

Judicial Services Commission interviews

8 October 2015, afternoon session

Kwazulu-Natal High Court

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Interview of Advocate GR Thatcher

Mogoeng: Advocate Thatcher, please tell us why you think you are ready to become a judge.

Adv. GR Thatcher: I have been an advocate for thirty years. I've had a wide-ranging civil practice, incorporating shipping law, which I studied in the United Kingdom, some intellectual property, and quite a lot of work in the motion court.

Jappie: What unique contribution could you bring to the Bench?

Thatcher: I could help with the civil work in the division, and can see myself playing an active part in the implementation of the case management proposals that are being discussed.

Jappie: How many acting stints have you done in the High Court?

Thatcher: I've done three acting stints, all in the civil court, totalling about three months, during which time I delivered about sixteen judgements. They are enormously disruptive to one's practice, but I've enjoyed them.

Jappie: Were there any particular problems you encountered during those three months, and do you think they were sufficient to prepare you for permanent appointment?

Thatcher: I do believe so. I think I've been exposed to everything I would be exposed to as a judge.

Jappie: Most of your experience has been in civil work. How do you feel about criminal work?

Thatcher: I did do quite a few murder trials in my early years as an advocate, according to the old *pro deo* system. I also prosecuted for six of seven months shortly after finishing my studies.

Masutha: For how long did you study in England?

Thatcher: For one year. I did a course in international sail contracts and maritime security.

Masutha: How much of your practise has been in maritime law since then?

Thatcher: It has been a consistent thread in my practice since I started, but there is not enough work in South Africa to base a whole practice on maritime law.

Masutha: Would you consider yourself an expert in the field, or is it just an area in which you have some competence?

Thatcher: I would say I have some competence.

Masutha: During your thirty years of practice, what if anything have you done to advance the cause of transformation, for instance by taking under your wing historically disadvantaged practitioners?

Thatcher: We have an open door policy at the Bar where any junior can approach any senior with a problem, and I think it is a marvellous system. Most of the pupils in my legal writing course are from previously disadvantaged groups, and I think it has helped them a great deal.

Masutha: And in terms of appearances in court? Have you helped them, perhaps giving them opportunities as junior counsel. I note that you have only been a senior counsel since 2014.

Thatcher: The juniors I've taken on since then haven't been in my cases, it has mostly been in their cases.

Hellens: Mr Thatcher, can you tell us a bit about your judicial philosophy?

Thatcher: Anyone who brings a case to court has a right to believe that the judge will give them a fair hearing.

Hellens: What is your understanding of the doctrine of separation of powers?

Thatcher: The recent e-tolling case is a good example of a policy decision being taken, with which it is not within the power of the courts to interfere.

Didiza: You said there is not enough maritime law work in South Africa to sustain a practice on its own. Do you think this might change going forward, in the light of government's intention to exploit our maritime resources?

Thatcher: I still don't think there will be enough for a practice to be solely supported by maritime work.

Semenya: When the SCA and the Constitutional Court refuse leave to appeal, they do not give reasons. How does that square with judicial accountability?

Thatcher: I suppose transparency is always desirable. If one has lost, one always would like to know why.

Mogoeng: Thank you Mr Thatcher, you are excused.