



**JUDGES
MATTER**

**Judicial Service Commission interviews
05 October 2017.**

**Western Cape Division of the High Court
Interview of Mr E D Wille**

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Chief Justice Mogoeng: Good evening Mr Wille.

Mr D. Wille: Good evening.

Mogoeng: Please settle down.

Wille: Thank you.

Mogoeng: Are you well?

Wille: Thank you sir.

Mogoeng: I didn't do this to others; I must do it to you though. Thank you for agreeing to come although you had been told to -- that you would be interviewed tomorrow.

Wille: Sir, I'm in your hands so to speak so -

Mogoeng: Ja.

Wille: -- it's a pleasure to be here.

Mogoeng: Thank you so much and we apologise for bringing you in so late.

Wille: No problem sir.

Mogoeng: Tell us, over what period does your practical experience as a lawyer span?

Wille: I've been an attorney for 27 years, practicing initially in KwaZulu-Natal for a short period of time, and then since 1991 in the Western Cape.

Mogoeng: And did you appear in court as an attorney or the more senior you became the more office bound you -

Wille: No, to the -

Mogoeng: -- were?

Wille: -- contrary sir, to the contrary Chief Justice, even now I do a lot of appearances myself and predominantly in the high court.

Mogoeng: And for how many months have you acted in all; if you put all those acting stances together?

Wille: We -- I went to the registrar to try and find out exactly but if you add all the amounts together it's probably about two and a half years; maybe more because I did -- at one stage in the Western Cape division there was a severe backlog for criminal appeals and I did many, many Friday criminal appeals on a voluntary basis for no payment for many, many Fridays on criminal appeals. I haven't added those in as times for acting but I suppose strictly speaking, I was an acting judge for those periods as well.

Mogoeng: When there is so much appetite for money, how did you get it right to do it without payment?

Wille: Well, luckily in the firms that I've been associated with, they have accommodated me and they have seen it as an honour that I was invited to act, and money's not something that is my primary driver in life.

Mogoeng: And what is the longest period it took you to deliver a judgment after reserving it?

Wille: I think it was six weeks and a couple of days.

Mogoeng: Both criminal and civil -

Wille: Both criminal and -

Mogoeng: -- including trials?

Wille: -- both criminal and civil.

Judge President Hlophe: Thank you Chief Justice. It is customary to disclose that we know each other. Mr Wille and I first met in Pietermaritzburg in 1982; and allow me to elaborate a bit. It was myself -- it was Derrick Wille, Judge Zondi and I, we were students and he helped me, I must be frank. I could not at the time live in a white area, and I remember one day I arrived in the library in the morning after I was assaulted by the cops; they klapped me, harassing me for being in a white area and

Derek asked me why was I tearful; I told him. He immediately took my dompas and employed me as his gardener and that's where we started knowing each other. And he used -- every three months to accompany me to the council offices in order for me to have my dompas endorsed, to enable me to stay, to live in a white area, which in turn enabled me to get my law degree. Alright. Well, I don't want to cry Chief Justice because quite frankly -

Mogoeng: Is this the one that we read about?

Hlophe: Yes.

Mogoeng: To complete your degree?

Hlophe: Yes. Without his help I would not be here, Chief Justice.

Mogoeng: Oh.

Hlophe: And he used to endorse my dompas as my employer so I was his gardener just to beat the system. Without that I would not be here. Alright.

[Unknown voice] Did you do the gardening work?

Hlophe: No, no. He couldn't afford me. I suppose I owe him.

Mogoeng: Yes.

Hlophe: Right. Mr Wille, I can confirm that you have acted in the division and the issue relating to reserve judgments. However, I'm going to ask you some questions and I think it's only fair that I ask you questions that I have similarly asked other candidates. Let me put it to you upfront, there is a lot of racism on the bench in Cape Town in -- and in the profession; do you agree?

Wille: I agree entirely.

Hlophe: What steps do you think should be taken if this commission were to recommend you to be permanently appointed as a judge; what do you think would you assist the heads of court, excuse me, sorry, yes; would you assist the heads of court and other judges in terms of rooting out racism in the profession with specific reference to briefing patterns?

Wille: Yes. I think through the Chief Justice, Judge President, I think racism and transformation is not something that you switch on when you go to work at 8 o'clock in the morning, and you switch off when you go to work -- when you go home at 20:00 -- at 7 o'clock at night. It's something that you have to deal with in your life every day. So, same as transformation; it doesn't only happen in your workplace; it must happen in your life and the same with racism; when you come across it whether at the bench or whether as a -- whether with one of your colleagues or whether on the sports field, wherever you are, it's something that you must deal with and I certainly -- I'm very adverse to racism. I get quite emotional about it when it happens and I will certainly do whatever I can to bring it to the attention of whoever is in charge if I encounter it to see that it doesn't persist.

Hlophe: Let's talk with specific reference to skewed briefing patterns. Firstly, is it correct that there are skewed briefing patterns resulting in a situation whereby it's largely African females that are excluded from the main screen; in other words they don't get the kind of work that their white counterparts get on a daily basis; is that correct?

Wille: It is totally correct. It is -- I think in the Western Cape it's still quite, quite skewed, more so in other provinces from what I've noticed. I litigate in other provinces as well. I've noticed in the Western Cape particularly that it is very skewed, and I think it's an indictment to an extent that there are not lady applicants -- not so many lady applicants for the posts for the Western Cape for the vacancies because I think these skewed patterns don't give them that advantage and the experience that maybe I've had the opportunity and privilege of having.

Hlophe: Let's talk about the use of indigenous languages. The heads of court have quite rightly taken the view that English is now the official language of record.

However, do you believe that it is to our advantage as the judiciary to develop indigenous African languages so that eventually they can take their rightful place on our -- in our jurisprudence?

Wille: Most definitely. First of all, a person -- any person has a right to a fair trial and I would think that that would include the right to be able to speak his mother tongue and to express himself in his own language in any court proceedings. Obviously, for expediency purposes and for smooth running of courts, I understand why there's been a policy adopted that English is adopted and I understand that, I understand that. But I still believe that constitutionally a person must have the right to speak his own language and express himself and there must -- steps must be taken, obviously finance is an issue, but steps must be taken to maybe broaden this and allow people who don't have the opportunity of expressing themselves in English eloquently and well, to be able to express themselves in their home language.

Hlophe: Right. Let's talk about effective case flow management. Do you -- would you agree with me that court based mediation inter-alia, pre-trials and a continuous role are some of the effective tools of case flow management which each and every judge must have?

Wille: I think through you Chief Justice and to my Judge President, I think the Western Cape is an example of how Rule 37 and pre-trials has worked, how the time, how the time has been cut down substantially now to obtain trial dates and dates on the opposed motion role. Further, I believe it's incumbent upon an acting judge and even more so possibly upon a judge where he comes across a case where mediation is possibly a solution to a potentially volatile problem. That it's certainly within his powers to make an order to say I order the parties to tell me why they can't mediate this matter and to file affidavits to say why this matter cannot be mediated and what if -- steps they've taken to mediate the matter.

Hlophe: You've started off in your practice as a criminal lawyer; are you comfortable sitting in any criminal trial?

Wille: Yes. I obtained a bursary from the government to be able to get my law degree so I had to work back my time as a prosecutor and therefore naturally involvement from that when I joined a private practice was to put me into to do the criminal work for the private practice. And I would say that about 20 to 25% of my work consists of criminal work, and I'm very comfortable sitting on criminal trials and criminal appeals.

Hlophe: Finally, on the issue of indigenous languages, is there any indigenous African language that you understand, you were in Natal before and you now live in the Western Cape?

Wille: Regrettably my Judge President, I grew up in the Free State and apparently I've been told I was quite proficient in South Sotho, and I can still remember a bit, but I've lost it. And unfortunately at university we were forced, obliged in my time, as you know, to study Afrikaans and Latin, and those were our language options, but I have not unfortunately -- I'm not proficient in any indigenous language.

Hlophe: Do you have any working knowledge of any indigenous language was the question?

Wille: I have working -- I have some knowledge of South Sotho to be able to converse to a certain extent; hanyane fela [?], a little bit, but other than that I only have ... hanyane fela; I only know a little bit but other than that I don't -- I'm not proficient in any --

Hlophe: Alright. Thank -

Wille: -- indigenous language.

Hlophe: -- thank you Mr Wille, thank you Chief Justice.

Mogoeng: Thank you Judge President. Just before I forget, and for what it is worth, do you understand that making English a language of record simply means the record -

Wille: Yes.

Mogoeng: -- will be in English as opposed to having six litigants speaking six different languages and producing a record that is in six different languages; it doesn't forbid people from speaking their languages; you -- is that your understanding?

Wille: That is my understanding.

Commissioner Stewart: Thank you Chief Justice. I have a number of questions arising from the comments which I feel it's fair to put to Mr Wille. Mr Wille, there's comments from the General Council of the Bar at paragraph 2.2. They tell us that they did a survey and I want to read paragraph 2.2.1 to you, and ask for your comments on it. A large number of advocates comprising mostly silks and senior juniors, but also some juniors who were until very recently attorneys, expressed strong reservations about the appropriateness of the appointment of the candidate. The comments relate almost entirely to the candidate's conduct as an attorney. The reservations were that the candidate was often rude to opponents, that he was un-collegial; that he was untrustworthy as an opponent and that he had acted unprofessionally on numerous occasions. They do go on to say that you enjoy better support for your appointment among junior members of the bar and some senior members who have encountered you as -- in your capacity as an acting judge. Can you provide comments or a response to what the bar council has said?

Wille: Certainly. Firstly, I'm saddened by those comments. I certainly do not regard myself as a rude person; I do not regard myself as un-colloquial at all. I think that in my 27 years as a litigant and having being involved in some serious, high profile cases, I think you're bound to on occasion have a difference of opinion with your colleagues. It's certainly not -- I've certainly never taken it personally and I certainly hope that those who I've encountered don't take it personally. I also have matured over the years; I think I have matured towards the right side; I think I'm a much more humble and accommodating opponent that I maybe was not so many years ago.

Stewart: Thank you Chief Justice. If I may, at paragraph 2.2.5 of the bar council's comments, they have suggested that the reasons why the candidate left the employ of some of the attorneys firms should be probed, and that clarification should be sought as to whether one of those erstwhile firms paid for the education of the Judge President's son. It was also mentioned that the candidate continued to practice as an attorney while acting as a judge. Can you provide us with your comments on that, Mr Wille?

Wille: Yes. Well, first of all I was with Buchanan Boyes Attorneys for a long period of time, I was head of litigation. Regrettably, my senior partner was struck from the roll, regrettably four of the Exco members of that firm was struck from the roll at the time that I was there. I felt -- they weren't struck from the roll, I apologise, they were suspended and the senior partner was struck from the roll for allegedly being involved with buying work from conveyances. I felt very uncomfortable with that. At that stage I had received an offer from Cliffe Dekker Hofmeyr and I moved to that firm. As far as the education of the Judge President's son was concerned, his eldest son Thuthuke, Thuthuke worked for me; did some vacation work for the firm that I was with as a messenger and later as a filing clerk. A bursary scheme was then initiated by Buchanan Boyes, because of my efforts in transformation I was head of the bursary scheme. Thuthuke wanted to study law and he made an application. I was in the Cape Town office and I was head of the bursary scheme. I stood down from that panel and Thuthuke was interviewed in the Claremont branch where I was not even present, and he received a bursary I believe for his first year of study. So, I don't think there is anything sinister about that. The Judicial Service Commission as I understand it probed this matter quite vigorously some time ago. I cooperated with them fully and I gave records and evidence and the Judge President was exonerated completely and there was nothing sinister or untoward about it. The mere fact that he was the Judge President's son caused the problem. I don't think it was a problem; we were looking for very -- we were looking for good candidates of colour that we could give bursaries to so that they become lawyers and that was part of my job as head of the transformation committee at Buchanan Boys.

Stewart: Thank you. And if I can just then take you to paragraph 6.3 of the same comments. The bar council go on to say the candidate has referred in section 2 to an

appeal decision *S v Egglestone*. He said that he granted leave to appeal and that his judgment was amended to a very minor extent; this is not accurate, as is apparent from paragraph 3 of the majority judgement leave to appeal was refused regarding the conviction on counts one to four, and the sentence imposed in that regard, but the Supreme Court of Appeal granted special leave to appeal in these aspects, more over the judgement was not amended to a very minor extent, on the contrary. Do you think the bar council is correct in arguing that the amendments to your judgment that were done on appeal are not as minor as perhaps you would first have thought?

Wille: Well, on reflection I sat with Judge Ngwenya, I penned the judgement. We did give leave to appeal on certain accounts and on certain accounts we didn't give leave to appeal. It was a complex matter and on a reflection I suppose from the -- if one had to look at it from the point of view of the accused, his sentence was reduced by two years; I suppose from the view of the accused that is not minor and I concede that. However, the issue that I had with that judgment, and I remember it very clearly, is that young women were taken off the street and they were raped and assaulted and were kept in a house for the purposes of being prostitutes. There was a charge of kidnapping; that was the charge that gave me a lot of -- a difficulty. I confirmed the conviction of kidnapping because the children were not allowed to leave the house. The Supreme Court of Appeal differed; Supreme Court of Appeal was of a view that it was one act; the taking of the children into the house and raping them and assaulting them and I must agree that Supreme Court of Appeal in that connection on reflection was correct.

Stewart: Thank you. And if I may Chief Justice in another comment from the Democratic Governance and Rights Unit; they've mentioned that a matter -- you were criticised for conduct during the winding up of the Bathong Travel Agency relating to the so-called Travelgate scandal and they've quoted from a press release where it was said: "It is to say the least remarkable that the secretary to parliament's attorney," - I presume that was you Mr Wille -- "declined to disclose the fact that the resolutions had been prepared for submission by the secretary to parliament and its legal advisors. Schippers said". I presume that's Judge Schippers they are quoting, I don't really know what your involvement was in this matter. Can you just clarify?

Wille: Yes. First of all, I don't think it was Judge Schippers; I think it was an attorney called Arno Schippers if I'm not ... but I was part of a legal team; our leader was Ismael Jamie SC, who I have a lot of respect for. The legal advisor, senior legal advisor to parliament was Anthea Gordon and Mr Dingani, the secretary. What had happened is it was the Travelgate scandal where the travel agency had been liquidated. There was an attempt by the liquidator to collect a lot of money from the members of parliament. A number of summonses had been issued out, I can't recall, but it was over 200, and expenses were just being run up by the liquidators and there was no recovery. I was called in by Parliament, by Mr Dingani, to ask whether or not this could -- whether we could find a solution to this. I engaged with the liquidators; we had many meetings with them and we decided to affect a compromise that there would be a payment of so much in the rand. I, together with Ismael Jamie and Anthea Gordon decided it would be in the interest of justice and would be the best thing to have a creditors' meeting because there were other creditors involved, and we didn't want to do this without the other creditors involvement. We then asked the liquidators to call a creditors meeting. I was called by the press and they asked me whether or not, it was someone from the Mail & Guardian, whether we, parliament had placed the advertisement. I said no, we had not placed the advertisement. We didn't place the advertisement; the liquidators placed the advertisement. Anyway bad press followed. The meeting was scheduled and because of the bad press I said to parliament let us postpone the meeting for three months and let's hear everybody's views. At that -- then at that stage Mr Dingani, and myself, and Ismael Jamie, and Anthea Gordon were taken off the case.

The proof of the pudding is really the following: if one looks at what the result was there was a compromise with the creditors; it wasn't advertised; the other creditors did not know about it and the claims were bought by the -- by parliament and at the end of the day the compromise we wanted to affect, happened, but without the knowledge of the other creditors. And if you have a look at the press conference note which I managed to get from Anthea Gordon last week, and maybe I can just read it to you; the bottom line says: Dingani's legal advisor, Anthea Gordon told the Mail & Guardian that only one side of the story had been aired. She said that parliament reply in full before the course -- before the case went back to court in August. So, it was one side of the story. I feel that I was misquoted badly. Certainly, I, together with

Ismael Jamie, Mr Dingani, and Anthea Gordon would certainly not do something which was incorrect or not above board.

Stewart: Just to follow on that -- up on that Mr Wille the disclosure you made at paragraph 4 in your application "during the course of 2003 during an insolvency enquiry I regretfully stated on the record that I did not trust my opposing attorney", is that that same matter or is that another matter?

Wille: No. That was an attorney, you'll know well, it was your partner Mr Bernard Kurz. What had happened was unfortunately a bomb went off on a Sunday afternoon at the Promenade in Camps Bay and the St. Elmo's outlet was bombed. I acted for the franchisee. There were people injured; the franchisers all arrived and wanted to take back -- cancel the franchise agreement because he said they must trade -- they have to continue trading; they can't stop trading for seven days. Further, the insurance company refused to pay out as they said it was an act of terrorism. I then got involved acting for the franchisee. I liquidated the company which meant that the franchisor couldn't cancel the contract and we fought with the insurance company. The insurance company paid us out and the franchisor lost his case to trying to cancel our franchise agreement. What happened is the lady who owned the franchise, the franchisee Joan Nash, her husband was sequestrated and Mr Kurz and Eileen Fey were appointed. Mr Kurz was appointed as the attorney and Eileen Fey was appointed as the trustee of Mr Nash. They then interrogated my client because she was the wife of Mr Nash. She was traumatised by the bomb; I brought an application, a highly controversial application in the high court saying that in Wynberg court they had facilities for rape victims to testify behind glass; in other words in a different room and I wanted her to testify in an insolvency enquiry in a different room. Judge Brand granted the order and so she was testified in a different room. Mr Kurz asked for a whole lot of documents which I delivered to him. When we got to the first enquiry he denied that I gave him the documents. I told him I had delivered it to him. I made another copy of the documents and then on the second enquiry I handed the documents to him in front of the commissioner of the insolvency enquiry. The commissioner asked me why I'm only giving the documents now. I told him I gave him a previous set and he said he denied it and I said I gave him -- I'm giving him another set now because I don't trust him; it was a stupid thing to say; I

apologised to him; he never reported me to the Law Society; Mrs Fey reported me to the Law Society, who was a liquidator.

Stewart: Chief Justice I have one more question. It relates to the letter which was written by a Thomson Wilks in support of Mr Wille's application where they advise us that as a result of Mr Wille's transformation strategy, Thomson Wilks has transferred 51% of its ownership to black attorneys. I'm just interested because if I have a look at the law firm's letterhead your current firm is practicing in Cape Town, Dubai, Durban, Sandton, Stellenbosch, Pietermaritzburg and Robertson, and you have a list of attorneys there; is that the attorneys for the full firm including the 51% ownership or are there attorneys at every other branch of the -- which make up the full?

Wille: It's one firm; it's an incorporated firm and Tumisang; I must just get his surname. I've been practising his surname so many times; Kgaboesele, Tumisang Kgaboesele; he's our chairman. He holds 51% of the shares in Thomson Wilks. He is a previously disadvantaged black lawyer. He holds 51% of the shares in Thomson Wilks.

Stewart: Is it correct you're a consultant in terms of this law firm?

Wille: Correct.

Minister Masutha: Hi, Mr Wille. Oh, by the way I'm not supposed to do the greetings. The follow-up relates to the so-called Travelgate scandal. I know at the time I had the unenviable task of advising some of the members of parliament. I want to put this to you: are you satisfied as the legal advisor of parliament at the time that you did everything to ensure that members of parliament were implicated at the time, many of whom where we felt legal representation to the best of my recollection were properly advised before they were made to sign acknowledgement of liability agreements? That's the first part. The second part is can you remind me if in the end through the intervention amongst others of, an attorney is also a member of parliament, that some of those claims were in fact abandoned against some of those members who had initially been implicated?

Wille: All I can say is that I relied on Mr Dingani who was the secretary at that time, who I felt was a very honourable person; I'm not sure where he is now and Anthea Gordon who's the -- still the senior legal advisor to parliament. What had happened was unfortunate; the liquidators adopted what we in colloquial term as lawyers talk about a shotgun approach. They issued about -- issued out over 250 summonses against all the members of parliament and what had actually happened is the costs associated with that outweighed by far any benefit that was going to be received, and that is why we sought to affect a compromise that the parliamentarians will agree to pay a certain percentage in the rand in respect of their claims. Anthea Gordon and Mr Dingani sat with all the necessary parliamentarians and explained the process to them; I wasn't involved and Ismael Jamie wasn't involved in that process, we were merely involved in advising how we procedurally obtain a compromise by a way of percentage in the rand. As to whether or not they were all legally advised and advised; I had to rely on those circumstances on Anthea Gordon and Mr Dingani who was the secretary to parliament.

Masutha: And I just want to put it on record that an attempt was made with me as well to pay an amount of just over R200 and out of principle I refused and challenged whoever was responsible for the settlement to issue summons against me and indicated that I would actually defend the matter, because I believed that the manner in which it was handled was unfair to some of the members of parliament.

Wille: If I remember correctly, now it comes back to me that it wasn't a holistic approach; it wasn't an all-in package that there, as far as I can remember, the members of parliament could choose whether or not they wanted to elect to abide by the compromise or whether they wanted to elect to not abide by the compromise. And then obviously under those circumstances the liquidators could pursue whatever claims they wanted against them.

Commissioner Nyambi: It's about the comments in relation to what was presented by BLA.

Wille: Yes.

Nyambi: Ja. The BLA, it's saying Mr Wille has reported judgments to his credit which have been well returned and it shows that he has good understanding of the law and level principle. The BLA is of the view that you will make a good judge and support his appointment. Maybe to invite your comment, if any, in relation to the comments vis-a-vis these things so that we can be able to consider everything in context when doing the deliberate?

Wille: I've always had very strong ties and very good friends in the BLA and I think that they know me as a person, they know what I stand for and I was happy to receive this letter.

Nyambi: My last question. It's about the touching story presented by the JP. I'll be failing if I don't ask it. After employing him as a garden boy are you ready to serve under him as your JP?

Wille: He has been my friend for over 30 years, I've served under him as a JP, and I have the utmost respect for him.

Commissioner Norman: CJ I'll pass. My -- the question I wanted to -- Ms Stewart asked my question.

Commissioner Didiza: Thank you very much CJ. I just wanted to -- a confirmation from you, the Legal Resources Centre in which you did your work while as a student; was it the ecumenical centre; is that the one in -

[Crosstalk]

Wille: Judge President, can you bear me out on this? Judge Zondi and I and the Judge President used to go to -- on Saturday mornings to Timber Lane in Pietermaritzburg.

Didiza: Oh, Timber Lane.

Wille: And there was a firm on the second floor called Huyston -- Huyssteen Van Huyssteens, I'm not sure; they -- that's where the legal resource centre was housed.

Didiza: Okay.

Wille: We went there on Saturday mornings to assist people who were unrepresented, help them draft wills, whatever we could, help them fill in unemployment insurance forms; we did that on Saturday mornings at university.

Didiza: Did that experience have any influence on you as a practitioner later in life?

Wille: The -- working at the Legal Resources Centre?

Didiza: Yes.

Wille: Yes, because obviously -- well, first of all let me be frank. Meeting Judge Zondi and Judge Hlophe had a tremendous influence on my life; changed my life completely.

Didiza: The Golf -- you're serving on the Golf Transformation Committee. What does it deal with; allowing women or who?

Mogoeng: ... complaining that you are asking too many questions. Yes, commissioner; no, carry on.

Didiza: I was just interested on this transformation committee related to golf.

Mogoeng: The golf one?

Wille: As I've said previously, I don't think transformation is something you switch on when you get to work and you switch on when you go home. So, I'm involved in golf; I've been involved in golf a long time. I'm involved in the transformation of golf. I was one of the members of our board that changed our constitution at our golf club to allow women to play on Saturdays, where they previously couldn't play on

Saturdays. We have an active role within Western Province Golf Union to bring through young golfers of colour and to assist them and because of my understanding of golf and because of my knowledge as a lawyer they use me; they don't abuse me and I'm quite happy to assist where I can.

Commissioner Malema: No. Mine is not a question CJ, I just wanted to thank you for the role you played in the life of our JP. You helped us to produce a proper talent.

Wille: Thank you sir.

Malema: If it was not of your own intervention we'll not have such a black excellence we have today --

Wille: Thank you sir.

Malema: -- in the Western Cape. Thank you very much.

Wille: Thank you sir.

Commissioner Schmidt: Thank you Chief Justice. There's one comment remaining that I think needs to be taken up with you regarding the comments from the GCB and that's in paragraph 4.2, page three. I'm not sure whether it's been dealt with, I don't think so, but it says it is of some concern to note that the applicant is not aware of the period for which he has been in acting justice and has not made an attempt to verify such periods; independently of his own memory. What's your comment thereto?

Wille: I did in fact attempt to verify it independently through the registrar, and if one looks at the way in which I pend my application, the registrar could give me certain dates but they couldn't give me all the dates so some of them are from memory but - and also I didn't add in the times when I acted for no pay as a acting judge in criminal -- in the criminal appeals. But I've added up all the times that I have a recollection of, taking into account some of the judgments that I wrote, that were

reported, and further taking into account the dates that the registrar of the high court could give me.

Schmidt: Amounting to?

Wille: It was over two years in total.

Mogoeng: Thank you Commissioner Schmidt. Part of what Ms Stewart read out to you suggests that you might have been or were involved in unethical conduct. Were you brought before the law society to face charges of that nature?

Wille: Mr Chief Justice I'm -- as I say firstly, I'm saddened by those comments. I have a lot of colleagues, I have a lot of friends, a lot of advocates who I practice with all the time; I'm saddened by those comments. I've never been brought before any -- my law society or any, I've never been sanctioned for any of what they're --

Mogoeng: Unethical conduct.

Wille: No. I – it's difficult for me, incredibly difficult for me and it saddens me that they could say something like that about me. But maybe some people, you know, in litigation you do bump heads and you do have disagreements, I certainly don't take it personally and I always shake hands with my colleagues afterwards, but I certainly don't act in an unethical or untrustworthy manner. And I found it, I don't say offensive, but I'm saddened, I'm deeply saddened by those comments.

Mogoeng: Thank you very much Mr Wille. You're excused.

Wille: Thank you sir.