR Tambo made to South Africa, the Continent of Africa and the World.

For UFH, it is a great privilege to host this lecture in honour of OR, whom the University counts among its notable alumni. It was at Fort Hare that he first became involved in politics when he led a student class boycott in support of a demand to form a democratically elected students' representative council. Consequently, he was expelled from Fort Hare and was unable to complete his BSc Honours Degree.

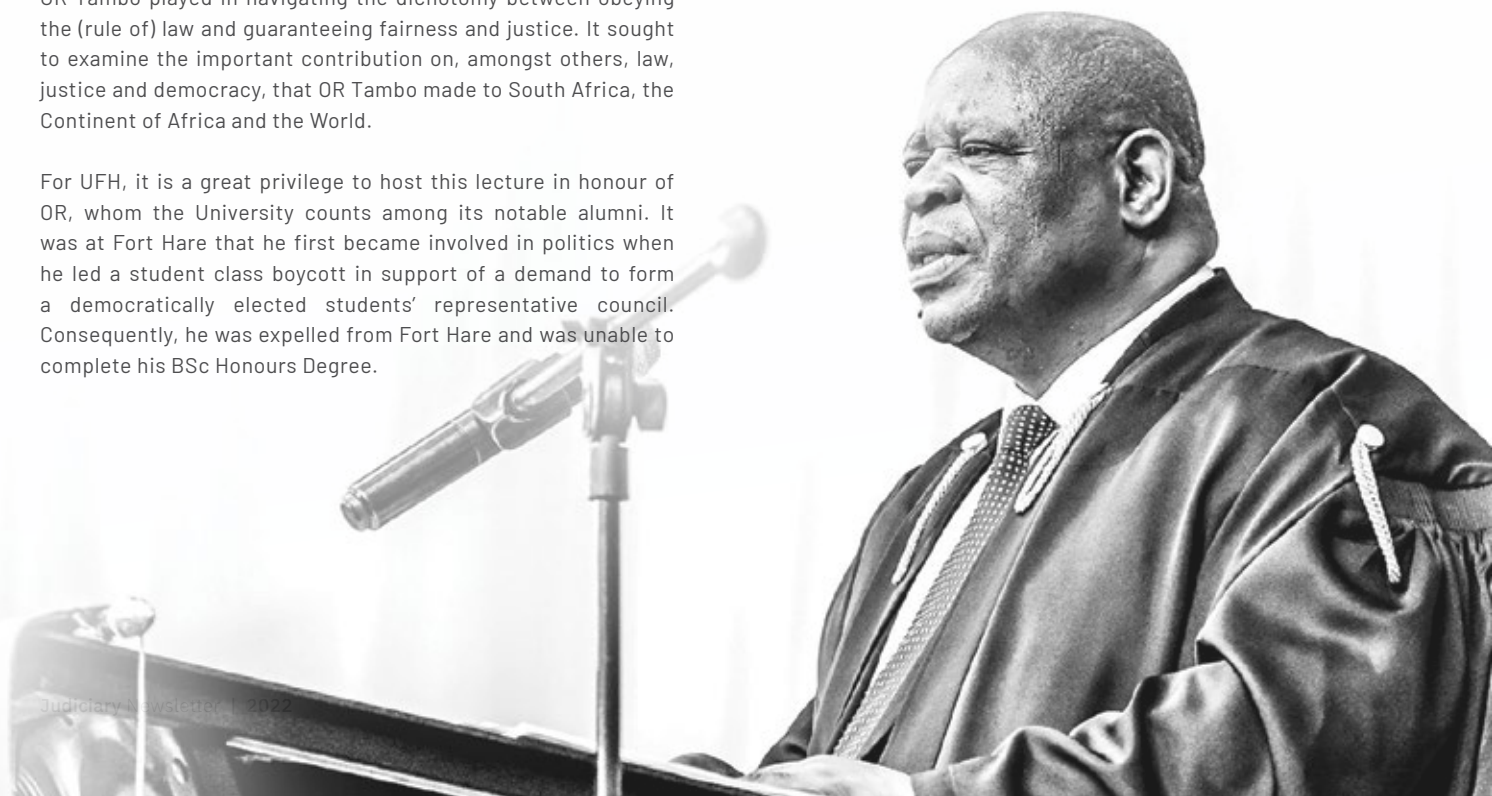
After serving as the African National Congress' president from 1967 to 1991 – the longest-serving ANC president, OR Tambo returned to UFH at the dawn of democracy when he was appointed as University's first black Chancellor in 1991.

Adapted from: <https://www.ufh.ac.za/news/News/ORTamboPublicLecturebedeliveredHonourableChiefJusticeRaymondZondo>



Chief Justice Zondo's Lecture can be accessed using this QR code / link.

<https://www.youtube.com/watch?v=VGpi1UoofKA>







O.R Tambo Public Lecture - Fort Hare University



Chief Justice Zondo delivering the O.R Tambo Public Lecture at the Fort Hare University



Fort Hare University Vice Chancellor Professor Sakhela Buhlungu

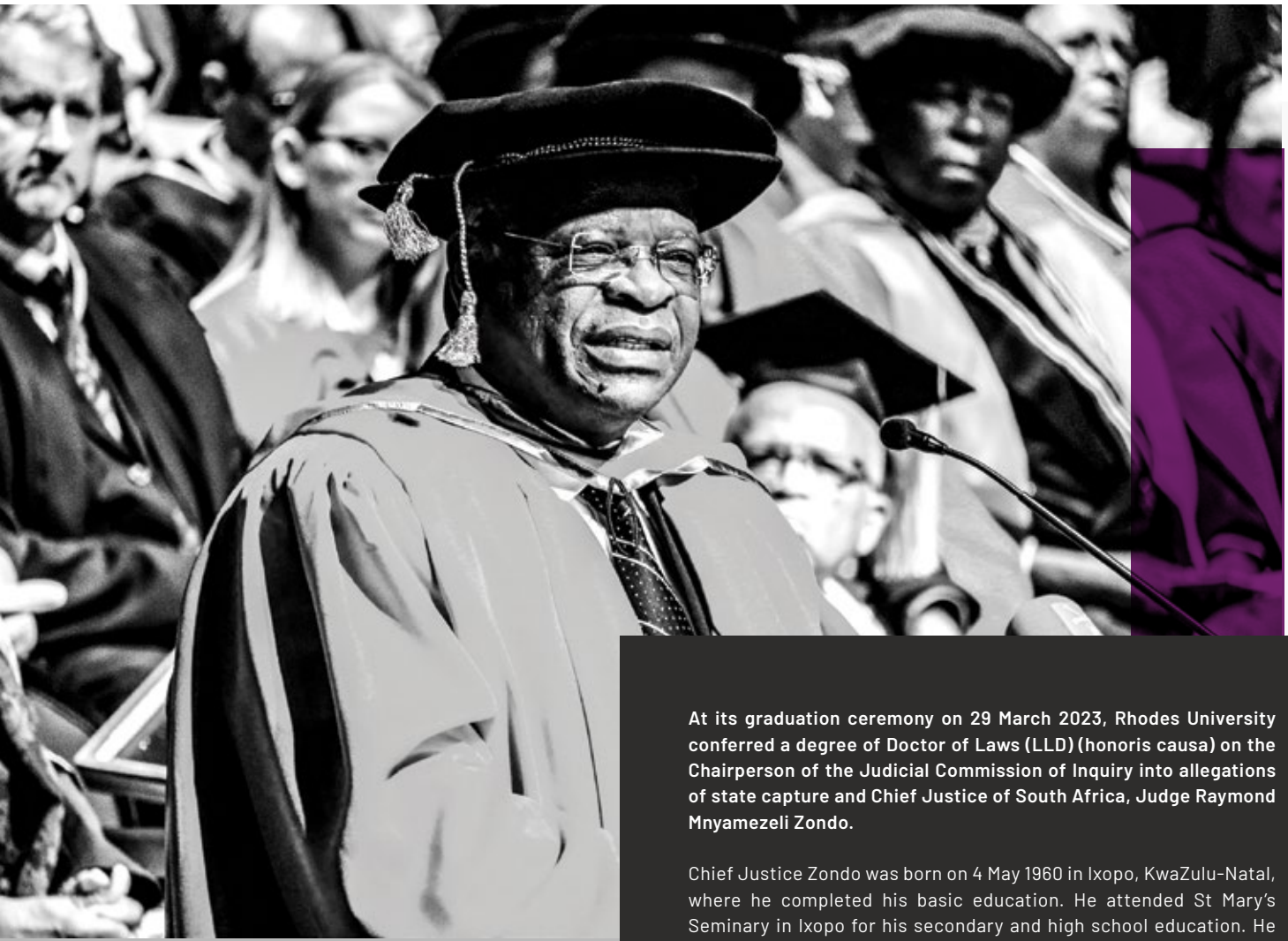


Chief Justice Zondo in conversation with Fort Hare University Vice Chancellor Professor Sakhela Buhlungu



Justice Madlanga speaking at the O.R Tambo Public Lecture





# RHODES UNIVERSITY HONOURS CHIEF JUSTICE RAYMOND ZONDO

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At its graduation ceremony on 29 March 2023, Rhodes University conferred a degree of Doctor of Laws (LLD) (honoris causa) on the Chairperson of the Judicial Commission of Inquiry into allegations of state capture and Chief Justice of South Africa, Judge Raymond Mnyamezeli Zondo.

Chief Justice Zondo was born on 4 May 1960 in Ixopo, KwaZulu-Natal, where he completed his basic education. He attended St Mary's Seminary in Ixopo for his secondary and high school education. He matriculated at the age of 20. Chief Justice Zondo studied BJuris at the University of Zululand, where he studied alongside retired Chief Justice Mogoeng Mogoeng. He currently serves as the university's Chancellor.

He further obtained his LLB from the University of Natal. Chief Justice Zondo has three LLM degrees from the University of South Africa. These are LLM (cum laude) in Labour Law, LLM in Commercial Law, and LLM with specialisation in Patent Law.

Chief Justice Zondo worked at Legal Resources after obtaining his BJuris to secure funding for his LLB. After completing his LLB, Chief Justice Zondo served part of his articles of clerkship at Mxenge, Ngxiweni, and Shezi Attorneys in Durban. He then ceded his articles of clerkship to Mthembu and Partners and later finished his articles at Chennels Alberton Attorneys. After his admission as an attorney in 1989, he became a partner at Mathe and Zondo Incorporated. He practised as an attorney for several years.

In 1991 and 1992, he served in two committees of the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation (also known as the Goldstone Commission), which investigated violence in South Africa during the early 1990s. In 1994, Chief Justice Zondo was appointed as a member of the Ministerial Task Team responsible for producing a draft Labour Relations Bill for post-apartheid South Africa. With certain amendments, the Bill was passed into the Labour Relations Act in 1995.

In 1996, Chief Justice Zondo was appointed as the first Chairman of the Governing Body of the Commission for Conciliation, Mediation and Arbitration (CCMA), from which he resigned upon his appointment as a Judge.

In November 1997, he was appointed as Judge of the Labour Court, and in April/May 1999, he was appointed as a Judge of the then Transvaal Provincial Division of the High Court (now the Gauteng Division of the High Court). In May 2000, Chief Justice Zondo was appointed Judge President of the Labour Court and the Labour Appeal Court for a 10-year tenure. During this time, he served in various ad hoc committees established by the heads of courts. These included a committee chaired by the late Justice Pius Langa, which drew up a document to be used by the Judiciary in dealing with complaints about racism and sexism within the Judiciary. Chief Justice Zondo also chaired a committee of the heads of court which looked into the use of official languages in courts.

In March 2011, he was honoured by the KwaZulu-Natal Legal Forum, which consists of many legal bodies, with an award for his contribution to human rights in South Africa. With effect from 1 September 2012 he was appointed as Judge of the Constitutional Court. On 1 June 2017, Justice Zondo was appointed Deputy Chief Justice of the Republic of South Africa.

In January 2018, former President Jacob Zuma appointed him as the Chairperson of the Commission of Inquiry into allegations of State Capture, Corruption, and Fraud in the Public Sector, including Organs of State. That Commission investigated various allegations of state capture, corruption, and fraud in the public sector from 2018 until August 2021. It submitted its Report to President Cyril Ramaphosa in six Parts from 31 December 2021 to 22 June 2022. President Ramaphosa accepted a number of the recommendations made by the Commission.

While he was Deputy Chief Justice, Chief Justice Zondo was also the Chairperson of the Executive Committee of the South African Judicial Education Institute (SAJEI). As Chief Justice, he also serves as the Chairperson of the SAJEI Council.

On 10 March 2022, President Ramaphosa announced Justice Zondo's appointment as the 6th Chief Justice of the Republic of South Africa since the advent of democracy. In his long judicial

career, Chief Justice Zondo has significantly contributed to jurisprudence in this country. He has delivered many judgments that have positively impacted the lives of many South Africans. In addition, he has contributed to the strengthening of the judiciary in remarkable ways. He continues to do so in his current position as the Chief Justice of the Republic of South Africa.

On 16 July 2022, the General Council of the Bar of South Africa – an organisation of advocates of South Africa – awarded Chief Justice Zondo the Sydney and Felicia Kentridge Award “for service to Law in Southern Africa”. In November 2022, the Congress of Business and Economics awarded Justice Zondo the “Ahmed Kathrada Excellence in Leadership Award 2022”. In December 2022, the South African Chapter of the International Association of Women Judges gave Chief Justice Zondo an award in recognition of his continued and unwavering support for the SAC-IAWJ.

Chief Justice Zondo has also published articles and written chapters in three books.

The Senate and Council of Rhodes University voted to confer the degree Doctor of Laws (LLD) (honoris causa) in recognition of Chief Justice Zondo's distinguished judicial career and for his outstanding service to the public and society. The honour will be conferred at the Rhodes University graduation ceremony on Wednesday, 29 March 2023.

“To have Rhodes University award me the degree of LLD (honoris causa) in recognition of what it believes is ‘my distinguished career’ and ‘outstanding service to the public and society’ is a great privilege. Rhodes University is a university of great standing, and I regard it as an honour that it has decided to confer such a degree on me,” said Chief Justice Zondo.

Vice-Chancellor, Professor Sizwe Mabizela described Chief Justice Zondo as an exemplary and selfless leader. “His role as the Chairperson of the Judicial Commission of Inquiry into Allegations of State Capture will always stand as a monument to exemplary leadership, courage, dedication, and selfless service to our nation. Our nation owes him an inestimable debt of gratitude and appreciation for dedicating his life to public service and the betterment of humanity,” said Professor Mabizela. ■

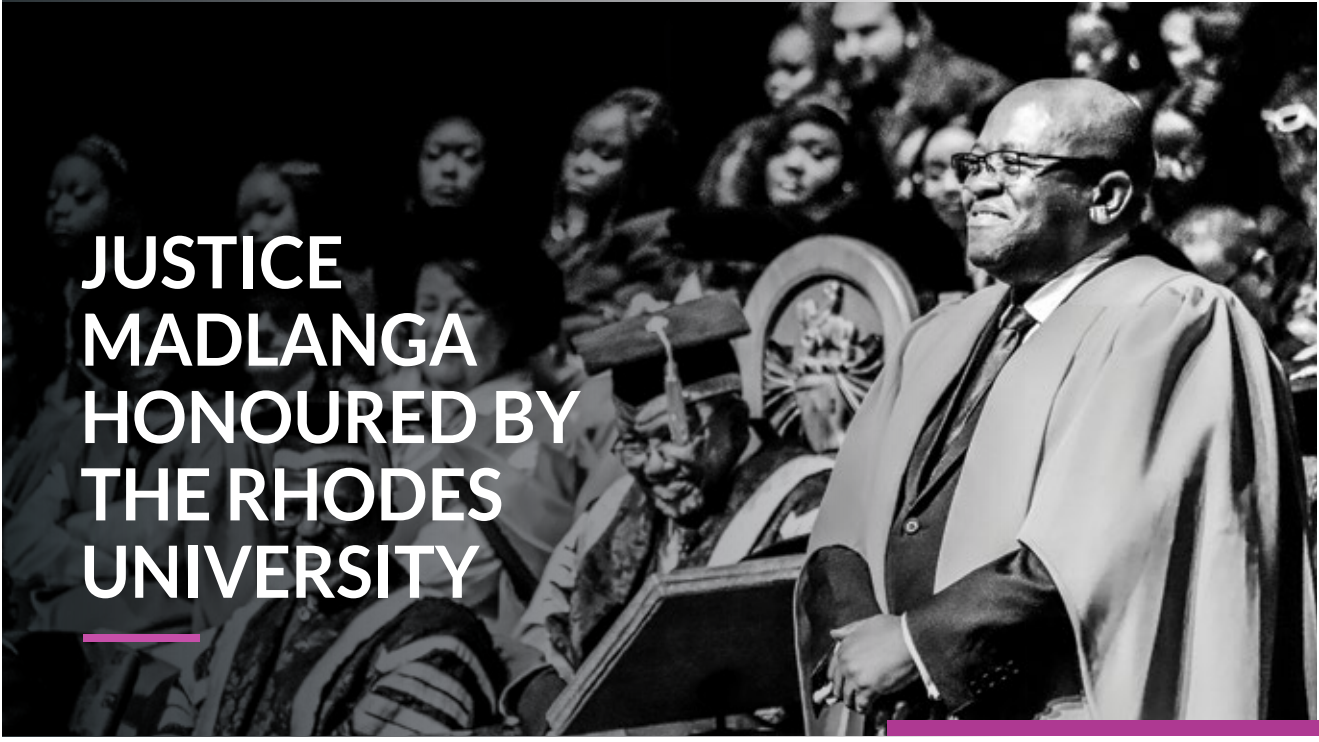
**Source:** Division of Communication and Advancement, Rhodes University



Chief Justice Zondo with Professor Sizwe Mabizela the Vice-Chancellor of Rhodes University

Photos courtesy of Rhodes University

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Rhodes University is a university of great standing, and I regard it as an honour that it has decided to confer such a degree on me...



# JUSTICE MADLANGA HONoured BY THE RHODES UNIVERSITY

**At its fourth graduation ceremony on Thursday, 30 March 2023, at 14h30, Rhodes University conferred a degree of Doctor of Laws (LLD) (honoris causa) on its alumnus and Judge of the Constitutional Court of South Africa, Justice Mbuyiseli Russel Madlanga.**

Justice Madlanga was born and raised in the rural village of Njijini, outside the small town of Kwa Bhaca (formerly Mount Frere), in the Eastern Cape. He matriculated from Mariazell High School in Matatiele in 1979. He obtained the BJuris degree at the University of Transkei (now Walter Sisulu University) in 1983 and was awarded the Juta Prize for being the best law student during this time. Justice Madlanga enrolled for his LLB degree at Rhodes University and tutored first-year law students in his final year.

After graduating, he lectured part-time at the University of Transkei Law Faculty while working for the Department of Justice towards fulfilling his contractual obligations under the government bursary that had funded his LLB studies. He proceeded to do an LLM in Human Rights and Constitutional Law, which he received cum laude at the University of Notre Dame in the United State of America. He interned at the Washington DC office of Amnesty International. On his return, he did pupillage at the Johannesburg Bar. On completion, he opened a practice at the Mthatha Bar.

At age 34, he was appointed as a Judge of the Mthatha High Court, becoming South Africa's youngest judge at the time. Within three years of this appointment, he was appointed Acting Judge of Appeal at the Supreme Court of Appeal in Bloemfontein.

He was then appointed – this time on a permanent basis – as a Judge of Appeal in the Competition Appeal Court. He continued acting at the Supreme Court of Appeal, but the acting stint, which was to have been for a year, was cut short because he

was appointed to act as the Judge President of the Mthatha High Court. While holding that position, he received yet another appointment as an Acting Justice of the Constitutional Court of South Africa.

In May 2001, he resigned from the Judiciary and returned to the Bar in June as senior counsel, practising in Mthatha and Johannesburg. His practice took off immediately, and he appeared virtually in all the High Courts in the country, the Supreme Court of Appeal and the Constitutional Court. Notably, he received a brief to represent the Republic of South Africa at the International Court of Justice at The Hague (Den Haag) in the Netherlands. This was in the case of the “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”. Another notable brief he received was his appointment by Mr Trevor Manuel, the then Minister of Finance, as the Chairperson of the Exchange Control Amnesty Unit. This Unit did not only grant amnesty to people who had contravened Exchange Control Regulations in expatriating their assets, it also facilitated the disclosure of assets worth R68,6 billion; 70% of which had been taken out of the country in contravention of the Regulations. The process also raised R2,9 billion in levies. The disclosure of offshore assets resulted in an estimated R1.4 billion increase in the tax base. At the conclusion of this amnesty process Mbuyiseli Madlanga SC was hailed by the Ministry of Finance for having “led the Amnesty Unit impeccably and with great enthusiasm”. The process was so successful that it was regarded as an international benchmark.

In 2012, the Marikana Commission of Enquiry was appointed to investigate the killings of 34 striking mine workers and ten other people in Marikana, near Rustenburg, North West Province, and Mbuyiseli was appointed as the Chief Evidence Leader. In that capacity, he was lead counsel in a team of seven advocates, three of whom (including him) were senior counsel. He held numerous other briefs in high-profile cases.



On appointment by the President, Justice Madlanga became a member of the Competition Tribunal for nine years, during three of which he was its Deputy Chairperson. As a nominee of the Advocates for Transformation component of the General Council of the Bar, the President next appointed him as a member of the Judicial Service Commission, a position he held for two years. He was then appointed – directly from his practice as an advocate – to become a Justice of the Constitutional Court of South Africa with effect from 1 August 2013, this time on a permanent basis.

Justice Madlanga has an interest in academia. At the invitation of the Law School of his alma mater, the University of Notre Dame, he held the prestigious Clynes Chair as a Visiting Professor. This Chair is reserved for distinguished US and international legal scholars and jurists, and among those who have held it are US Supreme Court Justices. In that capacity, Justice Madlanga offered a two-credit three-week course in Comparative Constitutional Law in April 2016. In 2018, he was a Visiting Professor at Walter Sisulu University and the University of Fort Hare. The Boston University School of Law has now invited him to serve as the William and Patricia Kleh Visiting Professor, lecturing from August to December 2023 and delivering “the Annual Distinguished Kleh Lecture”. Over the years, he has delivered a number of papers at several universities in South Africa and abroad.

As a Justice of the Constitutional Court, Justice Madlanga has penned several ground-breaking judgments. He was the inaugural Editor-in-Chief of the South African Judicial Education Journal, launched in April 2018 and published under the auspices of the South African Judicial Education Institute. This is a statutory body with the mandate of providing continuing education to the Judiciary. He has been a member of the South African Law Journal editorial board. He currently serves on the editorial board of the Yearbook of South African Law.

Justice Madlanga’s interests are not only in law and academics. For eight years, he was a member of the Arbitration Panel of his church, the Methodist Church of Southern Africa, having been appointed to that position by Conference, the church’s highest governing body. On 13 May 2016, he was awarded a Doctor of Laws (LLD) degree (honoris causa) by Walter Sisulu University.

In recognition of his distinguished judicial career and significant contribution to developing South Africa’s jurisprudence, Rhodes University honoured Justice Madlanga with an honorary degree, Doctor of Laws (LLD) (honoris causa), at its 2023 Graduation ceremonies on 30 March 2023.

“I am delighted that Rhodes University has decided to honour me. What touches me, even more, is that the honour is being bestowed by my alma mater, an institution of which I am truly proud of and speak highly of to whoever cares to listen,” said Justice Madlanga.

Vice-Chancellor Professor Sizwe Mabizela said Judge Madlanga’s honour was in recognition of his distinguished judicial career and for his significant contribution to South Africa’s jurisprudence development. “In his judicial career, he has delivered ground-breaking judgments and landmark decisions which have not been of value only to the litigating parties but also of great benefit to the greater South African populace. Justice Madlanga is selfless and gives his time to benefit our disadvantaged communities.

During his long leave in the second half of 2018, he offered to lecture free of charge at our province’s two historically disadvantaged universities. I am delighted that the Rhodes University community has seen it fit to honour his many and significant contributions with the award of an honorary doctorate,” said Professor Mabizela. ■

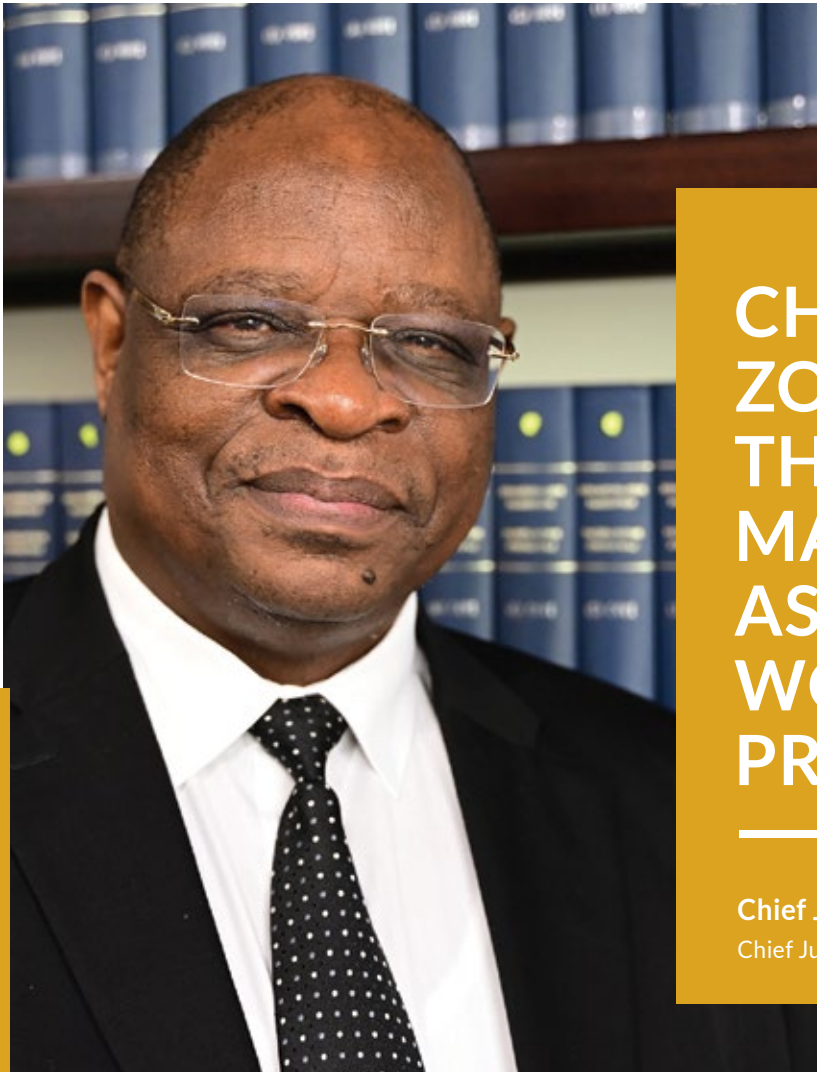
*Source: Division of Communication and Advancement, Rhodes University*



L-R: Justice Lex Mpati, Justice Mbuyiseli Madlanga and Rhodes Vice Chancellor, Professor Sizwe Mabizela

Photos courtesy of Rhodes University

Judge Madlanga’s honour was in recognition of his distinguished judicial career and for his significant contribution to South Africa’s jurisprudence development”



# CHIEF JUSTICE ZONDO LAUNCHES THE BRIGITTE MABANDLA ASPIRANT WOMEN JUDGES' PROGRAMME

**Chief Justice R M M Zondo**

Chief Justice of the Republic of South Africa

On 25 January 2023, Chief Justice R M M Zondo resuscitated the Aspirant Women Judges' Programme started by the first woman Minister of Justice in democratic South Africa, Ms Brigitte Mabandla, and aptly named the programme after her.

In her opening address at the 2005 Colloquium on the Transformation of the Judiciary, Minister Mabandla noted that the "challenge before us is how do we, as various components of government, severally and together, work towards the transformation, of the judiciary."

The Brigitte Mabandla Aspirant Women Judges' Programme launched by Chief Justice Zondo therefore aims to address the under-representation of women in the Judiciary by creating a pool from which women Judges can be appointed.

Through this training programme for aspirant women Judges, women practitioners with potential to be appointed as women Judges are identified, enrolled and exposed to a specially designed judicial education programme to enhance their opportunity for appointment to the bench.

The 12-month Programme, led by retired Deputy Judge President Phineas Mojapelo, includes a theoretical component, namely, lectures and presentations to be presented by current and retired Judges on various topics; as well as a practical component, which involves the placement of the Aspirant Women Judges at various High Court Divisions for mentorship.

The Programme is implemented by the South African Judicial Education Institute which was established in order to promote the independence, impartiality, dignity, accessibility and effectiveness of the courts through continuing judicial education as provided for in the South African Judicial Education Institute Act 14 of 2008.

The 2023 cohort for the Programme has 18 candidates, comprising of Magistrates and Legal Practitioners. They have been placed in the Programme following a selection process that included submission of applications, judgment writing assignments and interviews. The selection panel consisted of Judges President and Deputy Judges President. ■





Chief Justice Zondo with Members of the Judiciary and the new cohort of Aspirant Women Judges



Chief Justice Zondo speaking to the media following the launch of the Aspirant Women Judges' Programme



The 2023 cohort of the Aspirant Women Judges' Programme



Retired Deputy Judge President Phineas Mojapelo, the Lead Coordinator for the Aspirant Women Judges' Programme



Chief Justice Zondo with retired Deputy Judge President Phineas Mojapelo and SAJEI CEO, Dr Gomolemo Moshoeu, with the new cohort of Aspirant Women Judges





despite numerous existing policies created by the state and other stakeholders to curb gender-bias practices, the discrimination of women within the legal profession continues to thrive ”

## GENDER EQUALITY IN THE LEGAL PROFESSION IS FUNDAMENTAL TO ACHIEVE LEGITIMACY

**Deputy Chief Justice Mandisa Maya**

Deputy Chief Justice of the Republic of South Africa

*On 24 January 2023, the Institute For African Women In Law (IAWL), the South African Chapter of the International Association of Women Judges (SAC-IAWJ) along with Juta & Company launched the report on women in law and leadership in South Africa, at the Constitutional Court. The report is a body of research conducted by the IAWL into the barriers experienced by women in the legal field. Deputy Chief Justice Mandisa Maya, as the keynote speaker, delivered a speech in which she commended the IAWL for their efforts, and reflected on the importance of this body of work. Below is an adapted text of her keynote address.*

The South African Chapter of the International Association of Women Judges (SAC-IAWJ) and its partner, Juta & Co, had been planning the launch of the Women's Law Journal, the Law Journal of the South African Chapter of the International Association of Women Judges, which will take place a little later, when serendipity intervened and the idea was formed to collaborate with a key ally, the IAWL, as both launches and the drivers behind them have the same object – to showcase research and scholarly work by and about South African women in the legal field, highlight crucial issues affecting women, celebrate the strides achieved in the fight for gender equality and ensure the achievement of gender equity in our lifetime.

At the outset, I wish to commend the IAWL, led by the intrepid Prof Jarpa Dawuni, for the exceptional work they do to advance the interests of women and promote gender diversity in the legal



Chief Justice Raymond Zondo, Deputy Chief Justice Mandisa Maya, retired Constitutional Court Justice Yvonne Mokgoro together with members of the SAC-IAWJ, and stakeholders from the Institute for African Women in Law (IAWL), and Juta & Co.

The Judiciary, in particular, plays a crucial role in facilitating the reimagining of a still very patriarchal world. It is an institution capable of great innovation ”

professions, the legal academia, and the Judiciary. It is fair to acknowledge the growth of representation of women in these spheres in South Africa over the years. But it has been slow. The report commissioned by the IAWL crucially identifies the barriers that have hindered the progression of women to leadership positions over the ages. I have no doubt that I speak for all women when I say I myself have encountered those barriers on the way to where I am today. All working women face them. And although the obstacles play out differently for different women, most are quite common for all of us. Sadly, despite numerous existing policies created by the state and other stakeholders to curb gender-bias practices, the discrimination of women within the legal profession continues to thrive.

The legal system, and principally the Judiciary which sits at the top tier of the field as the ultimate enforcer and protector of legal rights, plays a pivotal role in the promotion and implementation of the constitutional imperatives that seek to develop a transformed society. The Judiciary, in particular, plays a crucial role in facilitating the reimagining of a still very patriarchal world. It is an institution capable of great innovation, one that is able to balance various opposing tensions and interests. This holds true too when a matter has far reaching and future impacts for women and girl children. Needless to say, gender equality in the legal profession is fundamental to achieve the legitimacy that engenders the confidence of the communities it serves. Diversity within the Judiciary is thus not valuable only to those in the institution. It creates a public decision-making entity that is cognizant of and empathetic to the different positions, experiences and needs of many individuals representing varying socio-economic backgrounds in society. And women's unique insights and perspective on the prevailing struggles affecting them, on a daily basis, absolutely necessitates their participation in leadership roles and decision-making processes.

#### Gender-disparities in education and the legal profession

As we know, the prejudices against women are not born in the professional spaces. It begins much earlier, in our communities, usually right when a girl child is born and her birth, whilst a joyful incident, is not accorded the same degree of importance as that of a baby boy. Multitudes of girls across the world have, over the generations, either been denied access to adequate education or have been subjected to learning conditions that limit their growth and ultimately their chances to compete at equal levels with their male counterparts. From very early stages of life, women are perceived as incompetent to lead and make meaningful contribution to community building. We are currently witnessing an incredible spectacle which has sparked global outrage in Afghanistan, where the Islamic Fundamentalist group, the Taliban, has decided, in full view of the world, to ban all forms of education for girls and women in that country and is effectively stripping away every single basic human right that exists for women there. To say that this is a grave crime to humanity would be a gross understatement and the Taliban seems to be getting away with it, on our watch.

The IAWL Report identifies one of the key obstacles that restrict women in ascending in the legal profession, and I daresay across the professional spectrum, as the work-life balance challenge. Young girls in schools are expected to juggle their academics

and household chores, while, in the same manner, grown women find themselves having to simultaneously fulfil both their career demands and family and life responsibilities. I have often told the story of one of my children, when they were younger, calling me on the phone just as I was getting ready to step into court to hear a big, important appeal case with four very senior male colleagues, and I taking the call as it could be important, only to be told 'Mom there is no yoghurt in the fridge', when his father was right there at home with him. And this because 'mom' is the one who buys groceries, stocks the fridge and kitchen cupboards and generally ensures that the family eats. This is a kind of responsibility very few, if any, of our male colleagues have and a distraction they would never suffer.

So, this 'double burden' affects the professional and mental well-being of women. Another barrier is the little talked about scourge of sexual harassment. Many cases of sexual abuse have resulted in young girls abandoning their education and giving up on their future. In the workplace, the lack of channels to appropriately address this form of abuse and hold perpetrators accountable has led to a decline in the morale amongst women professionals, resulting in career stagnation. We see how institutionalized sexism and bullying practices have created gravely unsafe environments for women which become unbearable and intolerable for women. Further, institutional gender-bias has created the expectation that women have to prove themselves by putting in ten times more effort than their male counterparts, simply because for generations men have dominated leadership positions through patriarchal belief systems and policies, to the extent that it is now absurdly presumed that leadership is an inherent skill for men and men only.

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### Catalysts for Gender-Equity in the Judiciary

The IAWL Report importantly provides some facilitators as catalysts for gender equity in the Judiciary, key among them, the support of Judicial associations, civil society advocacy groups and women's own self-confidence.

Legal education and training is recognised as an important tool to help elevate women jurists to leading positions. Notably on

this score, the South African Judicial Education Institute (SAJEI), which is a statutory body established to promote, amongst other things, the accessibility and effectiveness of the courts through continuing judicial education, has resuscitated the critical aspirant women judges' programme started by the first woman Minister of Justice in democratic South Africa, Ms Brigitte Mabandla, in partnership with the SAC-IAWJ. The programme aims to educate, train and prepare women lawyers to occupy the judicial bench. This important initiative has, since its inception, helped sharpen the skills of women who wish to break the barriers and even the playing field in the Judiciary and some of its first participants are senior judges all the way up to the Supreme Court of Appeal.

The importance of these bodies and the initiatives they run cannot be overstated. Not only do they provide young women in the legal profession with access to invaluable tools and networks that not only shape their professional capabilities but they also help build a stronger society and inspire patriotism for the country which is losing young professionals to other countries. The SAC-IAWJ seeks to achieve precisely this in its mentorship programme, which builds a network of sisterhood within the profession. It is important to highlight that community building within the legal profession remains an understated objective. We must constantly remind ourselves that it is through coming together in the sharing of knowledge, contestation of ideas and excavating new and exciting areas of the law that we will create the necessary passion for and the staying power within the legal profession amongst women, especially the young ones.

The Judicial Service Commission (JSC) is another constitutional body which is responsible for judicial appointments and has a critical role to play in the appointment and advancement of women in the Judiciary. Judges are appointed in terms of requirements set out in section 174 of the Constitution, namely that the preferred candidate should be an appropriately qualified woman or man, who is fit and proper. The Constitution further requires the JSC commissioners to consider the need for the judiciary to reflect broadly the racial and gender composition of South Africa. The guidelines to these appointments developed by the JSC over the years which are currently being overhauled, with public participation, and the results of the JSC processes show the body's sensitivity to the need to diversify the Judiciary in terms of gender as well.

As I said earlier, the pace to appoint women judges and get them in leadership positions has been slow. But significantly and most happily, over the past two years a number of women judges have been appointed to the higher courts and in leadership positions across the institution. In 2022, out of the 21 judicial appointments made by the President on the recommendations of the JSC, 11 were women. This includes my own appointment as the country's first female Deputy Chief Justice and the appointment of Justice Poyo-Dlwati as the first woman Judge-President of the Kwa-Zulu Natal High Court Division. Currently, the Constitutional Court consists of 10 judges of which four are female. The Supreme Court of Appeal, which unfortunately continuously bleeds its women judges to the Constitutional Court, nonetheless continues to hold the gender diversity flag aloft as two women were appointed to



the court last year, resulting in a composition of 12 women judges out of a complement of 23 judges. Judge Djaje was also appointed to a leading position as the first woman Deputy Judge-President of the North West Division of the High Court, joining the ranks of four other women Deputy Judges-President in the Western Cape, Northern Cape, Limpopo and Free State Divisions of the High Court (Judges Goliath, Phatshoane, Semanya and Mbhele, respectively).

Currently, the Land Claims Court has six judges, of which five are women. This is a crucial development. The issue of land ownership and rights of occupation in South Africa remains a deeply gendered problem. Where land ownership is disputed in the aftermath of death or divorce, for example, it is women that

### Concluding Remarks

There is a long list of laudable recommendations in the concluding part of the IAWL Report. These provide a guide to each stakeholder group – institutional gatekeepers (they know who they are), policy makers, civil society, advocacy groups, researchers and funding agencies and women judges themselves – about what they can do better to advance women's leadership in the judiciary. I will leave it to you to acquaint yourselves with them and would merely request all named stakeholders to give each recommendation the weight it deserves so that together we can transform the leadership of South Africa's judiciary into one equally representative and respectful of women. The fight for gender equality has spanned centuries, since the beginning of humankind. If we continue to improve what has been achieved



Unveiling of the front cover of the Women in Law and Leadership report.

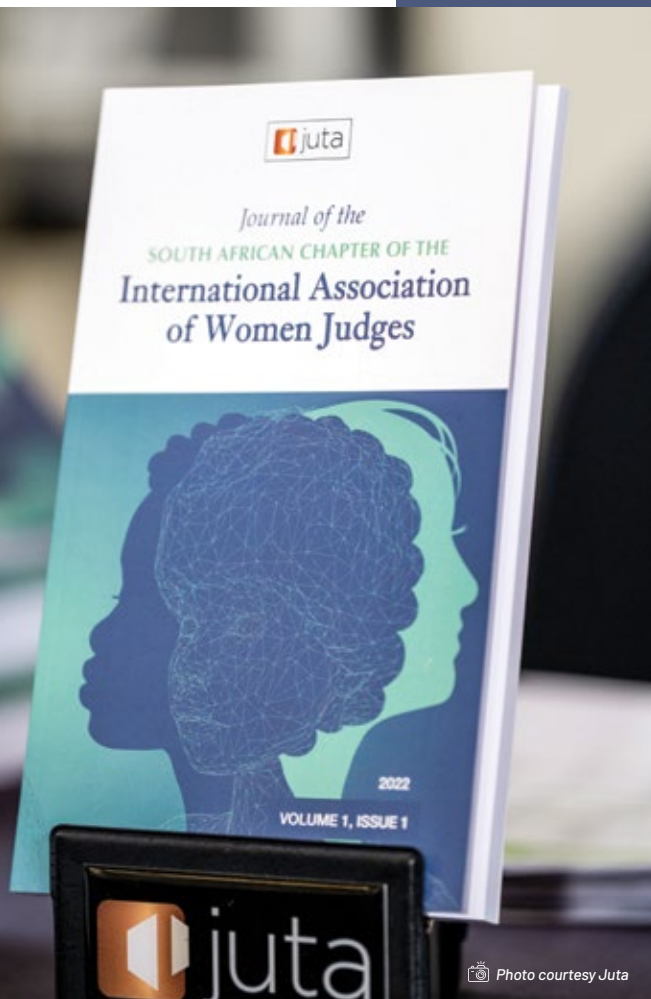
suffer the most. Where land tenure is insecure it is poor women who are left most vulnerable to eviction and homelessness. The disparity between gender, race, and class are made most obvious by the lack of accessible and dignified forms of land ownership available to women. The interrogation of this intersection is crucial not only for the longevity of human rights of women in this country but also for the legacy of South Africa's democracy. Thus, the fact that the South African Land Claims Court is staffed by a majority of women judges speaks strongly to women's dedication to progress and the realization of dignity for women across South Africa.

All these are tremendous strides and an enormous improvement on and reflection of the shapeshifting contributions institutions such as the SAC-IAWJ and the IAWL have made – advocating for the advancement of competent women into leadership positions in one of the spaces that have kept women down for generations. They illustrate that we are on the right track.

so far and strengthen the culture of support and upliftment, first amongst ourselves as women, and in broader society, we will win the battle – obviously not in 2030 as we bound ourselves when the 2030 SDGs were established, but hopefully in this lifetime.

Lastly, on a personal note, as a founding and active member of the South African Chapter of the International Association of Women Judges, I am quite pleased by the IAWL Report's acknowledgement of the significant contribution made by the SAC-IAWJ towards attaining women leadership in the South African Judiciary.

One gets the distinct and most reassuring sense that the Association's partnership with the IAWL will yield strong and positive results for South African women in the law. The auspicious first outcome, the production of this most illuminating Report, which underscores the barriers, points of attrition, facilitators of promotion, progress, and trends for women judges' leadership is most promising and I wish us all good luck as we strive to better the lot of women and the world around them. ■



# THE SAC-IAWJ JOURNAL SIGNIFIES A PROFOUND PURPOSE AND IMPACT IN THE QUEST FOR GENDER EQUALITY IN THE LEGAL FIELD

By Deputy Chief Justice Mandisa Maya

Deputy Chief Justice of the Republic of South Africa

*The South African Chapter of the International Association of Women Judges (SAC-IAWJ) along with their partner Juta & Company, joined by the Institute For African Women In Law (IAWL), on 24 January 2023, launched the Law Journal of the South African Chapter of the International Association of Women Judges at the Constitutional Court. The event brought together women in the legal field to take part in the launch of an idea that has taken many years to bring to fruition. The launch of the Law Journal of the South African Chapter of the International Association of Women Judges provides a space for the development and advancement of women in the legal field. Deputy Chief Justice Maya, who is also the current Chairperson of the SAC-IAWJ, gave an address at this historic event. Below is an adapted text of her address.*

Never have President Nelson Mandela's words 'it always seems impossible until it is done' been more apt. As Justice Mokgoro indicated, the launch of the Law Journal of the South African Chapter of the International Association of Women Judges is no ordinary unveiling. Its conception was easy enough.

The seed was planted a few years ago during a telephone chat I had with one of the Patrons and staunchest allies of the SAC-IAWJ, DG Joyce Maluleke, about the Association's programmes and impact and our hopes and aspirations for what it can achieve to advance women in the legal field, especially judicial officers. We were particularly concerned about women's judgment writing in all the rungs of our courts and started exploring ways of helping improve women judges' and magistrates' judgment writing

skills and encouraging them to write academic articles. Whilst contemplating that maelstrom of ideas, DG Maluleke suddenly suggested establishing a law journal for women. We both paused for a second from the shock of the enormity of the suggestion, then became all excited, started brainstorming furiously and ultimately decided to let her reach out to her contacts in the publishing world. Those contacts later turned out to be none other than Juta's Publisher, Philippa van Aardt, and Professional Publishing & Product Manager, Marlinee Chetty. And it is when the four of us met at one of the OR Tambo Airport lounges one Saturday afternoon, whilst waiting for our respective flights home, and explored the various aspects of implementing the idea that we realised that it actually had potential. And the rest is history.



Deputy Chief Justice Mandisa Maya, together with former Constitutional Court Justice Yvonne Mokgoro launched the Law Journal of the South African Chapter of the International Association of Women Judges. They are pictured with Judge President Poyu-Dlwati and delegates from Juta & Co; and the Institute For African Women In Law (IAWL)

But that history has been filled with all sorts of challenges, tremendous challenges, and millions of chunks of fine detail to be attended. But fortunately, with Philippa's constant nudging, we were all never dissuaded from pushing for the intended goal. It is indeed true that when you involve women, determined women, together great things begin to happen. And here we are.

The ultimate objective of the SAC-IAWJ is the attainment of gender equality and the advancement of women and girls in the legal field and everywhere else. As we all know, women generally face many obstacles and have very limited opportunities to enhance their knowledge and skills in the work spaces, including in the judiciary. There are very few platforms in existence that allow these women to network, access and share knowledge on the various legal subjects, gender and related issues and just strengthen and build confidence in their capabilities. And they must work much harder than their male counterparts to achieve the same results, in the same workspace. This ultimately affects their work performance and yield. And for judicial officers that yield is the court judgments they produce.

This journal is intended to assist in that regard. In simple terms, it is meant to provide training ground, a safe zone, for women to hone their writing skills without judgment and being unfairly measured against others so that they may write quality legal opinions and articles on all legal issues and those that affect them peculiarly as women, and in turn, society; opinions and articles that are well articulated and capable of publication. It is intended to reach the broader public with the aim to inform and educate; encourage the development of good, quality legal research; engage the public by sharing written work that will spark debate amongst various role players in communities to find ways of resolving the many challenges faced by society. The Journal's nature, the profile of its authors and the insights they provide as women, signify a

profound purpose and impact in the quest for gender equality in the legal field.

This journal is the voice of South African women in the law through which the world will learn of their jurisprudential contributions and insights in aid of achieving a gender inclusive society that protects the fundamental rights of all. With your support, it will hopefully be a fountain of legal education and a credible source to rely upon for legal information and wisdom. And importantly, there is no other publication like it, that is, wholly owned and run by to cater for women in the whole world. I am very proud to be associated with it.

Please allow me to take this opportunity, on behalf of everyone who will benefit from it, to thank my partners in crime, Mesdames Joyce Maluleke, Marlinee Chetty and Philippa Van Aardt, Juta Publishers and the Journal's many midwives such as Justices Mocumie, Khampepe, Mokgoro, Mia, Van der Schyff, Tshiqi, its Managing editor, Prof Ntombizuko Dyani-Mhango, the SAC-IAWJ Executive, SCA legal researchers who put in hundreds of hours on the collection and editing of the many articles that were initially submitted and secretarial duties as we were setting up structures, Sonika van der Walt and Annamika Neelam, Sibongiseni Nomongo, the entire Editorial team and others too many to mention individually, but who each played a critical role in bringing us here. Their determination, patience and belief in women has ensured the establishment of this seminal archive.

Justice Mokgoro has warned us about the hard work that lies ahead. Indeed, our work is cut out for us. But we are up for the challenge. There is no going back.

I wish the Journal and all its contributors a long and enriching journey. ■



## CHIEF JUSTICE'S EVENTS



### THE 24TH ANNUAL JUDGES CONFERENCE - KAMPALA, UGANDA

Chief Justice Raymond Zondo delivered the keynote address at the 24th Annual Judges Conference in Kampala, Uganda at Mestil Hotel Nsambya. The conference was held from 30 January to 2 February 2023.

## CHIEF JUSTICE'S EVENTS

### MEETING WITH THE BRITISH HIGH COMMISSIONER ANTHONY PHILLIPSON

Chief Justice RMM Zondo during a bilateral meeting with the British High Commissioner to South Africa, Anthony Phillipson, on 16 March 2023, at the Constitutional Court in Johannesburg.





## CHIEF JUSTICE'S EVENTS



Chief Justice Zondo with members of the Johannesburg Attorneys Association

## JOHANNESBURG ATTORNEY'S ASSOCIATION DINNER

Chief Justice R M M Zondo, together with Judge President D Mlambo, Deputy Judge President A Ledwaba, Judge President R Sutherland and fellow Judges of the Gauteng Division of the High Court, were hosted by the Johannesburg Attorney's Association on 16 March 2023.



Chief Justice Zondo with Judges from the Gauteng Division of the High Court



Chief Justice R M M Zondo



Chief Justice R M M Zondo, with Judge President of the Gauteng Division of the High Court, Judge D Mlambo; and Deputy Judge President of the Gauteng Division of the High Court, Judge R T Sutherland.





Chief Justice Zondo and Deputy Chief Justice Maya with members of the Judiciary at the State of the Nation Address

## STATE OF THE NATION ADDRESS (SONA) 2023

The State of the Nation Address (SONA) took place on the 9th of February 2023 at the Cape Town City Hall, and the Judiciary, as one of the three Arms of State was in attendance.



The leadership of the three arms of State at the opening of Parliament



Chief Justice Zondo and Mrs Zondo arriving at the Cape Town City Hall, and received by the Secretary to the NCOP, Advocate M E Phindela



Judicial precession led by Chief Justice Zondo



Members of the Judiciary listening to the State of the Nation Address. - Photo by GCIS



Judicial precession entering the Cape Town City Hall - Photo by GCIS



# 43 NEW REGIONAL COURT MAGISTRATES APPOINTED

Ministry of Justice and Correctional Services



The appointments are an important step in capacitating our judicial officers and our courts so as to enable them to deliver justice to all ”

**The Minister of Justice and Correctional Services, Mr Ronald Lamola, has appointed 43 Regional Magistrates for various regional divisions across the country. Their appointment is with effect from 1 May 2023.**

The appointment process is prescribed in legislation and is a lengthy process, comprising the following steps -

- Vacancies are identified and confirmed against the judicial establishment and funded posts;
- Advertisements follow thereafter;
- Applications are processed;
- Shortlisting is done;

- Interviews are held;
- Recommendations are made by the Magistrates Commission after the conclusion of the interviews, and
- The recommendations are submitted to the Minister of Justice for his consideration and appointment.

A fully transformed judiciary is a constitutional imperative. The new appointments will further enhance diversity in our courts in terms of both race and gender, with 57% of the appointments being women and 79% being Black. (Of the new appointments, 28% are Black males, 14% are White males, 50% are Black females and 7% White females.)

“The appointments are an important step in capacitating our judicial officers and our courts so as to enable them to deliver justice to all. Our Magistrates Courts are where most people encounter the justice system for the first time. If the Magistrates Courts work well, it builds trust and confidence in the justice system,” Minister Lamola said.

In addition to the 43 new Regional Magistrates, the Minister also appointed 1 Senior Magistrate as a Judicial Quality Assurance Officer in the Ethics Division of the Magistrates’ Commission and 2 Senior Magistrates to serve as judicial educators at the South African Judicial Education Institute (SAJEI). ■

# CELEBRATING PHENOMENAL WOMEN IN THE JUDICIARY

Delivered by Justice YT Mbatha  
on behalf of Deputy Chief Justice  
Mandisa Maya.

Gender inequality  
nestles at the root of  
most forms of human  
rights violations. It is  
worth always repeating  
the wise words that no  
society with over  
half of its members  
downtrodden can ever  
be truly free ”

It is with great honour that I address this august gathering in celebration of the vast accomplishments of women in the legal field, especially those who have broken the proverbial glass ceiling by rightfully occupying top leadership positions in the Judiciary. It is such a humbling yet affirming experience to be part of this cohort of phenomenal women who have achieved this feat in the long fight for gender equality and continue to show unwavering determination to win the battle.

## GENDER-DISPARITY IN THE SOUTH AFRICAN JUDICIARY

When the South African Chapter of International Association of Women Judges (SACIAWJ) was formed in 2004, the objective was clear – to contribute to the creation of an inclusive Judiciary meaningfully representative of women jurists, whose rights and interests are afforded equal importance and which enables the elevation of women to leadership roles within the institution. Two years later, the South African Women Lawyers Association (SAWLA) was also established in recognition of the gap in women's participation in decision-making and policy dialogues in the legal sector.

We know that before its constitutional order, South Africa's judicial system was administered by a parliament sovereignty, which required judicial officers to interpret and enforce discriminatory laws without questioning their violation of the basic principles of justice and human rights. And courts of law were used to legitimize the atrocities meted out against the majority of South Africans. Black people and women simply had no role to play in policy and law-making processes. Unsurprisingly, the composition of the bench represented the systemic inequalities that were perpetrated by the apartheid regime.

Despite the introduction of the Judiciary in the new dispensation as an independent institution, subject only to the Constitution and the laws of the Republic, the new era inherited a Judiciary with a damaged



Justice Y T Mbatha



reputation. In order to gain the confidence of many scarred victims of oppression and become the key agent of change, as intended, the Judiciary needed a complete transformation in terms of gender and race. This paradigm shift was essential to ensure that the Judiciary competently fulfils its constitutional obligations while upholding the foundational values of non-racialism and non-sexism upon which our democracy is based.

The achievement of a gender diverse Judiciary however proved a mammoth task. This was so because a majority of the old order white male judges were retained on the bench. Racial equality was accorded more priority than gender equality. The legal profession itself was (and still is) largely male-dominated with only a small pool of women in practice from which to select judges; this largely as a result of the gender stereotypes that discourage women from entering the profession and the lack of support they generally suffer in the profession.

The slow progression of women's representation in the South African Judiciary, despite the country's society comprising more women than men and more women entering the legal professions since democracy, has been most unsatisfactory. The Constitution expressly stipulates that the country's demographics should be reflected in the courts and that this obligation should be given attention during the appointment of Judges. Sadly, the manifestation of varying barriers has hindered the appointment and progression of women in the Judiciary.

no society with over half of its members excluded from contributing to its running and decision making can prosper ”

As I said during my address at the twin launches of works of women jurists hosted by the SAC-IAWJ and the Institute of African Women in Law (IAWL) last week, I have encountered my own daunting barriers to get where I am. And although these barriers play out differently for different women, most are common for all of us. Notwithstanding our sophisticated policies and laws designed to curb gender-bias practices, the discrimination of women in the legal field continues to thrive.

The IAWL, an international non-profit organization committed to supporting the works of women in law, launched its Reports on Women in law and leadership in South Africa. This valuable study is based on extensive research they have conducted in the South African legal fraternity to understand women's representation in law and leadership. It identifies several stumbling blocks that impede the advancement of women to senior positions in the Judiciary.

One barrier that is prevalent and familiar to most working women is the work-life balance challenge. While we strive to meet the onerous demands of our careers, we are simultaneously inundated with family and life responsibilities. This is the

'double burden' that affects the professional and mental well-being of women and which our male counterparts do not usually experience. Furthermore, institutionalized gender biases have created the expectation that women have to go through hoops to prove their capabilities while it is absurdly presumed that leadership is an inherent skill for men. The patriarchal attitudes and sexist practices have also facilitated the sexual abuses to which women are often subjected. It is no wonder that women continue to struggle to achieve optimal professional growth and become stagnant when these unsafe working environments are allowed and preserved.

The Judiciary is no exception. Even the women who have defied the odds and entered this male-dominated space have, unfortunately, not always had a welcoming experience. And so, for example, we have heard anecdotes about women judges being excluded by their male colleagues and being deprived of opportunities to adjudicate matters of substance or heard in the discussion of court cases.

The goal therefore is not only the achievement of gender parity in the Judiciary. It is also to eradicate the prejudices and the culture of non-collegiality that may exist in the institution, to ensure an environment in which women's views and inputs are equally acknowledged and respected.



Judge President T Poyo-Dlwati

## THE NEED FOR WOMEN IN THE BENCH

The presence of women in the Judiciary, as elsewhere, profoundly impacts the transformation imperatives of a diverse society. Their participation creates a public decision-making entity that is aware of and sensitive to the different positions, experiences

and needs of many individuals representing varying socio-economic backgrounds in our communities. The contribution women jurists make to the country's jurisprudence is distinctive and unquestionably exceptional.

As we know, there are certain gender-based social ills with effects that are experienced and understood peculiarly by women. Leading the pack is the overwhelming scourge of Gender Based Violence which has rendered South Africa a truly terrifying place for women. According to the latest crime statistics released by the South African Police Service in November 2022 for the period between July and August 2022,<sup>1</sup> over 15 000 women were victims of common assault and assault with intent to do grievous bodily harm and over 10 000 women were raped. And these staggering numbers only show the reported cases; a tiny fraction of our harsh reality. And most heart-wrenching are ofcourse the brutalities to which our children, the most vulnerable in our society, are daily subjected as evidenced by statistics covering roughly the same period which tell that in just six months, 558 children were killed.

Other challenges that have tremendous effects on women and the wider community include poverty, lack of adequate education and career guidance, limited access to basic and reproductive health

care services, lack of basic resources, insecure land tenure, harmful cultural and religious practices, and a high number of unemployment. The list goes on.

Women's unique insights and perspective on the challenges uniquely affecting them, on a daily basis, make their participation in leadership and decision-making processes imperative. In our sphere, the Judiciary, they enable courts to help develop laws, through judgment writing that is sensitive to the plight of women and affirms the principle of gender equality.

### CATALYSTS FOR GENDER EQUITY IN THE JUDICIARY

The global recognition of legal education and training as an important tool to help elevate women jurists to leading positions is encouraging. More heartening in this regard is the resuscitation by the Judiciary through the auspices of the South African Judicial Education Institute of the Aspirant Women Judges' Programme started by the first woman Minister of Justice in democratic South Africa, Ms Brigitte Mabandla, in partnership with the SACIAWJ, which was launched last week. The importance and success of this programme which aims to educate, train and prepare women lawyers to occupy the judicial bench and deepen the pool from which women leaders in the Judiciary will be drawn eventually and has alumni all the way up the judicial rungs to the Supreme Court of Appeal, cannot be overstated.

Also of utmost importance are collaborations between organizations such as the SACIAWJ and the SAWLA, which spearhead women empowering initiatives and create platforms where women in the profession gather to engage meaningfully on critical issues, combine strategies that seek to facilitate the

warmest congratulations  
to my Sister, Judge  
President Thoba Poyo-  
Dlwathi on a historic  
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your new office ”

1. <https://www.gov.za/speeches/minister-general-bheki-cele-quarter-two-crime-statistics-20222023-23-nov-2022-0000>



Programme Director, Magistrate Hlengiwe Mkhase (second from the left), with members of the Magistracy and officials of the Family Advocacy Unit DoJ & CD



progression of women lawyers and eliminate all unjust treatment towards women. These combined efforts have resulted in the marked improvement we have begun to see in the Judiciary's leadership.

The past two years have seen a significant rise of the number of women judges that have been appointed to the higher courts and in leadership positions. In 2022, out of the 21 judicial appointments made by the President on the recommendations of the JSC, 11 were women. These include my own appointment as the country's first female Deputy Chief Justice and the appointment of Judge Poyo-Dlwathi as the first woman Judge President of the Kwa-Zulu Natal High Court Division. The Constitutional Court has four women judges out of a complement of 10 judges. The Supreme Court of Appeal, despite continuously losing its women judges to the Constitutional Court, has 12 women judges out of a complement of 23 judges. The North West Division of the High Court recently got its first woman Deputy Judge President with the appointment of Judge Djaje, who joined a growing cohort of women Deputy Judges President comprising Judges Goliath, Phatshoane, Semenya and Mbhele in the Western Cape, Northern Cape, Limpopo and Free State Divisions of the High Court, respectively.

This trajectory clearly signifies the country's real commitment to transform the Judiciary and is an unequivocal acknowledgment of the existence of capable women judges who ascribe to values of our Constitution ”

Significantly, out of the six judges in the Land Claims Court, five are women. As I keep saying, this is a critical development because the issue of land ownership and rights of occupation in South Africa remains a deeply gendered problem. Land ownership disputes following a divorce or death, for example, negatively affect women the most. The likeliest victims of the consequences of insecure land tenure are poor women who are left most vulnerable to eviction and homelessness. It is very encouraging therefore that the Land Claims Court is staffed by a majority of women judges and this attests to women's dedication to progress and the realization of dignity for women across South Africa.

There is then the exciting news we received two days ago of President Ramaphosa's nomination of Justice Mahube Molemela as the next President of the Supreme Court of Appeal. This trajectory clearly signifies the country's real commitment to transform the Judiciary and is an unequivocal acknowledgment of the existence of capable women judges who ascribe to values of our Constitution and possess the skills necessary to lead the Judiciary and enhance its independence and efficiency.

## CLOSING REMARKS

The attainment of gender equality in our lifetime is a vital transformation objective, not just for the Judiciary but for society in its entirety. Gender inequality nestles at the root of most forms of human rights violations. It is worth always repeating the wise words that no society with over half of its members downtrodden can ever be truly free. And no society with over half of its members excluded from contributing to its running and decision making can prosper. The positive benefits that redound from women leadership where women have been given a chance to lead are well documented. It is hoped that the appointments of Judges Poyo-Dlwathi, Maya, and soon, all things being equal, Molemela to the leadership of the South African Judiciary will open a strong flow of similar appointments until our Judiciary is as our Constitution imagined it.

We are deeply grateful to the SAC-IAWJ, SAWLA and the various women's organizations who tirelessly advocate for change and push our government institutions and other relevant stakeholders to commit to overcome gender inequality. May we not lose the momentum.

I extend my gratitude to our hosts for arranging this special event that shines the light on the important developments in our institution and will hopefully encourage our girls and young women to reach for the stars.

And warmest congratulations to my Sister, Judge President Thoba Poyo-Dlwathi on an historic appointment. We wish you success and fulfilment in your new office. We know that you are up to the challenge but always remember that you have a whole community of sisters and brothers rooting for you and ready to give you support should you need it. ■



Judge President T Poyo-Dlwathi with Supreme Court of Appeal Justice Y T Mbatha, and Acting Regional Court President in KwaZulu Natal Ms Pearl Andrews.

# JUDGE PRESIDENT LEGODI BOWS OUT

*Judge President Legodi will be discharged from active service on 21 August 2023. But before then he will take long leave from 8 May 2023, effectively bringing his active service to an end when his leave begins. We caught up with him to discuss his illustrious judicial career.*

Q

In your formative years, what motivated you to study law, which placed you on the path of becoming a Judge?

A

In my formative years of schooling, I knew nothing about law, let alone about being a lawyer. Having been born out of a dead poor family of eight children, six boys and two girls, all I wanted was to get out of that poverty and suffering. My siblings and I had in our early days spent many days and nights without food. I was the seventh born child between the only two girls that I love so much and had always been protective of them. My parents, Gilbert and Milda, never had an opportunity to go to school. The first six siblings never reached standard six, except one. I was the first child in the family to pass Form 3, now referred to as grade 10. When I passed Form 3 exactly 50 years ago, I was meant to go and work as a clerk (mapalane) in the mines and by the standard in the family, I was the most educated person. But I elected not to be a mapalane.

As there was no school with Form 4 and 5 (grades 11 and 12) in the area where I was brought up, GaMaja Mmotong wa Bogobe, I found myself at Pick and Pay Bedfordview in Gauteng pushing trollies and hoping to be paid in the form of tips. Through those tips I managed to be enrolled at Mokomene High School, gaRamokgopa. I was accommodated at a boarding school about 150 km from my home. After having passed Form 5 (now grade 12), I continued to push trollies at Pick and Pay Bedfordview during the November-January school holidays. Ultimately, through that source of income, I managed to accumulate R150.00. R100.00 was used for registration at Turfloop University, now University of Limpopo. I did not know what would happen after registration. Fortunately, Mrs Wendy Ackerman, wife of Mr Raymond Ackerman of Pick and Pay, arranged for a R500.00 bursary.

As I said, I never knew anything about law and I never even dreamt of being a lawyer. I registered for B. Com degree as I thought that would be the quickest way of being a successful businessman to take my parents and my siblings out of poverty.



the courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice ”



But the registration for B. Com degree lasted only for two weeks. I got tired of hearing those friends who were at high school with me and who had registered for B Proc and who every day chanted: "Law is an honourable profession. Law is dynamic. Law changes every day".

I switched to a B. Proc degree. The rest is history. I was able to join into the singing. I still sing that chant even today. And that has become my motto throughout my professional life. In the course of time I realised and enjoyed the truth in the chant. Law is not a profession for money. Law is indeed an honourable profession. It is dynamic and requires dynamic people. Unfortunately, I am not such a person. Law changes every day and keeps one on his or her toes. It is complete fun to be in the law profession. Putting the law profession close to your heart becomes a hobby. It is a profession which is not about chasing money, but a profession that allows your actions to speak for you and allow the rest to follow. I have not succeeded in this regard.

I, however, remain a student of law. I go into retirement as such. The day I buried my father and as I was getting out of the graveyard, I received a call from the secretary of the Judicial Service Commission who reported that I was recommended for permanent appointment as a Judge. It was almost like the recommendation was to celebrate his life. I vowed on that day that I will not disappoint him. This year, as I am exiting from the Judiciary, I doubt if I have fully succeeded in accomplishing the undertaking I made. I, however, tried and sought to protect my integrity and the profession in his honour.

It was also a great honour and privilege to take care of my mother, who died about five years ago at the age of about 105 years. She never went to school at all. But she was the humblest and caring person I ever had to live with. I wish I could just be like her. By the way, she became a traditional healer for a long time until she could no longer go to the veld and mountains for herbs.

Q

**What and who placed me on the path to becoming a Judge?**

A

That is retired Judge President Ngoepe, who almost hand-picked me as a prosecutor to be his article clerk and many years thereafter invited me to act in the then Transvaal Provincial Division, where he was the first black Judge President. The rest became history. But other esteemed jurists like retired Deputy Chief Justice Moseneke, retired Deputy Judge President Mojaelo and Dr Mathews Phosa played a very important role in my professional life as a lawyer. I truly wish I could be like them. Deputy Judge President Mojaelo and Dr Phosa introduced me to the field of defending political activists in the eighties and early nineties in the Eastern Transvaal, now the Mpumalanga Province. That was the most humbling experience of my professional life as a lawyer, coupled with the experience of practicing law in the most rural areas of Bushbuckridge.

One had experienced many incidents of police and defence force brutality at the time. My own life was at a risk. I think I must stop

here because talking about police brutality is almost like opening healed wounds. The archive documentary information in my possession of such brutality and several memos written to the Apartheid Government at the time, will perhaps one day be shared with the public should one have the time and the courage to do so.

Q

**What would you say prepared you for the role of a Judge and ultimately Judge President?**

A

Well, I do not know. But all I know is that one was lucky to be guided and mentored by those people of high integrity mentioned earlier. One has learned so much from each one of them. First, that respect is earned. Two, that you must strive to protect your integrity with everything you have.

Those who know better put it this way:

*"Many people tie their significance to their social position, their title, their wealth or bank balance, the car they drive, their prestigious address or home, the man or woman on their arm or some other status symbol. Their mentality is, if I do enough and have enough, even if I am self-centred, it will bring fulfilment. The problem is that self-centredness and fulfilment cannot peacefully coexist. They are incompatible."*

These are words of wisdom that I have just read in a book written by one of the world-acclaimed motivational speakers. What I learned from the retired Deputy Chief Justice Moseneke, retired Judge President Ngoepe, retired Judge Deputy President Mojaelo and Dr Phosa before he skipped the country in the early eighties and having now read the statements quoted above, I now realise how blessed and fortunate one was to have had them around me in my professional life. Their humbleness and being so grounded always reminded me of my late mother. In her own humble and simple way, these were her teachings. And let me make it clear, I continue to be a student of these teachings. Hopefully, one day during my life time I will master all these teachings in order for one to accomplish things of value and be of better service to my country and its people.

But the other important life lesson acquired from these esteemed jurists is that, let your work and the responsibility you have undertaken, be fun and driven by the desire to serve. Judges are required to take an oath and they often adhere to the oath of their office. They do not only see their adjudication work as service to people of South Africa but also as fun and a hobby. That, blended with ethical conduct and work ethics, I want to believe, is what prepared me to be a Judge and ultimately a Judge President.

I am not suggesting for a moment that I am better than any person or any Judge or Judge President. One must just be thankful for the opportunity given. I have forever seen myself as a student of the law, learning all the time. As my active service effectively comes to an end from 8 May 2023 when I go on long leave to coincide with my discharge from active service effective from 21 August 2023, I want to remain to be such a student of law.

“

Leadership impact is not drawn from position or title, but from authentic relationships. Treat people with kindness and respect, and go to where they are to connect with them



Q

**As the first Judge President of the Mpumalanga Division of the High Court, what lessons have you learnt about the administration of justice?**

A

What did I learn about the administration of justice? I am not sure whether I should respond to this question. I will in any event try. When we take an oath as Judges we make what appears to be a simple undertaking. That is:

*"I... swear that as a judge..., I will be faithful to the Republic of South Africa, will uphold and protect the Constitution and the human rights entrenched in it, and will administer justice to all persons alike without fear, favour or prejudice, in accordance with the Constitution and the Law".*

This undertaking and promise made in some seconds, is not a small thing. It is not just a ceremonial event having no meaning and value. It is meant to be what it says to be. That is, to administer justice to all persons alike without fear, favour or prejudice in accordance with the Constitution and the law. This undertaking should also be seen in the context of an overwhelming authority or power that is given to the Judges or any Judicial Officer in terms of section 165 of the Constitution. That is, the courts are independent and subject only to the Constitution and the law, which they must apply impartially and without fear, favour or prejudice (see sub-section (2) ), no person or organ of state may interfere with the function of the courts (see sub-section (3) ); organs of state, through legislature and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts

(see sub-section (4) ); and an order or decision issued by a court binds all persons to whom and organs of state to which it applies (see sub-section (5) ).

The authority and protection given to the Judges, Judicial Officers or courts are enormous and need to be exercised responsibly. These are the lessons that I have learned about the administration of justice.

Q

**What are some of the most challenging cases you have dealt with during your career? And, what lessons are in those cases for Judicial Officers? What was the most memorable or significant case you presided over during your career?**

A

I think it will be wrong of me to single out cases that are "memorable or significant or were challenging" during my career. I have been taught as a lawyer during my early days that no case is more memorable or significant than the other or more challenging than the other. The teaching I got from the people I mentioned earlier in this article is this: Regard every case as very memorable, significant or challenging.

In other words, I was taught to regard every case as deserving of all your attention and commitment and to do justice in accordance the oath of your office. Probably, I did not succeed in following this teaching to the letter. And, I wish I could still have many years to realise this important teaching. So, every case that I ever presided over or got myself involved in during my career as a lawyer had been memorable, significant or challenging.



Remember, parties bring their matters to court because those cases are significant or important to them. They are struggling to resolve amongst themselves and thus they bring them to be ventilated in court. They expect every case to be given proper attention.

Q

**What has been your most rewarding experience on the bench?**

A

This is not an easy one to answer. But let me attempt. There is nothing more fulfilling and rewarding to preside over a matter than to have before you legal practitioners who are well prepared, well behaved, very articulate and honest for the purpose of assisting the court to arrive at a just decision. That is the most rewarding and humbling experience. And when that happens, there is nothing wrong in acknowledging and thanking them for their preparedness and candidness in assisting the court to arrive at a just decision.

The other most rewarding experience on the bench has been the ability to resist the temptation to switch off from a matter once seized with a particular matter. Switching off from a matter after having delivered or handed down judgment has been the most fulfilling and stress-less experience.

Q

**What do you think the future of the justice system looks like, and what do you think has been your own contribution in shaping that future?**

A

I prefer not to talk about my own contribution in shaping the future of the justice system. I prefer to leave the answer to the question for those who will be reading this article when it is published.

It suffices to mention that in my letter to the President through the Minister of Justice requesting to be discharged from active service effective from 21 August 2023 at the age of 69 years and 20 years of service as a Judge, I indicated that the remaining part of my life *inter alia*, will be devoted to the youth of our country as our future leaders. This is a passion I developed during my professional life on the bench.

Teaching and motivating our youth and talking to them about ethical conduct, work ethics and excellence, is in my view a foundation in shaping a future justice system that is dictated by compliance with the rule of law.

As regard to the future of the justice system, one should commend every colleague in the justice system. They remain resolute in pursuit to adhere to the oath of their office and perform their judicial functions impartially and without fear, favour or prejudice.

That is the beauty about the authority and protection given in terms of section 165 of the Constitution. I am satisfied that no amount of threat and or insults directed at our Judges and Magistrates will ever deter anyone of them from doing what constitutionally they are enjoined to do.

Q

**What advice would you give to someone who wants to follow in your footsteps and one day become a Judge or even a Judge President?**

A

This is the most difficult question, but at the same time the most important question. I will not deal directly with the question. I do not think I am capable of talking about myself and give advice on or answer to the question posed.

There is one thing that I have learned though. It is a pity that I am exiting without having accomplished what I have learned along the way. For the question posed, I prefer to use the words of those who know better. One of those puts it this way:

*"Passion gives you this vital leadership, characteristics, energy and credibility. When you love what you do, and do what you love, others find it inspiring. How many people do you know who became successful at something they hate?"*

I find this statement to be most humbling and profound. I wish I had followed this teaching to the letter during my early days. If I did, I would have been filled with fulfilment throughout. This statement in my view, should be seen in another context of the other life lessons statement made as follows:

"Someone once said that when it comes to money, you can't win. If you focus on making it, you're materialistic. If you try to but don't make any, you're a loser. If you make a lot and keep it, you're a miser. If you make it and spend it, you're a spendthrift. If you don't care about making any, you're unambitious. If you make a lot and still have it when you die, you're a fool for trying to take it with you to your grave.

The only way to really win with money is to hold it loosely and be generous with it to accomplish things of value. As E. Stanley said: Money is a wonderful servant but a terrible master. If it gets on top and you get under it, you will become its slave".

These statements are what I will advise anyone who would want to become a Judge or a Judge President to take to heart. The moral value of the statements is this: Do not want to become a Judge or Judge President because you are consumed with status, positions or titles. Do not want to become a Judge or Judge President because of pension benefits or life-long salary that also passes over to your spouse when you are gone.

I further wish to draw our attention to this statement again made by the same world-acclaimed motivational speaker in another context:

*"Leadership impact is not drawn from position or title, but from authentic relationships. Treat people with kindness and respect, and go to where they are to connect with them. A lot of leaders assume that people will come to them if they need or want something. But effective leaders initiate. They communicate vision. They seek out opportunities. They start initiatives that will benefit the organisation. They want good relationships with the people who work with them. So, they seek those people out. They ask them questions. They learn who they are. They offer assistance. They find ways for them to succeed. If you want to become a better leader, become highly relational".*

I learned about these teachings not a long time ago. It is as a result of these teachings that I found it necessary to do some introspection. That led to the picture in this article. The picture was taken on 25 November 2022 during an arranged lunch with the most important members of our society appearing in the picture. These are men and women who make it possible for us to breath fresh air every morning. These are men and women who make the surroundings look clean for our own good health. They are men and women who are posted at the main entrances for our security and safety.

The true story behind the picture in this article will appear in another piece. It suffices to mention that what prompted the lunch was a result of a painful story that has happened to one of them. It was that story which made me to realise one's shortcomings as a leader. Particularly, ignoring the very people who so much love and care about us without reservations.

So, to those who would want to be Judges, and or Judges President, this is the advice that I can offer and it is the advice that I probably failed to adhere to. As they say:

*"No one succeeds in life on his or her own. Every one of us has been helped along the way by other people. When we give to others, we acknowledge that by paying it forward".*

This is a profound statement that is often forgotten or ignored by those in high positions. Probably, I committed the same sin. Hopefully, one would have good health to pay back to the many people who have supported me throughout my life, many of them strangers and with no status, positions and titles on their backs or shoulders. Remember, respect is earned and is never demanded. Those who know better put it this way:

*"What would the world be like if everyone tried to give more than he or she took? People would change. It is difficult for a healthy person to keep receiving from others without giving something back. Out of abundance comes generosity. Giving our time, experience and knowledge to others generously without the hope of anything in return, the person receiving, is changed. And wants to pass it on. Once you have the mind set of giving, the more you receive, the more you want to give and become fulfilled. It becomes a positive cycle. It spreads, not only do individuals change, but so do communities".*

This is what I would want to advise any person who would want to be a Judge or Judge President. ■

Hopefully, one would have good health to pay back to the many people who have supported me throughout my life, many of them strangers and with no status, positions and titles on their backs or shoulders ”



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



# ACTING JUDGE PRESIDENT GOLIATH OPENS VICTIM SUPPORT ROOM

**The Acting Judge President of the Western Cape Division of the High Court, Judge Patricia Goliath, on 31 March 2023, officially opened a new Victim Support Room at the Western Cape Town High Court.**

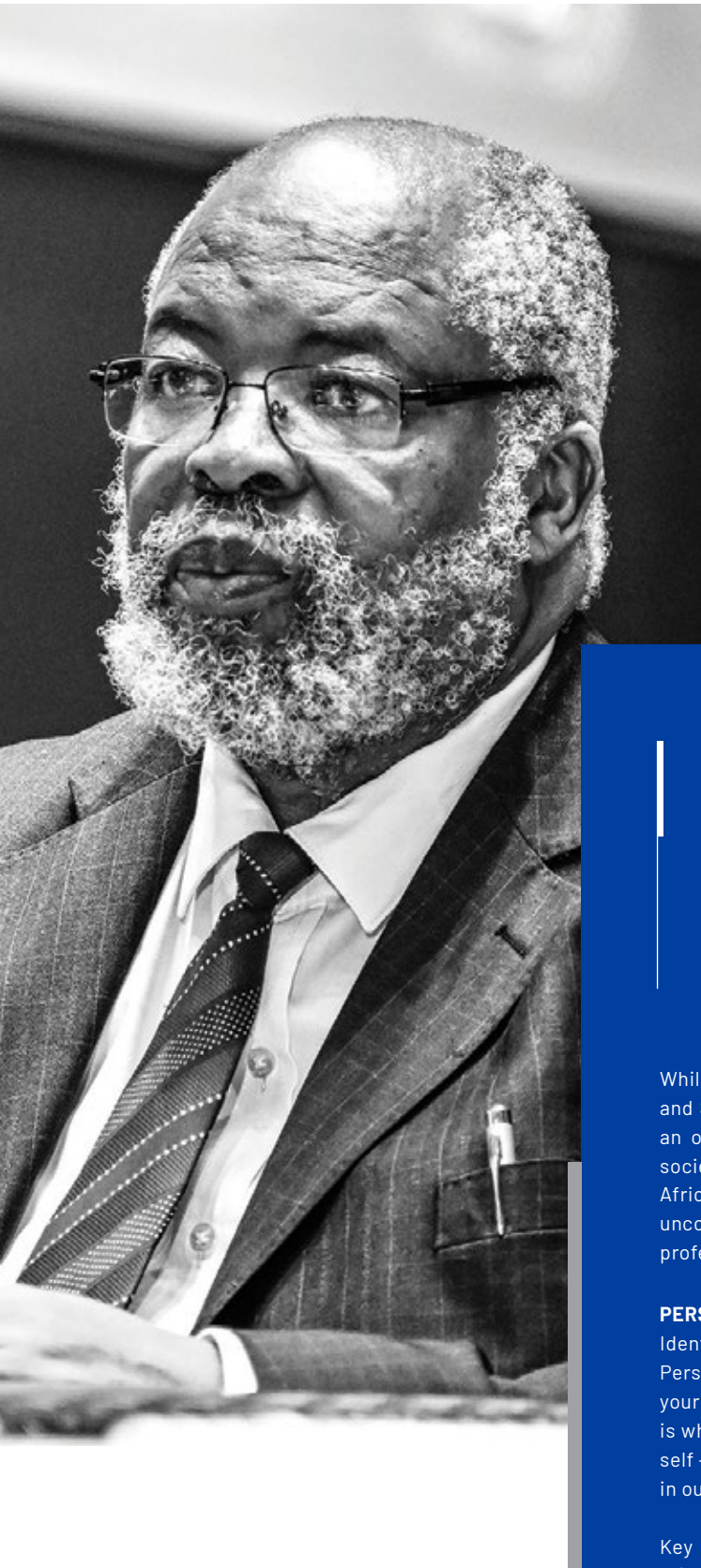
The Victim Support Room will provide a safe space within the court system for victims of violent crimes. Victims of crime who are required to testify in criminal matters will receive the necessary support and guidance relating to court processes. Court Preparation Officers and Intermediaries will be available to accompany witnesses and facilitate a victim-centred approach to ensure that their well-being remains central in the criminal justice system.

The Victim Support Room will be implemented in collaboration with the National Prosecuting Authority (NPA), the Department of Justice and Constitutional Development (DoJ&CD) and other stakeholders. It is envisaged that the Victim Support Room will provide witnesses with practical information and ongoing support from the start to the end of the court process, and after sentencing.

With this kind of support, witnesses will be empowered and able to provide testimony as required, whilst the Court will benefit by receiving the necessary testimony to assist it in adjudicating matters before it. The Victim Support Room will therefore make a positive contribution towards enhancing the effectiveness of the criminal justice system. ■



The Victim Support Room will provide a safe space within the court system for victims of violent crimes ”



# THE LINK BETWEEN CONTINENTAL AFRICAN TRADITIONS AND SOUTH AFRICA

Deputy Judge President Mjabuliseni I. Madondo  
KwaZulu-Natal Division of the High Court

*The Deputy Judge President of the KwaZulu Natal Division of the High Court, Mjabuliseni Isaac Madondo, was invited by Inkosi Maphumulo in conjunction with Masenga Silele and Associates, to speak on the connection between Continental African Traditions and South Africa. The Inkosi has also initiated a project to train boy children in Setswana, Zulu and Japanese culture in response to the call by His Majesty King Misuzulu and the Traditional Prime Minister of the Zulu nation.*

While it is essential and desirable to forge a link between the African traditions and South Africa, there are factors constituting a barrier to achieving such an objective. Some of the noticeable challenges inherent in the diverse society to the establishment of a link between African traditions and South African society are: identities; culture; prejudice or negative stereotypes; unconscious bias differences in language and non-verbal communications; professional etiquettes and many others.

## PERSONAL IDENTITY

Identity is the qualities that set you apart from others, what makes you unique. Personal identity is how you describe yourself. It is your sense of humour, your emotions and how you react in different situations, in other words, this is who you are. A positive sense of identity is critical to the development of self-esteem and confidence. When we know who we are, we have confidence in ourselves and can be able to identify our strength.

Key facets of identity, gender identity, disability, social class, age, sexual orientation, race, and ethnicity, religion, age, spirituality, nationality and socio-economic status play a significant role in determining how we understand and experience the world as well as shaping the types of opportunities and challenges we face.



The multiple intersecting factors of identity leads to differences not only limited to biological markers (skin colour or physical features) and cultural markers (types of clothing) also in shared traditions, beliefs and biases.

### **SOCIAL IDENTITY**

The concept of social identity was created as a means to consider the way one conceptualizes the self-based on the social group to which one belongs. People's identity strengthens one's character, and it keeps one unique and distinguished from everyone else. Special identity helps us to shape our experience, how we view the world, the way the society views and treats us. These identities do not only impact the way society treats or views an individual, but also the way an individual interacts with others and their surroundings. Identity shapes a person's experience to make it unique.

Diversity dispel negative stereotypes and personal biases about different groups. Diversity helps us recognise and respect “ways of being” that are not necessarily our own”

### **DIVERSE SOCIETY**

Our society has been segregated by colonial and apartheid governments and legislation on the basis of colour, race, nationality, ethnicity, culture, gender socio-economic status, impacting the lives of the black people negatively. The culture of white person is still dominant and, for survival, the black people have to adapt to such culture. Women are still the victims of racism, sexism and poverty oppression. Women's discrimination because of their gender takes the form of sexual harassment, gender – stereotyping mainstreaming and over all gender socialization.

The origin and foundation of humanity, community, customs and traditions is the family unit. Family home consists of the head of the household, his wife or wives, their children and other members of the extended family. The family is the fundamental element of society, natural framework for the development and wellbeing of all its members, and it is entitled to protection by the family head, society and the state. The family group comprises families whose relationship can be traced through the male line to a common ancestor. The family group gives rise to wider kinship group called the clan, whose members have the same surname or clan name. The different clans, in turn, develop to form a community or a tribe, and, ultimately, a nation when more than one community or tribe have come together.

Family, culture, friends personal interests and surrounding environment are factors that help shape a person's identity. As a person grows up in a family, they are influenced by many aspects of their life, i.e. culture, the way of life of a particular family, education, work environment, socio-economic status etc.

### **CULTURE**

Our culture or tradition shapes the way we behave, work, speak and play, and it makes a difference in how we view ourselves and others. But our choices can also influence others and ultimately help shape our society. More often than not, some individuals harbour unfair prejudices against people of different colours, ethnicity, nationality and religion from their own. Members should learn to accept, respect and celebrate the differences of others.

### **DIVERSIFIED ORGANISATION/ SOCIETY**

A conflict among members of the organisation in the society may result from prejudice, racism, discrimination and lack of respect for one another. Under such circumstances the conflict becomes inevitable and may later turn explosive and violent. In the premises, leaders should provide a diversified organisational and social environment. This will create a conducive condition for linking the continental African traditions with South Africa. Diversity refers to differences in various defining personal traits such as age, gender, marital status, ethnic origin education and other secondary qualities. Diversity is a practice of including or involving people from a range of different social and ethnic backgrounds and different genders, sexual orientations etc.

### **ORGANISATIONAL DIVERSITY**

Organisational diversity is the collective mixture of members' differences and similarities in terms of, age, race ethnicity, nationality, sexual orientation, socio-economic status including individual characteristics, values, beliefs, experiences, backgrounds, preferences and behaviour.

Diversity dispel negative stereotypes and personal biases about different groups. Diversity helps us recognise and respect “ways of being” that are not necessarily our own. In addition, cultural diversity helps us recognise and respect differences in that as we interact with others we can build bridges to trust, respect and understanding across the culture divide.

Organisational diversity attracts people who share similar ideas and mind-set with diverse backgrounds thereby creating a culture of inclusiveness where people (members) derive a sense of belonging, feel safe to be themselves and take initiatives which result to a loyal membership. The more differences of perspective and experience, the more we can know and connect the dots. Diversity is the must in order to bring healthy longevity to leadership and their families worldwide who want a world to be a better place to live in.

An inclusive culture is the one that embraces and celebrates our differences – differences in experience, backgrounds and ways of thinking. The difference between diversity and inclusion is that diversity is “what” and inclusion “how”. Diversity focuses on demographics that make up the membership or workforce such as gender, ethnicity, age, sexual orientation, veteran status etc. Inclusion is a measure of a culture that enables diversity to thrive. The inclusive behaviour is a sense of belonging; feeling respected; valued and seen for who we are. Inclusion enhances engagement and innovation, creates a sense of belonging, and improves the employee/member experience, leadership skills and abilities. The employees/members value the benefits they gain from a diverse and inclusive environment.

## COMMUNICATION AND SENSITIVITY TRAINING

A diversified organisation or society can bring about certain communication issues. In order to remove the communication barrier which may arise in the operation of an organisation, the leadership must offer communication training. This will help encourage and improve membership and community interaction. Training will also help members understand their own cultural biases and prejudices. Sensitivity training will help the member examine and adjust their perspectives about people from different backgrounds and they will learn to be intolerable to and appreciative of the views of others. Consistency and daily practice of an organisation behaviour policies is essential in moulding a positive and productive organisation.

Members need be trained on how to co-exist with a diverse range of people. They must also be cognisant of cultural sensitivity in order to achieve harmony within a diverse organisation and society. Having an inclusive and diverse environment, allows broader perspectives to be integrated when brainstorming, problem solving and developing new ideas in the organisation. The membership values the benefits they again from a diverse and inclusive environment.

## LEADERSHIP

Traditional leadership comprises persons who in terms of customary law and traditions hold positions of authority and power in their defined traditional communities or areas of jurisdiction. Traditional leaders derive their primary mandate and authority from a customary law and traditions as well as the specifically applicable legislation and the Constitution. The legitimacy of such authority rests firmly on the consent of the members of uMndeni weNkosi or the Royal Family (iNdlunkulu) and the members of a particular community. That is how an African adage, "inkosi, inkosi ngabantu," Moerena ke morena kabatho", arose. Likewise, in our democratic system of government, the relationship between the state and citizens is not simply a power relationship but rather than the power, the consent of the governed is the defining characteristic of the relationship.

The traditional leaders has power and authority, i.e. the legal and formal right to give orders, commands and take decisions. Power, at its core, is the capacity to get others to act based on positional authority one exercises over them. The traditional leadership has existed from time immemorial, primarily to provide dispute resolution mechanism, to protect life, persons and the property of the members of the respective communities they serve, to maintain public peace, and order and to administer justice. Implicitly, the security and safety of the rural communities rests squarely on the protection provided by the traditional leadership.

At basic level, leaders need power to influence, develop and to enable people to perform certain activities. All these are fundamental to making things happen, and therefore to the ability to do the job of a leader. Personal power is the power you have based on your skills, competencies, characteristics and other attributes. This form of power comes from individual's characteristics rather than formal authority. Personal power is more of an attitude or state of mind. Someone with strong personal power is focused on their self-efficacy and ability to cooperate with others.

The power of authority affects identity in that it organizes and propels itself through notions of identity, to an extent defined

by the cohesion of a people's collective identification. The wheel of privilege shows how different parts of one's identity can give one power over others in society as well as lead you to being marginalised. The bestowed power comes from the top of an organisation and filters down to its bottom level. Privilege is a special right, advantage or immunity granted or available only to a particular person or group of people, or something regarded as a rare opportunity, bringing particular pleasure. Privilege is, in fact, an unearned access or advantages granted to specific group of people because of their membership in social group.

Power and privilege is a system of advantages based on a variety of social identities such as age, race, gender, religion, socio-economic status, sexual orientation and an educational level. The similarity between privilege and power is that members of the dominant social groups are either privileged by birth or acquisition, which knowingly or unknowingly exploit and reap unfair advantage over members of group that are targets of oppression. As compared to a right, privilege is conditional and granted only after birth. A right is an inherent, irrevocable entitlement held by all citizens, or all human beings from the moment of birth (arising from the exercise of power).


Power and privilege system often operates in an unconscious and invisible manner (to those who have it), which results in one race or gender having unequal power in the society or workplace. Both power and privilege are agents of oppression trapped by the system of internalized oppression that benefits their respective holders. Internalized oppression is the process whereby people in the target group make oppression internalized and personal by coming to believe that, lies, prejudices and stereotypes about them are true. Colonial and apartheid governments made African people to believe and accept that they are inferior and sub-intelligent as compared to their white counterparts, and that the African were designed and created to work for their counterparts. The internalized oppression often than not creates low self-esteem, self-doubt and self-loathing

Social injustice lays the basis for determining who may have power and privilege and who may be marginalised and oppressed. Social justice is the practice of allyship and coalition work in order to promote equality, equity, respect and the assurance of rights within and between communities and social groups. Social justice gives us the opportunity to celebrate and learn from each other's diverse experiences and perspectives. It builds a stronger community and impacts our daily lives. Judges in interpreting the law take care of the quests for freedom, the demands of people for social and economic advancement, which constitutes social justice. The need to build an equal society, harness social cohesion and nation building permeate diverse and inclusive activities.

## TRUE LEADER

To become a good leader, you should influence, inspire and mentor your team members, being thoughtful to the team members, facilitating open communication and setting clear members' expectations. A leader you should not only rely on power as capacity to get others to act based on positional authority, that is exercised over others, since it often leads to resentment but rather use an influence. Influence is the ability to modify how a person develops, behaves, or thinks based on relationship and persuasion, which often leads to respect.





To become a good leader, you should influence, inspire and mentor your team members, being thoughtful to the team members, facilitating open communication and setting clear members' expectations ”

### LEADERSHIP ROLE

In the organisational or work relationship, as in all critical relationship, there is always an internal resistance nobody sees a situation, the decision or idea in the same way. At the organisational or work environment it helps to look for the best in others and allow them a forum to speak up, even if you are the one who has been appointed decision-maker or leader. Encourage teams, from different areas and backgrounds to speak their minds. The merit of the idea is more important than the hierarchy of the organisation,

Leaders should understand the members' backgrounds and how their behaviour and beliefs can affect their decision -making within a diverse environment. Leaders should avoid making assumption about members. Instead, they should look at each member as an individual and should judge their successes and failures on their individual's merit rather than attributing actions to their backgrounds.

Leaders should set one standards of rules for all groups of members regardless of background. This standard should be adhered to, to ensure that each member is treated the same. Leaders should look for ways to incorporate a diverse range of perspectives and talents in order to achieve organisational goals.

The leaders must obtain commitment from others to a shared vision and get other community leaders bring people to the vision. The leadership should take an initiative and recruit leaders who are willing and able to change the status quo, and willing to lead with resilience in converting a homogenous society to a diverse society or organisation. Having the wrong type of leadership can impede progress, and, ultimately, success. In order to capitalize on diversity dividend, leaders should receive appropriate skills to manage differences in the organisation in the society, organisation or team. The leadership should also look for ways to incorporate a diverse range of perspectives and talents in order to achieve organisational goals.

### RELATIONSHIP DYNAMICS

Relationship dynamics are patterns of behaviour that happen between people in the ways we relate, interact and communicate with each other. Having an awareness and understanding of the

dynamics that play out in our relationship of the dynamics, puts us in a position of empowerment. There are various kinds of relationship dynamics like team, group and power dynamics. Team dynamics refers to the unconscious /psychological factors that influence the direction of a team's behaviour and performance. Whereas group dynamics relates to the impact those behaviours and roles have on other group members, as well as the group as a whole. The group that has good dynamics its members trust each other, hold each other accountable and find it easy to reach collective decision.

### POWER DYNAMICS

"Power dynamics" is the way different people or different groups of people interact with each other and where one of the sides is more powerful than the other one. Power dynamics describes how power affects a relationship between two or more people.

How to improve team dynamics

- Know your team;
- Tackle problems quickly with feedback;
- Define roles and responsibilities;
- Breakdown barriers;
- Focus on communication; and
- Pay attention.

### CONCLUSION

For the organisation to be successful it needs the cooperation of everyone in the organisation. The organisation must be aware of common biases and have a foundational understanding of how to avoid biases or address them. An organisation needs to invest in additional training dedicated specifically to overcoming bias. The membership and leadership must be conversant and made to understand what the organisation's diversity and inclusion goals are, and why they are important and what is expected of them when they interact with other members or members of the society.

Knowledge and insights gained from the experiences, traditional beliefs, realities of life and the perspectives of the other groupings skill the membership, leadership or management with the ways of ensuring diversity and inclusion in the organisational or work environment. ■

# BEST KEPT SECRET?

By Cheryl Loots,

Herbstein and Van Winsen - The Civil Practice of the Superior Courts of South Africa. – 6th ed. Juta 2022



**I recently spoke to a High Court Judge who had no idea that a sixth edition of the well-known work Herbstein and Van Winsen, now appearing under the title The Civil Practice of the Superior Courts of South Africa, on superior court civil procedure was in the process of being published.**

I was one of the co-authors of the fourth and fifth editions of the work, being at that time considerably junior to my co-authors – Judge Van Winsen and Professor Andries Cilliers for the fourth edition, Professor Cilliers and Judge Hennie Nel for the fifth edition. Unfortunately, Judge Van Winsen passed away before he saw the publication of the fourth edition; Professor Cilliers passed away in December 2013, shortly after his eightieth birthday.

When I suggested to the publishers a few years ago that a sixth edition was due I found myself on my own, since Judge Nel did not want to participate in any further editions of the work. I had no hesitation in recommending that my friend and colleague from our Wits University School of Law days, Mervyn Dendy (who edited the fourth edition, but who did not participate in the fifth), should be invited to be co-author and overall editor. We reached agreement on Mervyn's involvement with our publisher, Juta, and thus the sixth edition was underway. We started slowly because both Mervyn and I had to extricate ourselves from other commitments, but by 2019 Herbstein and Van Winsen was the top priority for both of us.

The earliest predecessor of the sixth edition, written by Mr Justice Joseph Herbstein as the sole author, was a slim volume, referred to by Mr Justice H G Lewis in *Attwell v Guisman* 1949 (3) SA 991(E) at 996, with approval, as 'a useful little work on Superior Court Practice'. Judge Louis van Winsen later joined as co-

author, and the work grew considerably in size. The fourth edition was a heavy tome exceeding 1500 pages which benefited from an extensive edit by Mervyn Dendy (then an Associate Professor of Law at Wits), who correctly predicted that it would be the last edition to fit into a single hard-cover book. The fifth edition was published as two hard-cover volumes with a total of 1953 pages. That edition was also published electronically, the first edition of the work to be so published.

the sixth edition of Herbstein and Van Winsen will restore the work to its rightful place as the leading treatise on civil practice in the superior courts of South Africa ”

What to do for the sixth edition? Early discussions between co-authors and publisher generated two important ideas: first, that the work should be turned into a loose-leaf one that can (and will) be regularly updated, for the most part twice a year; and secondly, that a comprehensive chapter on practice in the Constitutional Court was needed, as this was clearly a significant gap in the coverage provided by both the fourth edition (published in 1997) and the fifth (published in 2009). Rendering the production of a sixth edition important was the fact that the fifth edition was published before the Superior Courts Act 10 of 2013 was even Gazetted, rendering the coverage in the fifth edition of the then



current Supreme Court Act 59 of 1959 sadly out of date. In addition, there have been a number of significant changes to the uniform rules of court, the appearance of many practice directives in the various Divisions of the High Court and, of course, the usual run of important new judgments to be covered. Clearly, it was felt, rule changes, significant supplementation of the rules of court by practice directives and the ongoing plethora of new case law made it inappropriate for the sixth edition to be published, like all of its predecessors, as a bound book that becomes increasingly out of date until a new edition is prepared, usually (time has shown, in the case of Herbstein and Van Winsen) some twelve years later.

In addition to these two ideas of a loose-leaf work and one containing coverage of practice in the Constitutional Court, however, the authors were firmly of the view that, for the first time, Herbstein and Van Winsen ought to include commentary and material of a critical nature, whether on gaps or perceived inadequacies in the provisions of the Superior Courts Act 10 of 2013 or the rules of court, or on perceived deficiencies or errors, where they exist, in the reasoning in available judgments. Controversies generated from time to time by disagreements between a court of one Division and a court of another Division on novel points of procedure have also been the subject of commentary in the sixth edition of Herbstein and Van Winsen, in the hope of assisting to resolve the disputes and difficulties, and of providing guidance to the judiciary and, indeed, to all legal practitioners (both advocates and attorneys) who appear in our superior courts and make submissions on points of procedure.

Expansion and updating of the coverage of civil practice in the superior courts has generated a planned list of 53 chapters. The first 23 of these chapters were published as the Original Service of the work in the dying days of 2021, with a cut-off date of 30 September 2021 for new material, together with extensive indexes in a separate Index Volume binder. These 23 chapters make up the contents of the Volume 1 binder. The first chapter traces the historical development of the superior courts in South Africa, from the establishment by the Dutch settlers of the first court in 1656 to the present constitutional dispensation. Jurisdiction and the attachment of property to found or confirm jurisdiction are dealt with in the next two chapters, followed by four 'parties'-related chapters which cover locus standi, joinder, representation of parties and authority to institute and defend proceedings. Chapters 8 to 12 deal with issues to be considered at the commencement of litigation such as demands and statutory notices; choice of the appropriate form of proceedings; service of process and subsequent documents and notices; edictal citation; and security for costs. Chapter 13 is devoted to the application procedure, after which chapters 14 to 23 give an exposition of detailed topics relating to trial actions, dealing in depth with the summons; notice of intention to defend; summary judgment; the general principles applicable to pleadings; the declaration and particulars of claim; the plea; offers to settle and tenders to perform; replication, subsequent pleadings in convention and close of pleadings; pleadings in reconvention; and default judgment and rescission.

The next nine chapters (up to and including chapter 32) were published in February 2023 as part of Service 1, with a cut-off

date for all 32 extant chapters of 31 October 2022, together with a Volume 2 binder, which will commence with chapter 24. Volume 2 chapters already published are: 24. exceptions; 25. applications to strike out; 26. irregular proceedings; 27. amendment of pleadings and documents; 28. extension or abridgement of time, condonation, revival of rule nisi, barring and removal of bar, and summary dismissal of actions or defences; 29. set-down of trial actions and preparation for trial; 30. discovery, inspection and production of documents; 31. pre-trial conference; and 32. special cases, the separate determination of issues and interim damages awards. Volume 2 will be supplemented by the publication during the second half of 2023 of the following seven chapters: 33. trial and hearing; 34. provisional-sentence proceedings; 35. withdrawal of proceedings, settlement and postponements; 36. stay of proceedings; 37. removal of proceedings from one Division or seat to another; 38. judgments and orders; and 39. costs.

A further service issue is planned for publication by the end of February 2024. Each service issue will add further chapters to the work and will update the entire contents already published to the latest feasible cut-off date. Successive service issues will keep on adding new chapters as well as updating existing ones, until the entire work is complete, after which all later service issues will consist of updates, probably on a half-yearly basis, to the entire work. The indexes are being updated themselves in all respects with every service issue, which means that they will not lag behind the contents of the chapters. With various substantial chapters (for example on costs, appeals, execution and Constitutional Court practice, among others) in the pipeline, it is anticipated that the finished work will be one of the largest legal treatises, if not the very largest, ever published in South Africa.

The chapters planned for publication after 2023, which will eventually complete the sixth edition, are: 40. execution; 41. appeals; 42. review; 43. procedure in the Supreme Court of Appeal; 44. procedure in the Constitutional Court; 45. declaration of rights; 46. interdicts; 47. Anton Piller orders; 48. evictions; 49. special provisions relating to matrimonial matters; 50. appointment of curator; 51. vexatious proceedings and orders of perpetual silence; 52. contempt of court; and 53. judicial case management and related mediation.

Good news for those who (undaunted by load-shedding) wish to avoid having to move large loose-leaf binders of pages about from place to place, is that an electronic version of the work, initially comprising the first 32 chapters updated to 31 October 2022, is on its way, with publication of that expected towards the end of March 2023. It will thus be possible for members of the judiciary and practitioners to access the work online from approximately the start of April 2023.

The authors hope and trust that the sixth edition of Herbstein and Van Winsen will restore the work to its rightful place as the leading treatise on civil practice in the superior courts of South Africa, and that it will be of major assistance to members of the judiciary in the course of their professional work. ■



# JUDICIAL RETIREMENTS & APPOINTMENTS

## JUDICIAL RETIREMENTS



**Judge VV Thlapi**

Gauteng Division

Discharged: 21.11.2022



**Justice CM Plasket**

Supreme Court of Appeal

Discharged: 01.01.2023



**Judge D Pillay**

Kwa-Zulu Natal Local Division, Durban

Discharged: 16.01.2023



## JUDICIAL RETIREMENTS (CONTINUED)



**Judge President ME Makgoba**

Limpopo Division

Discharged: 02.01.2023



**Judge JA Ploos van Amstel**

Kwa-Zulu Natal Division, Durban

Discharged: 01.02.2023



**Judge DS Fourie**

Gauteng Division, Pretoria

Discharged: 01.02.2023

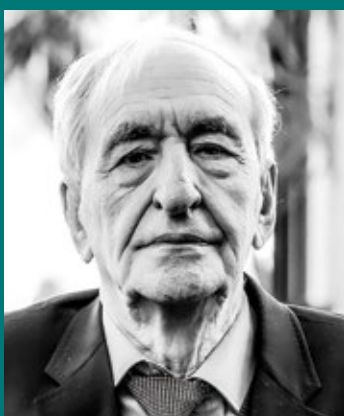
## IN MEMORIAM



**Retired Judge GF Wright**

Free State Division, Bloemfontein

Passed: 29.01.2023



**Retired Deputy Judge President P Levinsohn**

Kwa-Zulu Natal Local Division, Durban

Passed: 21.02.2023



**Retired Judge DSS Kondile**

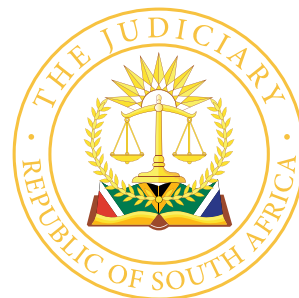
Kwa-Zulu Natal Division, Pietermaritzburg

Passed: 10.03.2023









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