

CANDIDATE: **SELEMENG NTHABISENG IRIS MOKOSE**

COURT FOR WHICH APPLICANT APPLIES: **GAUTENG DIVISION**

**1 The candidate's appropriate qualifications**

1.1 Bachelor of Arts in Law, obtained in 1984;

1.2 Bachelor of Laws, obtained in 1988;

1.3 Certificate in Refugee Law, obtained in 2008; and

1.4 Certificate in Property Development Programme, obtained in 2013.

1.5 The candidate has additionally completed:

1.5.1 Law Society of the Northern Provinces Judicial Skills Training in July 2015;

1.5.2 The SAJEI basic Aspirant Judges Course; and

1.5.3 The SAJEI advanced Aspirant Judges Course.

1.6 The candidate is appropriately qualified.

**2 Whether the candidate is a fit and proper person**

2.1 The candidate was fined R 10 000.00, suspended for 5 years, due to her omission to furnish the Law Society of the Northern Provinces with an auditor's report, for the period of 2004 – 2006.

2.2 Other than the failure to provide the auditor's report there is nothing to indicate that the candidate is not a fit and proper person.

**3 Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa**

3.1 The candidate is a black female and her appointment would reflect racial and gender composition of South Africa.

**4 The candidate's knowledge of the law, including constitutional law**

4.1 The candidate is an admitted attorney, who has practised as such since 1991.

4.2 In addition, the candidate is an admitted conveyancer (1991) and notary (1996). The candidate was the first black female conveyancer admitted in the Republic of South Africa.

4.3 The candidate's knowledge of, and exposure to the law, primarily relates to property law.

4.4 The Applicant conducted a property law and notarial practice as an attorney.

5.5 The candidate has been exposed to constitutional and administrative law, in:

5.5.1. Advising the Department of Housing, Gauteng, on how to regularise low income properties in the Gauteng area,

and the rights of local authorities to collect rates and taxes;

5.5.2. Her service on the Gauteng Tribunal, involving her assisting in adjudicating in terms of the Development Facilitation Act to fast track the establishment of townships;

5.5.3. Assisting the attorneys' profession in issues involving SAPOA, SALGA, EAAB, the Department of Rural Development and Land Reform, the Banking Association of South Africa and SARS; and

5.5.4. Assisting the Refugee Law Clinic in review matters against the Refugees Appeal Board.

4.6 The candidate has also been exposed to criminal and labour law, to a very limited extent.

## 5 **The candidate's commitment to the values of the Constitution**

5.1 The candidate demonstrates a commitment to the values of the Constitution through her work with the Refugee Law Clinic, which is run by ProBono.org.

## 6 **Whether any judgments have been overturned on appeal**

6.1 The applicant has never had any judgments taken on appeal.

7 **The extent and breadth of the candidate's professional experience**

7.1 The candidate:

8.1.1. Worked as a candidate attorney at Dangors Attorneys from February 1988 to May 1989;

8.1.2. Worked a candidate attorney at Edward Nathan & Friedland Inc from June 1989 to December 1990;

8.1.3. Practised as an associate at Edward Nathan & Friedland from January 1991 to October 1994;

8.1.4. Practised as an associate director at Van der Venter Meiring from November 1994 to December 1995;

8.1.5. Practised as a director at Selemeng Mokose Inc from June 1996 to November 2008;

8.1.6. Practised as an attorney at Bowman Gilfillan Inc from December 2008 to September 2016; and

8.1.7. Presently practises as a consultant at Mohammed Randera & Associates.

8.2 The candidate has contributed to the profession as follows:

8.3.1. She has both been a member and the chairperson of the Law Society of the Northern Provinces Law Committee;

- 8.3.2. She has acted as an alternate councillor of the Law Society of the Northern Provinces Law Committee and has additionally served on its gender committee;
- 8.3.3. She has acted as the chairperson of the LSSA Property Law Committee;
- 8.3.4. She has contributed to the LSSA Legal Education by acting as a drafter, moderator and examiner in respect of conveyancing examinations;
- 8.3.5. She has represented the Black Lawyer's Association in all LSNP, LSSA and GLC committees;
- 8.3.6. She has acted as an appointed member of the Compensation Court for the Northern Metropolitan Substructure of the Greater Johannesburg Transitional Metropolitan Council;
- 8.3.7. She has acted as a member of the Valuers Board for the Southern Metropolitan Substructure of the Greater Johannesburg Transitional Metropolitan Council;
- 8.3.8. She has acted as a member of the Property Law Subcommittees of the Johannesburg Attorney's Association;
- 8.3.9. She has acted as a member of the Deeds Regulations Board; and

8.3.10. She has acted as a board member of Sci Bono Discovery Centre.

## 8 **The candidate's linguistic and communication skills**

8.1 The candidate has excellent linguistic and communication skills in English, as borne out by the judgments attached to her application. The candidate states that she also speaks Sesotho, Setswana, Sepedi, isiZulu, isiXhosa, Siswati, Afrikaans and French.

8.2 Her proficiency in so many African languages (including French which is spoken in many African countries) will be to her advantage and that of litigants.

## 9 **The candidate's ability to produce judgments promptly**

9.1 The candidate has acted as an acting Judge on an *ad hoc* basis during 2016 and 2017.

9.2 During this period, the candidate has expeditiously delivered reserved judgments in 11 out of the 16 matters listed.

9.3 One of the judgments appears to have taken 7 months (*Sapor Rentals*).

9.4 The candidate has 4 outstanding reserved judgments, in respect of which judgment was reserved on 28 April 2017, May 2017 (specific date unspecified by the candidate), 2 June 2017 and 22 June 2017 respectively.

10 **The candidate's fairness and impartiality**

10.1 There is no reason to doubt that the candidate is fair and impartial.

11 **The candidate's independent mindedness**

11.1 There is no reason to doubt that the candidate is independently minded.

12 **The candidate's ability to conduct court proceedings**

12.1 Members have commented that the candidate is able to conduct court proceedings.

13 **The candidate's administrative ability**

13.1 The candidate's experience as a conveyancer and attorney for a number of years demonstrates that she has the necessary administrative ability.

13.2 The omission to submit the auditors report to the law society may be related to the candidate's administrative ability.

14 **The candidate's reputation for integrity and ethical behaviour**

14.1 The candidate's has a reputation for integrity and ethical behaviour.

15 **The candidate's judicial temperament**

15.1 The candidate is reported to have a fair and even-tempered judicial temperament.

15.2 There is no reason to doubt that the candidate has the required judicial temperament.

16 **The candidate's commitment to human rights, and experience with regard to the values and needs of the community**

16.1 The candidate shows a commitment to human rights.

16.2 The candidate has experience with regard to the values and needs of the community, in respect of:

17.2.1. Her work advising the Department of Housing Gauteng regarding how to regularise low income properties in the Gauteng area; and

17.2.2. Her service on the Gauteng Tribunal in assisting in adjudicating the terms of the Development Facilitation Act to fast track the establishment of townships.

17 **The candidate's potential**

17.1 The candidate has potential to be a sound judicial officer.

18 **The message that the candidate's appointment would send to the community at large**

18.1 The candidate's appointment would be reflective of both the gender and racial composition of South Africa. It would

demonstrate that appointing a black woman to the bench does not require any relaxation of standards.

## **ANNEXURE: LIST OF JUDGMENTS CONSIDERED**

### **Reported decisions**

None.

### **Unreported decisions**

*Makhubo v the State* Case number A64/2016

*Ntsabo v RAF* Case number 2013/39723

*Sapor Rentals (Pty) Limited v BMK Kitchenbrand (Pty) Limited and another* Case number 2014/15261

### **Judgments upheld on appeal**

Not applicable.

### **Judgments overturned on appeal**

Not applicable.