



JUDGES MATTER

Judicial Service Commission interviews

6 April 2016, afternoon session

KwaZulu-Natal Division of the High Court

Interview of Advocate P C Bezuidenhout SC

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Chief Justice Mogoeng Mogoeng: Good afternoon Advocate Bezuidenhout.

Advocate Bezuidenhout: Good afternoon Chief Justice.

Mogoeng: For how long were you a junior advocate before you became a senior?

Bezuidenhout: About 21 years.

Mogoeng: Before you became a senior?

Bezuidenhout: Yes.

Mogoeng: And for how long have you been a senior counsel?

Bezuidenhout: Seven years.

Mogoeng: And all in all, for how long have you acted in the High Court?

Bezuidenhout: Approximately 56 weeks.

Mogoeng: Yes. Very briefly tell us why it should be you this time around. Just brag a little bit, or as much as you can.

Bezuidenhout: I think I've obtained a lot of experience, basically as a practicing advocate and as an acting judge, and I have covered a wide field of the work that will arise in the KwaZulu-Natal Division. I think I've worked hard, which I think is what I normally do, both in practice and as an acting judge. I've tried to, in each session, complete my judgments in-session and if one has stood over it is because it was the end of a recess.

Mogoeng: And how long would it stand over?

Bezuidenhout: The longest I have had was six weeks. And in all the judgments I have given and all the times I have acted since 2012, I have had two that have gone on appeal, both have not been finalised. One full court was heard in February this year but I do not know if the judgment has been handed down yet. And I think I have tried to apply the law fairly, tried to treat everybody equally and I have also enjoyed doing it. It has been a satisfying position.

Judge President Jappie: It is quite obvious - you have acted for 56 weeks, you are familiar with the division?

Bezuidenhout: Yes.

Jappie: You are familiar with the workload and the requirements. What would you say are the main challenges that the judges in KwaZulu-Natal face?

Bezuidenhout: I think one of the main challenges, especially in Pietermaritzburg, is the workload. The appeals that have to be done, the full court and the bench appeals - it is a heavy workload, but it is an enjoyable workload. And then there's maybe a bit of administrative things - sometimes there is a little bit of a problem with all of the administrative factors like obtaining certain documents and stuff that you may need from the Registrar's office. Those are difficulties that I found.

Jappie: And do you think you are up to the challenge of what is required of a High Court judge?

Bezuidenhout: Yes I do. I think I am up to it, and I hope that the times I have acted has shown that I am able to cope with everything that was given to me to do.

Jappie: It is quite obvious you are a white Afrikaner male. Do you think your appointment would get in the way of or impede transformation of the bench?

Bezuidenhout: I don't think it would to any great extent. There is, if my recollection is correct, there is six white male judges in the division, so percentage-wise I don't think it would affect it to such a great extent. I also think that the transformation of the bench also to an extent depends on your attitude on the bench applying the Constitution, trying to assist everybody as much as you can, and you can also assist transformation in that regard.

Premier Mchunu: The first question is how do you think, if you are appointed as a judge, you will enhance the efficiencies of the division in the province?

Bezuidenhout: I think it will be enhanced by the fact that I work hard, I will make sure that as much work as possible will be done as quick as possible, that there shouldn't be backlogs, and in that way, I would enhance the efficiency of the courts and in that way assist the other judges to ensure that work gets done on a quicker basis.

Mchunu: Well how will you do that in a province where there is already a shortage of judges?

Bezuidenhout: There is indeed, but you can take on a greater workload and for instance assist by taking work for somebody else, which I have done, and assist in that way to make sure that those cases can be finalised.

Mchunu: The second question is how do you think your appointment will make the majority of the province feel comfortable with you, when you preside over a matter anywhere in the province?

Bezuidenhout: I think that I have the support from many of the people in the profession. I also have support from many people outside the profession, and that I am known to be fair and humble, and I treat everybody equally. I think that was to an extent shown by the letter that was given by the BLA where they clearly set out that I have tried to assist my practice's indigent people as much as I could, that money was not the main factor always, and that I am acceptable to the majority of the people.

Mchunu: If that is the case how have you earned this reputation that you are talking about?

Bezuidenhout: I think it has been my whole attitude of life, that everybody must be treated the same, everybody is equal and everybody needs to be treated with the same respect, irrespective where you come from. That has been my philosophy in life that I've applied all the time. I am easy to approach according to my colleagues, advocates, people attending the bar and pupil members. If there were young people commencing, having to draft papers, I would help them finalise the papers, make sure that they were fine. In that way I have contributed as much as I can, and that way we have all built up a relationship.

Mchunu: What's your assessment of accessibility of justice to the majority of people – quite a significant number of people coming from rural areas, poor and so on. What is your assessment?

Bezuidenhout: Accessibility of justice for a lot of people is difficult, because it is a costly exercise for most people. The Legal Aid system has helped, but also through the pro bono system, which helps. And then it depends on individuals too. As I have stated, what I have tried is that if people come to court and they have a cause, even if there is no money, you do it. It is part of your duty to assist and that is the way that I have approached practice. Although accessibility is a difficulty, it can be assisted by helping people either by doing work pro bono or through the Legal Aid system.

Advocate Hellens: I would just like to put your practice in perspective. You are from a smaller bar, the Maritzburg Bar?

Bezuidenhout: Yes.

Hellens: You've been in practice for 31 years?

Bezuidenhout: Yes.

Hellens: And since 2009 as a silk. What that means, speaking from the perspective of the profession, at a smaller bar, generally practitioners have to do a wider range of work?

Bezuidenhout: Yes.

Hellens: So it would therefore be so that, unlike some practitioners in Johannesburg that might specialise in insolvency for example, at a smaller bar, because it is smaller, you specialise generally?

Bezuidenhout: Yes, very much so. The most that you can specialise in Pietermaritzburg is between civil and criminal. You do a wide variety of work.

Hellens: And that contributes to the broad base of your experience?

Bezuidenhout: Yes.

Hellens: I'm trying to sketch the person you are for those who don't know how practice works. And then in your practice you have done both civil and criminal, motion and trial?

Bezuidenhout: Yes.

Hellens: In fact if I am not mistaken you are fairly well known not in civil but you know criminal law?

Bezuidenhout: Yes, at the end of last year I did a murder trial in the High Court where I appeared.

Hellens: I think that is all I needed to put into perspective.

Commissioner Singh MP: I just have one question. In your acting stint where you presided, was it always in Pietermaritzburg or Durban or were you asked to go to any circuit court? I don't know if acting judges are sent out to circuit courts.

Bezuidenhout: Mainly it seems that circuit courts have not been for acting judges in my experience, but I may be wrong, the Judge-President would know better. My stints have all been in Maritzburg. All my acting appointments have been in Pietermaritzburg.

Singh: Just to follow up - if you are asked and appointed to go to Mthubathuba or Nongoma or wherever there's a court sitting, you would be amenable to that?

Bezuidenhout: Absolutely not a problem. In my practice I travel quite widely, and in my younger days circuit court is actually where I spent a lot of time.

Mogoeng: You are excused.

