

Judicial Services Commission Interviews

Friday 09 October 2015

Eastern Cape Division of the High Court (Bhisho and Mthatha)

Chairperson: Chief Justice Mogoeng Mogoeng

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Interview of Judge D Van Zyl

Justice Mogoeng: You have been acting in this position for some three years.

Mr Van Zyl: Yes, since early 2013.

Justice Mogoeng: In your own words tell us how you will improve the performance of the courts in Bhisho and possibly contribute to the overall improvement of the entire division, if appointed permanently. Also highlight what you have been doing in the process as well.

Mr Van Zyl: After I was appointed, at the time when the decision was taken that the court would fall under the Office of the Chief Justice. When I was appointed I realised that the effect of that decision and its implementation, I realised that judges would have to take more responsibility in terms of administration and day to day running of the court. So that's what I did immediately. I built a better relationship with the Office of the Registrar in order to find out how they operate, find out exactly what their problems are, what their needs are, and I have introduced systems to have closer cooperation and relationships with the staff. With that came the issue of case management. It was introduced as a pilot project in some of the provinces. We decided to introduce that in Bhisho and East London. I have expanded on that and also introduced it insofar as criminal matters are concerned and not limit it to civil matters. That is an ongoing process, it has started and we have made some changes. As far as the criminal matters are concerned, we have seen more matters being finalised and there is better planning. To leave it to the Director of Public Prosecutions to set matters down and determine time periods in which matters should run has in the past created problems. In the past, the matter is set down for a week, and four weeks later the judge is still busy with the matter. So the system I introduced, and that is in coherence with the Director of Public Prosecutions and the Legal Aid Board, is to have a week of case management for the cases for the following term. Basically, the idea is to ensure that everyone consults with witnesses and there is no delay when the case is on the roll and comes to trial, that everyone is ready, that any problems that there may be, such as outstanding evidence or forensics, that all those problems are sorted out before trial starts. At the moment on a Monday, everyone is ready and trials proceed. I have seen an increase in the number of matters we have finalised so that has been successful. I have also tried to not only have a closer relationship with court staff but also practitioners. That I have achieved through introducing case management in criminal cases, building a closer relationship with the staff of the Office of the Director of Public Prosecutions and a closer relationship with the Legal Aid Practitioners. I also have meetings, they cannot happen too often, but I do have meetings with attorneys and advocates in private practice with regard to issues that may arise and things that are troubling them in the day to day running of the courts. Effectively I have tried to have a more hands on approach. It is an ongoing process.

Justice Mogoeng: You will remember that Eastern Cape was not identified as a site for the pilot of case flow management, but the Eastern Cape asked to be included. You remember that?

Mr Van Zyl: Yes.

Justice Mogoeng: Now the reports I received, particularly at the initial stages, from chair of the national Case Management Judicial Committee, and Deputy President Mthiyane, was that Bhisho was the only court that was implementing the initial case management, and it had not moved on to East London. Because the impression

created at the time, even when reports were generated, only Bhisho, your court, appeared to be implementing case management, and not the others. Do you have any comment on that?

Mr Van Zyl: Yes, that is correct. Initially we started with implementation thereof in Bhisho. You must understand that there is a different dimension in Bhisho with the situation at the moment. Unfortunately we still sit with the old dispensation where we have a court in East London and a court in Bhisho which should not be the position. It was easier to implement it in Bhisho and start it off there and then move on to East London. There was resistance from practitioners, but I think it was more out of ignorance. The other issue is that it also required the training of staff, and I think the case load in East London, with the old cases if you can call it that, the stale cases, those took a lot of time to get rid of. There were more teething problems there than in Bhsiho. It helped that the staff at Bhisho were quite enthusiastic about case flow management.

Justice Mogoeng: So after implementing you realised that there was a quicker way of finalising cases than before.

Mr Van Zyl: Definitely. In Bhisho, if a case is trial ready today we can give a trial date in the same term if it suited the parties, there is no waiting period. The same with East London. Toward the second to last week of last term we actually had to go through the files in East London, to see if there cases where the only outstanding issue relates to final pre-trial conference before the judge in chambers, to try and push those matters through because we had so many open days for the fourth term which shows there is no backlog anymore.

Justice Mogoeng: You initiated and oversaw the implementation of judicial case management in Bhisho. Who did so in East London?

Mr Van Zyl: It was driven by the committee that was formed for that purpose. It was run with one of the judges in my division.

Justice Mogoeng: Who is leading the committee?

Mr Van Zyl: Judge Griffiths.

Justice Mogoeng: Theo ne who represents the Eastern Cape in the National Committee?

Mr Van Zyl: Yes, that is him. Judge Smith and Judge Hartel has been co-opted onto that committee.

Justice Mogoeng: Do you have a sense of when this initiative would spread to other courts, like Mthatha and so on?

Mr Van Zyl: Mthatha has begun implementing case management as far as I know and it has been beneficial thus far, especially insofar as motion court matters are concerned. They had quite a backlog with those types of matters and I think they have done something in that regard. It was indicated at our meeting on Monday that he intends doing he intends doing a similar thing with criminal appeals in magistrate's courts, where there seems to be a stoppage. I think that the challenge is more staff in order to work away the old files, the files lying around and gathering dust. That I think is probably the biggest issue.

Justice Mogoeng: From what I have heard and what you have said, you have fulfilled the role of Deputy Judge President fairly well. Is that your understanding as well?

Mr Van Zyl: I would like to believe that.

Justice Mogoeng: To the extent that you may arise, how should you tackle the fact that you happen to be a white male. Should it be an impediment, should it be a serious factor? Or should your track record supersede whatever concern there may be about you being from the previously advantaged group.

Mr Van Zyl: I do not think it should be a problem. I think it should be about what I have to contribute to transformation and I think I do have a lot to contribute. My appointment would also reflect the diversity that we have in the Eastern Cape, with the different cultural groups that we represent. But I think more importantly it is what I can bring to the table, what I can do for for transformation. I understand what it is, what the need for that is and I can make a contribution. I have been dealing with this province for thirty years

so to speak, I grew up there so to speak, I started my practice there, I know the people there, I know their aspirations, I know the problems and I do not think it should be a problem.

Justice Mogoeng: Briefly, do you have a plan that you have been implementing in identifying women for acting stints and possible permanent appointments, either to Bhisho, or to the JP or the DJP in Mthatha. Women that you have identified and groomed and you have a plan for in the future. What is the plan for women and black people?

Mr Van Zyl: I have in a practical point of view, approached practitioners, of course, those within my own area, for those who would be able to make themselves available for acting appointments. Who would be interested, also, of acting as assessors in criminal matters. So I have compiled a list of names who are interested, and in that way I have identified people. Some of those names I have put forwarded to the JP. Some of them have been appointed as acting judges in Bhisho in the last three years and if you look at most of the appointments there were women appointed.

Justice Mogoeng: I know that we apply for these positions knowing we are not entitled to them, but I think after acting in this position for three year, how would it affect you if juniors such as judge Makaula or Judge Mbenenge were appointed. Would it be a devastation, would it be an emotional loss of confidence for you? How would it affect you? I know it is an unfair question, but I think it is a difficulty rather confronted now than later.

Mr Van Zyl: That is a difficult question. I will have to live with the decision. I would hope the decision is made for the right reasons, and if someone else is appointed and is a better position to perform the duties of Deputy Judge President, then so be it, I will accept that.

Justice Mogoeng: but it will admittedly be a difficult decision to grapple with?

Mr Van Zyl: It will.

Justice Sangoni: You were appointed long before this position was created by the President in Bhisho. And all this time you have been asking when it was to become permanent, because you were putting all your time and energy into this.

Mr Van Zyl: That is true. One has a vision and one has a plan and it is difficult to push that and run with that with everything if you do not know if you are going to be permanently appointed to that position. Also you do not want to establish things, which if someone else was appointed and someone else was appointed would not agree with and has to undo again, so me it was a good thing the post was now created and it is now being filled. It is good for continuity, and for the future of the province.

Justice Sangoni: You had asked about Bhisho doing the pilot programme dealing with case flow management. It started with Bhisho, then you were asked about East London. How did it come into the picture? Without repeating the same question exactly, now does it have anything to do with the fact that we are always using Bhisho as one court; if you are in East London the one week, you are in Bhisho the next week.

Mr Van Zyl: That is correct. So we still sit with the remnants of the past. Hopefully with the new demarcations this will be sorted out. In practice, it is one court. Bhisho and East London in practice, is in practice one court. For the moment it still falls under Grahamstown, strictly speaking.

Justice Sangoni: Is it true that you were actually asked by the Body of judges to monitor the flow of case law, even beyond the limits of Bhisho and East London, having to go to Port Elizabeth, having to run ahead of the programme in criminal matters.

Mr Van Zyl.: That is true. I have had meetings with practitioners from Grahamstown as well, with the view of extending the case management with regard to criminal matters to Grahamstown and Port Elizabeth. I have decided at this stage, after my meetings with the relevant role players, not to interfere with the proceedings in Grahamstown, there does not seem to be a problem as far as finalisation of criminal matters are concerned. Port Elizabeth, I think something needs to be done, and that is also the recommendation I got from the DPP in Grahamstown, that that court could benefit from some form of case management, if it is only to try and clear the backlog. The problem seems to be that there are too many partly heard matters, so to try and get

rid of that. Once this is behind me and if I am appointed I will definitely approach you to see what can be done in Port Elizabeth in that court.

Justice Sangoni: How is your relationship with roleplayers particularly in the practice of attorneys and advocates?

Mr Van Zyl: Very good. As I say I have been in the province for so long, I have practiced there for so long, I have been a judge there for so long, that I know most of the people, I have worked with them for many years, some of them are ex-students of mine, so I have got a very good relationship with them. I have tried to have an open door policy where I have regular meetings and discussions with people with regard to problems. I have built up relations with the relevant role players.

Justice Sangoni: And your colleagues, do they respect you sufficiently?

Mr Van Zyl: Very good. I think that I have the respect of all my colleagues.

Justice Sangoni: Now you find no problems if you had to be recommended for appointment, you would find no problem with that?

Mr Van Zyl: Not at all.

Mr Makupula: The majority of South African people are a rebellious people with a deep sense of justice. Whilst I condemn burning of streets and governments buildings, often you find out there is a reason why they get to the street and demonstrate. Now with regards to the work of judiciary, men of the cloth get into court, five minutes and hits on the table, case postponed for three months. Someone is up there, blood boiling because someone has just been killed. This perception, you as a supervisor of the magistrate and the men of cloth sitting there, how do you balance out this public perception and the fact that you still have to carry out your judicial responsibilities.

Mr Van Zyl: That relates to service delivery as far as the courts are concerned, and that is very important to me. At the end of the day, we are servants of the public and we are the face of the court. When people come to the court, what they see there is what they think the justice system is all about. Service delivery I think is an important aspect, and that is something I have taken up with the staff, the way they treat members of the public, the way they treat litigants and then it comes again to the issue of case management. It is to try get the matters finalised on the roll and finalised as soon as possible. The sort of situation you are referring to we do not deal with that but I suppose if we could create courts during the world cup to deal with crimes that were committed during that time then special courts could be put together for special situations, and to see that justice is done swiftly and in good time.

MEC Makupula: This one might be relevant to you. What you observe, CJ, often police go out and do investigation and at the point of moving from investigation to prosecution, and of course the fact that in our country, you are innocent until proven guilty, now on several occasions people have interacted with those that they have seen killing the person during the day. I do not know what needs to be done to ensure that smooth transition from investigation to prosecution to actually take place. It may not be relevant to the candidate. Please call me out if I am wrong but it is a real problem out there.

Justice Mogoeng: We have got national structures, National Efficiency Enhancement Committee and the Provincial Efficiency Enhancement Committee which brings all the stakeholders together to address those sort of problems. On a lighter note, I do not know if judges and lawyers are men and women of cloth.

Justice Maya: May I just start by placing on record that this candidate is also very well known to me, I have known him since we were young advocates in the very small bar of Mthatha. You recently acted at the Supreme Court of Appeal as a judge, not so?

Mr Van Zyl: Yes, at the beginning of last year.

Justice Maya: How long was your stint there?

Mr Van Zyl: Two terms.

Justice Maya: How did you find the experience? Was it enriching? How did you find us down there?

Mr Van Zyl: It was very enriching. I learnt a lot, I think I said that much in my last interview. I think one always has his own ideas as to how you do things. In the divisions, as judges, we sit alone and so fall into certain habits and do things a certain way. It was quite enlightening to see how things are done differently when you sit as a bench of 5 judges and what it takes to reach a unanimous decision and the debate that goes with that. It was an enriching experience and I really enjoyed it.

Justice Maya: I take it that you enjoyed it because you subsequently applied for a permanent appointment to the court.

Mr Van Zyl: Yes that is correct.

Justice Maya: It was, or maybe it still is, a prospect that is within your sights.

Mr Van Zyl: Yes, definitely. It is still one of my ideals to go to the Supreme Court of Appeal. But the time may not be right for that now, I accept that. And if it happens in the future, it happens. At the moment I have got a responsibility and I feel that I can make a difference where I am. As I have mentioned, I have implemented certain systems in the court, I have got a vision for the court and I would like to see that through.

Justice Maya: I am quite happy to hear that you have not written us out because a judge with your experience and ethos would make an immense contribution to that court. But hopefully sometime in the not so distant future, we make a plan at the JSC.

Ms Tsapane Mampuru, Member of Parliament (National Council of Provinces): In one of the bodies that have nominated you it says in summary Judge Van Zyl is an intellectual. We are striding to transform the judiciary, but I am a little bit perturbed by the way it is quoted by some of the bodies where they say some of the judges are drivers, they are CEOs, they can pull the ship. How does it sit with you?

Mr Van Zyl: I suppose being called an intellectual is a compliment and I will take it as a compliment. I think the letter you are referring to I have seen. I do not believe that if there is any suggestion there that I am not capable of leadership situation and management, then that is not the case. I think my track record speaks for itself, I have been acting as Deputy Judge President for the last three years. I have many successes and I have had recognition for that. So I do not think the perception created by the document you are referring to is not correct.

Ms Mampuru: I will stay with the answer, there is no problem.

Mr Van Zyl: I think in the letter the suggestion is that I am too soft. I would rather be too soft than have a heart of stone, because my philosophy is engagement and discussion and that is the way I resolve problems. I would not resolve a problem by imposing something on someone, and make them feel that I am imposing simply because I am in a position to do so. What I do is to engage and talk and to arrive at a decision that is as far as possible acceptable to everybody.

Mr Hellens: You acted as the DP, in effect, for the last three years. And you have talked about the organisational abilities, arranging the roll, case management etc. I think you said, and I just want to know how it is organised, how is the criminal roll organised, who decides who is sitting on criminal cases and which cases are before which judges?

Mr Van Zyl: That does not happen. What does happen on a practical level, if I can explain to you, is that all the cases that would be set down for the first term of next year, would be postponed to a week in the term before, so it will be set down in fourth term. During that week, all the accused persons will be brought to court, counsel would consult with them, take instructions. There would be engagement between state counsel and defence counsel with regard to what the issues are, what outstanding documents there are, do they have all the dockets etc. Then a determination is done on a very loose basis as to what the issues are. As I have said, the main aim is to determine how long the case would last and ensure the parties would be ready to go to trial on the date. At that point the matter is extended for how long the matter would last, they are then postponed to the following term. Who presides over those matters are not determined at that point. The judges roll is done by the Judge President in Grahamstown and he would allocate the judges. It is not that any one particular judge is allocated to a particular case.

Mr Hellens: That is besides my question. The JP may decide for the next term who sitting in crime. And I understand it, once this procedure has been gone through, the DPP decides which cases he is prosecuting in that next term. My question pointedly is, who decides which case goes before which judge. Now it is determined that three judges are doing crime next term. If determined that are going to be a certain number of cases heard, criminal cases, who decides which case goes before which judge now in my example.

Mr Van Zyl: You have an A court and a B court, and you have a judge allocated to any of those courts.

Mr Hellens: Yes, but who puts State v Smith before Judge Jones? Is it the DPP, that is what I am asking?

Mr Van Zyl: No, it is not the DPP.

Mr Hellens: Who does it?

Mr Van Zyl: The roll is determined by the Judge President, he would allocate the judges for specific weeks. Simply what we are doing is postponing cases from the term before to that term. At that stage, we do not have a list of who judges are. So if you arrive at court that week in Bhisho doing crime, you would either go to court A or to court B. If you are the senior judge you go to court A, if you are the junior judge you go to court B and you do the case which is set down for that.

Mr Hellens: Will the DPP who is setting a case down for court A or court B, know which judge is presiding in court A or court B? In other words, when the DPP places a case before court A, does he know it is going to be judge Van Zyl sitting in court A?

Mr Van Zyl: No, he does not know.

Mr Hellens: I must just indicate, that in some divisions, and certainly in the past an Attorney –General boasted to me when I complained that he picked the judge for his case, he puts his more serious cases before his more serious senior judges in court A and his more minor cases before his more minor judges. Is there any chance that that happens in your division?

Mr Van Zyl: No, not at all. In my view, if you think you are good enough to be judge then you must do whatever case is placed before you.

Mr Hellens: No, you missed my point. My point is the evil on the one side, in this instance the prosecution, being able to pick the court in which the case is placed.

Mr Van Zyl: That should not happen at all.

Mr Hellens: I am asking, does it?

Mr Van Zyl: No, not at all.

Justice Mogoeng: Who determines the date of hearing of criminal matters? Because some time back, it was the prosecution, and I was shocked when I became Judge President because this is the job of the Judge President. They must bring the cases and I must decide. When they say they are ready, the case will be heard. Who determines when matters are going to be heard?

Judge Van Zyl: With our whole case management system that I have introduced, the case will only be placed on the roll for next term if a case is ready to proceed.

Justice Mogoeng: Whose decision is it? Where does the buck stop?

Mr Van Zyl: Well at the end of the day it stops with me.

Ms Nkosi Thomas: A matter that perturbs me somewhat that arose this morning came to our attention this morning that there are chronic defaulters in your division insofar as the handing down of judgments is concerned. That fact has not been reported with us. Now one is putting this question to you, because you are part of the leadership in the division. Is there any reason why the matter was not brought to the attention of the JSC before today or before the papers were filed for the application?

Mr Van Zyl: I am not aware of any chronic defaulting insofar as judgments in Bhisho is concerned. Perhaps I am asking in relation to a different court. Let me just seek clarity.

Justice Mogoeng: You may wish to be specific. Just ask a general question without any reference to any court? I think it may be better that way.

Ms Nkosi-Thomas: In any case I do not think I should pursue this question because it related to something else.

Mr Van Zyl: If I could just point what I do do if I find that there are judges with outstanding judgments. I make a point of phoning the judges and ask them if there is any problem and when the judgment can be expected. And I must say I have not had that many problems.

Ms Nkosi-Thomas: And you are giving us your word that under your watch no such chronic defaults have ever occurred.

Mr Van Zyl: There are defaults but they are not chronic. Steps are taken to resolve that and make sure the judgments are obtained.

Justice Mogoeng: What is the longest that has given you concern recently?

Mr Van Zyl: A year.

Justice Mogoeng: Why was it not reported to the JSC? Because you must report after 6 months. Why was it not reported to the JSC? Because that is what the judicial conduct code of ethics requires of leaders of courts to do.

Mr Van Zyl: I do not know if it my responsibility to report it but the matter was taken up with the JP and JP is aware of that. We have got a system in place in our division where al outstanding judgments are reported to the office of the Judge President. I have resolved the matter and a judgment has been obtained and it has been handed down. I do know that the judge concerned has health problems, I do not know if that contributed to it.

Justice Mogoeng: It should still be reported and it should be up to the Judicial Conduct Committee to decide whether there is good reason for having reserved the judgment for that long, but that is by the way.

Mr Singh: We did have the pleasure of interviewing you before for the SCA. Now I note that you have been nominated by Advocate Shishuba. Is he an acquaintance of yours, how long do you know him?

Mr Van Zyl: I know him since 1990. He was a pupil of mine when I was the bar.

Mr Singh: So the student recommending the teacher. From the document we have received, I note that you are supported in your nomination by the Black Lawyers Association of the Eastern Cape. Are you surprised by this at all?

Mr Van Zyl: No, not surprised.

Mr Singh: What is your association with the Black Lawyers Association?

Mr Van Zyl: I have no active association with the Black Lawyers Association. I have no personal relationship with any of their members or with anyone on the Executive. I hope what has been said in that letter about myself is what they think I am.

Mr Singh: I see Deputy President Maya still wants to poach you, but when I look at your employment history, I see that for the nine periods, seven of the nine have been acting positions. Two of them in the Labour Court and the Supreme Court of Appeal. Is there anything you have gained from those two courts that you think you can bring with you if you are appointed as DJP?

Mr Van Zyl: The Labour Court, definitely. It was my introduction to a world load that was hard to manage. And what could be done ,and what I thought should have been done to resolve that. With ideas that I have

formed at the point in time, that I have brought with me. That is the one thing. The SCA, the benefit from that is probably more judgment writing and work ethic, I would say.

Mr Sing: Would you consider yourself a good administrator and why?

Mr Van Zyl: Yes, and the main reason I would say so would be my relationship with people. I find it easy to relate to people, people find it easy to relate to me. I always make a point of treating people with dignity and respect and it is something that has served me well over the years.

Mr Singh: Besides that, in terms of real administration, losing files and keeping records, do you have strengths in that regard, that you could speak of?

Mr Van Zyl: The position before the introduction of the office of the Judge President had absolutely nothing to do with administration. That was something that was handled by the Office of the Registrar. The attitude in the past was simply that the file was placed before the judge in the court and he does what he is asked and he does not interfere with what is happening in the office of the Registrar. And that is why I have said, after my appointment I have made a point of finding out exactly how the system works, what the challenges are in that office and how they operate and to learn from that and to take from that.

Ms Didiza: I just want to check from you, given the nature of the division you are applying for, how do you think you be able to manage the issues of access to justice in that division, given the rural character of the province, given the issues of gender, and sometimes the issue of culture and language, that makes it at times inaccessible to the ordinary people. What would be your plan?

Mr Van Zyl: As I have said before, access to justice to me is an important thing. It has become a little bit of a cliché over the years, but the court should be accessible to everybody, notwithstanding your status in life or your financial position. It concerns me that litigation has become a privilege of the rich, if you do not have money you cannot litigate. I am happy about the relevant amendments being made with regard to practitioners, I think that there are practitioners who are overcharging, they are charging fees that are exorbitant and unnecessary. But the main problem that prevents proper access to courts is the mechanisms to get cases before court, in other words, the rules of court and the manner in which we bring cases to court. I think it is too complicated and time consuming so doesn't allow for an ordinary person to properly access the court. To come back to the issue of cost, an example the other day, women had complained that she wants R1000 maintenance from her husband but the attorney is asking her for R15 000 to appear on her behalf. One appearance in the maintenance court and that is totally unacceptable and something needs to be done about it.

Ms Didiza: I was precisely asking you, what would you do if given this opportunity to deal with these problems that you have just stipulated?

Mr Van Zyl: What I am taking about is more a long term project, it is not something that can be immediately resolved. It is something that one needs to voice and it is something that one needs to run with. On a day to day basis, one can do as much as you can to accommodate poor people, to accommodate those who cannot afford legal representation. We deal with that on a regular basis. We try to assist people who appear on their own behalf and we try and assist people like that as far as we can. Either by granting them postponements to give them an opportunity to get their papers in order, to put them in contact with the Office of the Registrar for the Registrar to assist them, those things are done on an on-going basis, but it is probably too little.

Mr CF Fourie, Attorney: Commissioner Singh referred to Black Lawyers Association who supports you which is true except that they support all three of the candidates, which is not so helpful. For the sake of time I will be brief, the reason why I am asking the question, I must admit as I sit here I am still very indecisive. You have been acting in that position for three years, you are a very senior judge and you seem to be the person that should be able to do the job but I want to read you two passages from BLA to illustrate some of my thinking and confusion. I am not necessarily aligning myself with what is being said. It just gives the two sides of the coin. Firstly it says, 'I urge the Commission in these interviews to be sensitive when it deals with senior judges like Judge Van Zyl. At least they should feel that some effort was taken to address their personal views. The main problem in this country is that a person gets judged by the colour of his skin and not by the content of his character.' That is what BLA says. 'I do not blame the Commission for this problem,

I blame members of the legal profession who in the quest for transformation seem not to realise that it is 21 years after 1994. Judge Van Zyl was appointed during this current government.' That is the one aspect, and then the next paragraph they say; 'the rationale for the support of Judge Mbenenge seems to be that the profession is looking at the future. In 2017 the JP might retire. There is a need to develop a pool of judges from whom we should appoint a successor for the current JP. Judge Mbenenge is a good candidate for this position. I agree, Judge Mbenenge is your Chief Executive Officer. He is passionate about his job, his morals are beyond question. He has the character for the JP's position and can pull the ship in the Eastern Cape division in the right direction.' I will stop there. Have you got any comments to add to those two quotes that I read to you?

Mr Van Zyl: All I can say is that my focus is on this position and what goes with it. My focus is not on the JPs position any other position that may open in the future. That is something that we will deal with when we get there. The first comment I do not find it a negative comment, I think it is a positive comment. If there is any suggestion that someone else may be in a better position to me to manage the division or the court, I don't think there is any basis for that. I have been acting in this position for three years and my track record speaks for itself. I have not received any complaints that I am doing anything wrong. In fact, as I have indicated, most people indicated that what I have done and implemented in the division has been or had positive results. All I am asking you is to judge me on my track record and my past performance.

Deliberations.

