



JUDGES MATTER

Judicial Service Commission interviews

3 October 2016, Afternoon session

Electoral Court

Interview of Judge C Lamont

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Chairperson, Acting Deputy Chief Justice Nkabinde: Commissioners, please take your seats. Good afternoon Judge Lamont.

Judge Lamont: Good afternoon.

Nkabinde: I think before you came I should have welcomed and introduced Judge President Shongwe. Welcome Judge President. Judge Lamont, you are a Judge in the High Court, Gauteng Local Division. Is that correct?

Lamont: Yes I am.

Nkabinde: If my recollection is correct you are appearing before this Commission now for the second time?

Lamont: Yes this is the second time I appeared, I appeared the first time when I became a Judge.

Nkabinde: And, thus far, for how long have you been a Judge in the Gauteng Local Division?

Lamont: I was appointed during May 2007.

Nkabinde: Very briefly, can you take us through your experience in electoral matters?

Lamont: I have very little experience in electoral matters, I've never served on the Electoral Court. At a point in time, I've been asked by colleagues of cases relating to electoral matters. I personally do not, I've never appeared as a Judge in an electoral matter because I've never been appointed to the court. I have some knowledge of the Acts that govern it, I have some knowledge of, for example the issue which was raised I think by Mamphela Ramphele some years ago about the difference in the way that the National Assembly is elected versus the local assembly, and some of those issues, and obviously what I have read about electoral matters, but I've never actively participated in any electoral matter.

Nkabinde: In the event you are considered for the position, I would imagine that you will or might have already familiarised yourself with the relevant principles and case law, particularly in the cases of the Constitutional Court dealing with issues of the Electoral Court?

Lamont: Yes I have read the legislation, a lot of it is very detailed so it's very difficult to remember. I'm aware for example of the latest *Tlokwe* judgment, and I'm aware of the general principles that are of application, namely that it's an administrative law issue coupled together with a high degree of constitutional application.

Nkabinde: My experience is that issues relating to voting often happens at a time when elections are taking place, be it a local election or national elections, and what is required by the court at a given moment when an application is brought before the Electoral Court, is that the Justices who are seized with the matter have to decide the matter as a matter of extreme urgency, which then requires the judge to look into the matter and write the judgement without delay. Is it a matter which you are quite familiar with?

Lamont: Yes, yes I agree with you that these matters generally are decided as a matter of extreme urgency. However, I think that it's a five-man Court although there are only three Judges, the JP's a highly experienced and skilled person, and I would believe that there would be cross input between members of the panel particularly the Judges. Also, I feel that I am well able to deal with issues even if they are extremely urgent. I have, during the course of my time as a Judge, faced issues of extreme urgency, and not shrunk away from making a decision, and generally I think my decisions have been correct, and I would anticipate that I would apply my mind properly and correctly to the principles of application to the particular matter, and be able to deal with it expeditiously.

Nkabinde: If I may ask, what raises the interest in moving from the High Court to the Electoral Court?

Lamont: I see the Electoral Court as a challenge to me, I'm a person who's highly motivated by the work that I do. I regard it as a great honour of this country to have appointed me as a Judge and I regard it as a great honour to be able to perform the work which I perform, and I see it as a great opportunity to serve my country. I'm

humbled by the persons with whom I would sit in such a court, I see it as a great challenge to participate in the future affairs of the country by dealing with electoral matters which come to me. I feel that I would be able to give a contribution at a personal level, which would be of value, I hope so, I would try my best, I would seek the guidance of the seniors who sit on that Court, such as my JP who would be sitting on the court who would be able to give me input. I see it as a very exciting prospect where I would be able to contribute.

Nkabinde: Judge President Shongwe I think I jumped the gun, I should have allowed you to have a first go with the questions, but I acted prematurely. I beg your pardon. Thank you for your guidance. Judge President.

Judge President Shongwe (Judge President of the Electoral Court): Thank you. Judge Lamont, you are based in Johannesburg, and in Johannesburg there are two judges who are members of the Court, am I correct?

Lamont: In Johannesburg there is, I call him Stanley, some people call him Seun, Moshidi, who's a member of the court, there is Wepener who is a member of the court, and I'm making application. I do not understand that the terms will overlap in the sense that I believe that Moshidi J and Wepener J's terms will come to an end fairly soon, and that I would be appointed after that, but it is true that currently two of the Judges come from the Gauteng local division.

Shongwe: In terms of their proximity to you in the same division, would you perhaps assist you to draw some experience from them?

Lamont: It would be of great assistance to me to have access, particularly to Moshidi, J, with whom I have a longstanding relationship. He used to brief me when he was an attorney in 1975, and he and I know each other extremely well and I think we are fairly close friends, and I believe that he would, without hesitation, offer me any assistance I needed and I would not hesitate to ask him. I respect his opinion, I respect him as a man and I believe him to be an efficient lawyer, so it would be of great help to me to have that, and similarly, Wepener, J although he is a lot more junior than Moshidi, J. I also have a fairly close relationship with him – we were at the Bar together for many years, I was in the group which he led for many years. I think we served together on the Bar Council for some years. So it would be of great assistance to me to have the ability to approach those two people.

Shongwe: You have indicated that you are familiar with the law, that is the legal framework in the sense of the legislation, as well as the rules and regulations of the Electoral Court.

Lamont: I think I have an understanding of them. They are fairly detailed, so it's very difficult to deal with them in general terms, but I think I have an understanding of the underlying principles.

Shongwe: I'm sure you understand the principle that, I mean being a High Court Judge, and wanting to be part of the Electoral Court, you are attracting to yourself some work on top of the work that you have, and there isn't any extra remuneration – do you understand that part of it?

Lamont: Yes, I'm well aware that the application by me, if it is successful, would result in a lot of extra work coming to me, I understand that. Currently the Court is very busy and there have been many applications which have been before it, and that there is no extra money for this. I understand also that my JP is sensitive to the needs of Judges, and for the needs of the country, and that if I'm appointed, he would, if I asked him for time, make it available to me, but I think generally speaking, I try to manage my time properly. For example, today I am on duty, and I arranged that my duty for today will be heard tomorrow so there is no inconvenience to anyone – my JP is not inconvenienced, the court is not inconvenienced, and I foresee that I would at least be able to make a serious attempt not to invade my ordinary duties as a Judge. I really enjoy those ordinary duties as a Judge, and when I say ordinary I don't mean to demean them in any way, I mean my normal, day-to-day activities. I've been fortunate, I've been given many big matters, if I can call it that, and I've been able to run these matters and run whatever extra matters I needed to run simultaneously with them, and perform the judicial duties which are given to me by my JP and I perceive that I will continue to do so.

Shongwe: With your experience as a High Court Judge or the pressure that will bear on you in taking the position should you be appointed, you think you have all the qualities of being able to withstand the pressure of the amount of work? As you know, the Electoral Court is a periodic and specialised court, it doesn't sit every day, it sits as and when there are electoral matters.

Lamont: Yes I understand there will be great pressure upon me. I think I should be able to withstand that pressure – I have withstood great pressure certainly over the last two or three years when I've been involved in a particular matter, which was a very pressurised matter on me personally, which has resulted in me having possibly, resulted in me running for a long time in a big matter with high pressure, and at a time when there are very difficult circumstances prevailing. So I believe that I would be able to withstand the pressure of the Electoral Court, as an extra on top of the work which I do.

Shongwe: I notice that the other legal bodies which have commented on your application are all favourable. Are you aware of that?

Lamont: Yes I've seen the comments of the other bodies, and I was very grateful for their words. I have strong ties with the BLA, for whom I lecture on a regular basis to attorneys and other people and, for example, they are currently running a course and they've invited me, notwithstanding that I'm on duty, to attend to attend the course, and notwithstanding that I'm here, to still come even though I'm not there, so I have

a good relationship with the BLA, and I was very pleased because I think they know me quite well, that they recommended me. The other entity, the other person who wrote about me, I know because he has been an Acting Judge at times, and I was humbled by the things they had to say. So I'm humbled by what they have said about me. I'm very conscious that I have flaws and that I have issues to overcome as we all have, so it makes me proud that my brother South Africans see me as a person that they are prepared to accept in a judicial position. I think I've said it before and I think I've said it in my application, that being a Judge is not just a question of being a Judge. One of the very important features that I see of being a Judge is that a Judge is acceptable to the community because his authority, although it comes from the state, has to be accepted by the people who appear in front of him, and I see it as a very important part of a Judge's life that he should be acceptable to the public.

Commissioner Motshekga: No I just want to commend the Judge because in everything that he says, it comes across as putting the country and the interests of the people before everything else – I am very impressed with his approach. Thank you.

Nkabinde: Thank you Doctor. Commissioners, thank you very much. Let me just thank Judge Lamont for making himself available and congratulate him for this opportunity. Thank you so much sir. Unless you have something to say further, you are excused.

Lamont: Thank you very much.