



JUDGES MATTER

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Eastern Cape Division of the High Court (Grahamstown)

Interview of Ms O Van Papendorp

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2017 JSC Interviews of Ms O. Van Papendorp

CJ M. Mogoeng: Good day, Ms Papendorp.

Ms O. Van Papendorp: Morning Chief Justice and members of the Commission.

CJ M. Mogoeng: Are you well?

Ms O. Van Papendorp: I am fine, thank you.

CJ M. Mogoeng: You have acted as a judge before, have you not?

Ms O. Van Papendorp: That is correct, sir.

CJ M. Mogoeng: Please tell us how your experience as a lawyer prepared you for those acting stints?

Ms O. Van Papendorp: As a lawyer and as a magistrate or just as a lawyer, sir?

CJ M. Mogoeng: Any experience that would capacitate a person for higher judicial office?

Ms O. Van Papendorp: Sir, I was in the private practice for about 10 years where I deal [inaudible 00:51] extensively civil as well as criminal-related cases, family law cases. After that I joined the District Court Bench in 2002 and there I have also dealt extensively with criminal as well as civil cases at various times I have dealt with civil specifically as a civil magistrate where the area I was posted did not have a specific civil magistrate post. But I was responsible for all the civil work in the area. Then in 2010, you will recall that the Regional Court got civil jurisdiction. I received an enlistment to sit on the Civil Regional Court Bench and I extensively assisted the Regional Court President to establish the Civil Regional Court Bench in various areas in the Eastern Cape. Now all this experience you know, with criminal as well as civil although it is not specifically the same civil act which is applicable the basics are the same, has assisted me tremendously to, as far as I'm concerned, relatively smoothly, transition from being a Regional Court magistrate to specifically acting in the High Court then. It assisted me greatly as I had that experience also on the Bench the past 15 years where I did preside as Presiding Officer, served to make it an environment that was not totally strange or unfamiliar to myself.

CJ M. Mogoeng: If you add up your acting stints, how many months do they amount to?

Ms O. Van Papendorp: Sir, I think one of the societies which actually wrote a report on me, counted it for me, it's about eight months.

CJ M. Mogoeng: Eight months?

Ms O. Van Papendorp: Yes.

CJ M. Mogoeng: Did you find it easy to adjust from serving as a Regional Court Magistrate to acting as a Higher Court Judge?

Ms O. Van Papendorp: Sir, yes, relatively easy in the sense that this criminal work which I did in the High Court was very much similar to that in the Regional Court. It is what we do on a daily basis. So that transition I would say was a very smooth one [inaudible 03:10]. As far as the civil work is concerned I didn't experience that much problems. The main problem probably was for the first time you have to actually write a judgement bearing in mind that is always reportable that people are going to read it so you have to really do your research properly, which I thoroughly enjoyed. It wasn't difficult it was just challenging as many of these judgements I subsequently had to write when I finished my acting stint and was then faced with a lack of resources where I am stationed you know to actually finalise it, but I did finalise all of them.

CJ M. Mogoeng: What is longest period you have kept a judgement reserved for?

Ms O. Van Papendorp: Sir, if I remember correctly it was just over three months. Part of it was I was waiting for submissions from the DPP in Umtata when my last acting stint, when was there, as well as from the Defence Attorney, they furnished it quite late. But I did manage to, after I had received those representations, Mias Wallace [inaudible 04:04] and Judge Davu [inaudible 4:08 with whom I was sitting on the appeals brought out the judgement if I remember correctly within two weeks.

CJ M. Mogoeng: So, on the whole you have never really had a problem producing judgements within a relatively short period of time?

Ms O. Van Papendorp: Sir, no, I would not say that I had a specific problem, no.

CJ M. Mogoeng: Yes.

Ms O. Van Papendorp: Other than the one which I have mentioned.

CJ M. Mogoeng: Yes. Thank you. Acting Judge President?

AJP Z. Nhlangulela: Thank you, CJ. Good afternoon, Ma'am Papendorp.

Ms O. Van Papendorp: Good afternoon, JP.

AJP Z. Nhlangulela: Because my colleagues in the division approached me and informed me that they are not happy about the period of time which some or all the candidates for appointment have taken, I have to ask you this question.

Ms O. Van Papendorp: Sure.

AJP Z. Nhlangulela: Eight months is not long period of time is it? Out of the eight months and given that you come from the magistracy and given that the High Court deals most of the time with complicated civil matters, how many weeks of the eight did you spend in the Motion Court, if you can remember?

Ms O. Van Papendorp: Sir, I'm talking under correction. If I have to talk out the first [inaudible 5:40] now it would probably have been about 4 - it could be 6 weeks.

AJP Z. Nhlangulela: Motion Court?

Ms O. Van Papendorp: Just Motion Court, that was when I was doing duty as well, yes.

AJP Z. Nhlangulela: Civil trials?

Ms O. Van Papendorp: I beg your pardon?

AJP Z. Nhlangulela: Civil trials.

Ms O. Van Papendorp: Sir, all in all together, during this who acting stint I have dealt with four full-blown civil trials.

AJP Z. Nhlangulela: Thank you, I have no further questions, Chief Justice, [inaudible 06:11].

CJ M. Mogoeng: Thank you, Acting Judge President, Premier?

JP Mlambo: Thank you CJ. Just a short one from me. It is the effect of the delays in handing down judgements do you have any take regarding the time in which you had the acting stints?

Ms O. Van Papendorp: For myself. Sir, as far as my criminal judgements is concerned they were delivered right way. If I finished leading or heading evidence and address on the Thursday, I would give judgement on a Friday. So, for civil judgements there were no delays whatsoever. Even with my appeals which I have dealt with besides the one which I have dealt with in Umtata for the reasons which I've stated, the civil delays were mostly due to the fact that I was in the meantime after I have been in the civil, and I am talking about the civil trials after I have been in the civil trial, then being taken out from the civil section as I then had to go and do a criminal matter urgently as there were problems and there was nobody else to do the criminal matter. So that then took me out effectively from researching in that period of time which is then also usually just before I end my period, my acting stint, with the result that I have to do and do the research when I get back to my station at the Regional Court which I said, produced problems with research and with resources.

JP Mlambo: Thank you.

CJ M. Mogoeng: Thank you, Premier. Commissioner Nochesi?

COMM Nochesi: Thank you, Chief Justice. Just a few questions for me and Ms Papendorp. These judgements that you have attached Basil Johnson.

Ms O. Van Papendorp: Sorry, which one?

COMM Nochesi: The judgement of Basil John, Basil Jonas, among the judgements you have attached. I know that this matter was heard on th16 March 2015. When was the judgement delivered?

Ms O. Van Papendorp: Arsenio?

COMM Nochesi: Yes, that judgement.

Ms O. Van Papendorp: Arsenio versus Perea [inaudible 08:08]. Sir, I can't give you straight out of it. I just tried to look it up right know but I couldn't find it. I know it was delivered during the recess in that year, just following that term which I have heard that matter.

COMM Nochesi: So, was it necessary for you to reflect the date of delivery of the judgement?

Ms O. Van Papendorp: Sir, yes, in hindsight, it was necessary. Unfortunately, at that period of time when I furnished this judgement it was part of my own typing. I type my own judgements. I did not have time to actually obtain the judgements which actually went into the register of the civil section. That is why it doesn't appear there. I do apologise for that.

COMM Nochesi: The next case is that of Wendell Petersen. I know it was heard on 17 November 2016. When was the judgement delivered in that one?

Ms O. Van Papendorp: Are you talking about a criminal, sorry, sir.

COMM Nochesi: The next. Yes, your judgements, the second judgement that you attached in your application?

Ms O. Van Papendorp: Sorry I don't have the following, the order here. I will not be able to give you. If it is a criminal matter it would have been immediately, if it is a civil judgement I can't tell you off my head.

COMM Nochesi: No, it was a bail pending appeal.

Ms O. Van Papendorp: Peters, Petersen?

COMM Nochesi: Yes, Petersen.

Ms O. Van Papendorp: Sir, if I remember correctly it was done later the same day.

COMM Nochesi: Yes, because it only reflects that it was heard on 17th November. There is no date when it was delivered, just like the other judgements.

Ms O. Van Papendorp: Yes, no, no. Like I said, that is what happened to all my judgements. Unfortunately, I didn't detail it on my own copies, which I kept when the dates were, when I have actually heard and when I have delivered. But the Petersen one I can specific remember I dealt with it later that same day. I have heard the matter in the morning and I went back delivered the written judgement, I think it is three or four/five pages, ja.

COMM Nochesi: This is my last question. Don't you think that if you are given more time to act you will learn those basics in the judgement writing that it is critical the date, when you heard the matter, when it was delivered? So that you answer this question whether the judgement has been promptly delivered so that all of us can know exactly. Don't you think that those are the things that you need, hence you should be given more time to act than being appointed now?

Ms O. Van Papendorp: Sir, with all due respect those are like you really say, nitty gritty issues. It's important but it is things which I have realised in the meantime, it has been brought under my attention I should insert it. Unfortunately, like I said by the time I sent this application I wasn't inserted so I don't think you need more months to learn than. I just need to start doing that.

CJ M. Mogoeng: Thank you, Commissioner Nochesi. Deputy Minister?

Deputy Minister: Thanks, Chair. Good afternoon.

Ms O. Van Papendorp: Good afternoon, sir.

Deputy Minister: Can I just check. You finished acting, your last acting stint was at the end of June, is that right?

Ms O. Van Papendorp: That's correct, sir.

Deputy Minister: In your application you said you had one reserved judgement which is an appeal of Mandla Nkose Lungela? Have you submitted that?

Ms O. Van Papendorp: I have submitted that already in the recess, that period, just after actually I set down the application.

Deputy Minister: Then when you submitted this form which was on the 23rd June, you had three part-heards. You had completed your acting stint in the High Court, you had three part-heards. What is the status of them now?

Ms O. Van Papendorp: Sir, I finished two of them, there is just one outstanding, if I remember correctly. It's is the Nkesi [inaudible 111:28] one. What happened there - we would have finished last week Friday, after the defence has closed their case, but then the accused had actually fired his advocate and he has re-applied since for Legal Aid. We have not set it down with the senior judge's knowledge for the 4th of December, sir.

Deputy Minister: And you had, is eight or six, one, two, three, four, five, six, seven - eight part-heards in the Regional Court?

Ms O. Van Papendorp: That's correct.

Deputy Minister: Although you, look I think – well, you acted from the 18th of April, you had about 10 days or just less than 10 days in June when you weren't acting?

Ms O. Van Papendorp: Yes.

Deputy Minister: I don't know if you were sitting in the Regional Court then?

Ms O. Van Papendorp: I did.

Deputy Minister: What happened to these cases then?

Ms O. Van Papendorp: Sir, of those which I have listed there, there is just three outstanding.

Deputy Minister: But no, no. No, I'm not talking about now. I'm talking about when you took the acting stint you had eight part-heards?

Ms. O. Van Papendorp: Yes.

Deputy Minister: Did those people just have to wait for you to complete your acting stints?

Ms O. Van Papendorp: That is correct, sir.

Deputy Minister: And you don't think that's a problem?

Ms O. Van Papendorp: Sir, it is always a problem, but unfortunately that is the problem which arises when we, from the Regional Court do get the privilege to go and act in the High Court. We will always have that problem because unfortunately very often, we are notified only at a very late stage. As a matter of fact, if I remember I was notified like three or four days prior to starting in that acting stint.

Deputy Minister: Ja, but isn't the issue keeping your part-heards under control?

Ms O. Van Papendorp: Yes.

Deputy Minister: I mean I think with Gauteng there is a restriction that you can't act if you have got more than I think four part-heards.

Ms O. Van Papendorp: Yes.

Deputy Minister: And the Regional Court magistrates then keep every under control?

Ms O. Van Papendorp: Sir, yes, I hear what you say, I do agree it is essential to have as little as possible part-heards. Unfortunately, with the demographics which we have the Eastern Cape in the Regional Court, we act specifically where I am, I am on the Circuit Court. So, to keep the demographics down to three/four part-heards at times, most of the times is almost impossible. It would mean that our court hours would be non-existent because we face various problems why a specific party at - on any specific date can't proceed.

CJ M. Mogoeng: Commissioner Singh?

COMM Singh: Thank you very much, Chief Justice. Good afternoon.

Ms O. Van Papendorp: Good afternoon, sir.

COMM N. Singh: I have been partly covered by the Deputy Minister because I wanted to follow-up, Chief Justice, on this part-heard. But from a layman point of view I see, are these reasons given in the Regional Court when it says, state case, state case, defence case. I was trying to understand on page 15.

Ms O. Van Papendorp: Can I respond to that?

COMM Singh: On page 15, I was trying to understand you know. Page 15.

Ms O. Van Papendorp: It's just the stage of the case, sir.

COMM N. Singh: Oh, where they are at this stage? Okay, fine, then I am covered. Thanks.

CJ M. Mogoeng: Thank you, Commissioner Singh. Commissioner Norman?

COMM T. Norman: Thank you, Chief Justice, I have also been covered. Thank you.

CJ M. Mogoeng: Thank you. Judge President?

JP J. Hlophe: Thank you very much, Chief Justice. Good afternoon.

Ms O. Van Papendorp: Good afternoon.

JP J. Hlophe: I want to ask you a very quick with reference to your CV. With regard to language proficiency you are fully bilingual, English and Afrikaans and I quote "Presently learning to understand and speak isiXhosa"?

Ms O. Van Papendorp: Yes.

JP J. Hlophe: When did you start?

Ms O. van Papendorp: Sir, it is a long process. I am not very good at languages you know. I can pick up most of the words. I can't speak the language but I understand most of what is said at times. I have got a fairly general working knowledge which helps me at times. I am not proficient in isiXhosa yet, unfortunately.

JP J. Hlophe: Right. When did you start, I am keen to know?

Ms O. Van Papendorp: Sir, it is a very long process. I started when I was a kid you know, then I could have actually understood Xhosa very well. Then we moved from the Eastern Cape to the Western Cape for about seven years. And unfortunately, at very informative years I have lost it and we got back and then I really battled to get into it again. But like I say you know, common words I can easily pick up, I can understand. But unfortunately, I am not a linguistic person, I really battle to learn a new language.

JP J. Hlophe: Do you believe that indigenous African languages like isiXhosa, isiZulu, Sepedi and so on must be fully developed so they can take their rightful place in the courts so that we can also develop jurisprudence?

Ms O. Van Papendorp: Sir, yes and no. I am going to tell you. Yes, I think it is imperative. Everybody is entitled to have their language heard in court but there are practical reasons why it's not going to work. I think if I recall lately our Honourable Chief Justice has said that the official language will be English. It is just easier for purposes of judgement writing, for doing appeals, for sending the matters to keep it into one language. But I agree fully with you, they are surely entitled. That is why each one of those indigenous language peoples, when they appear before us in a court of law, they are entitled to have an interpreter which speaks their own language and can interpret to them in their own language and for us in the language, which it is English at this point of time in the courts.

JP J. Hlophe: Thank you very much. Can I end on a lighter note, translate this for the benefit of the Commission, Ndilambile ngicela ukudla .

Ms O. Van Papendorp: No - that I can't tell you what it means, sorry.

CJ M. Mogoeng: Commissioner, well, the Deputy Minister knows. Commissioner Nkosi Thomas?

COMM N. Thomas: Thank you, Chief Justice. Good afternoon, madam.

Ms O. Van Papendorp: Good afternoon, ma'am.

COMM N. Thomas: You said, you told us this afternoon that you acted for eight months as a judge of the High Court.

Ms O. Van Papendorp: That's correct.

COMM Nkosi Thomas: And of the eight month period you spent 4-6 weeks of that in the Motion Court?

Ms O. Van Papendorp: Yes.

COMM Nkosi Thomas: And when you were asked about civil trials you said you presided?

Ms O. Van Papendorp: That is outside that period.

COMM N. Thomas: I beg your pardon?

Ms O. Van Papendorp: The civil trials, ma'am, is not during the motion court weeks.

COMM N. Thomas: No, no, no, but let me perhaps finish the question then we will be able to assist each other. So 4-6 weeks in the Motion Court and then you were asked a question, how much time did you spend in the Civil Trials Court and I didn't follow the answer.

Ms O. Van Papendorp: I don't think I have answered that. I think I did say I have done fraud [inaudible 17:53] civil trials ma'am. That was during four different weeks which I was assigned to sit on the civil roll, in other words a trial civil court roll.

CJ M. Mogoeng: You have done – didn't you say you have done four civil trials?

Ms O. Van Papendorp: Yes, I have done four civil trials, sir. That was during the four different weeks which I have attended to civil trials. But that was the only trials which I've heard that was proceeding.

COMM N. Thomas: Would that have been during the same eight month period that you've acted?

Ms O. Van Papendorp: Yes.

COMM N. Thomas: So, so you see I get the impression that you could use more acting time particularly in the civil courts, considering that you have vast experience

but I read that experience to be more on the criminal litigation side of things. Would I be correct? Am I correct in my impression or not?

Ms O. Van Papendorp: Ma'am, as far as my acting stint in the High Court is concerned I have been exposed to very little civil work itself. As far as my civil experience is concerned, it is not limited to that period. You must remember that I am sitting in the civil Regional Court 2-4 days a month where I do Motion Court. I attend to pre-trials; I do civil trials. You know I didn't give any reflection on that in the application itself. I deal with civil applications very often, more than 2-4 days. I get frequently called by lawyers which I have to go in for ex parte applications and the like. So - and I am talking about civil in the Regional Court. But like I said at this point in time in the past couple of years there has been a movement to align the civil or specifically Magistrate Court's act [inaudible 19:32] and rules with the High Court rules and the Act itself.

COMM N. Thomas: No, thank you. Excuse me interrupting you, but would you agree with me that civil practice in the Magistrate's Court is different to an extent to civil practice in the litigation rather in the High Court?

Ms O. Van Papendorp: No, that is for sure so, ma'am.

COMM N. Thomas: Yes, so when one suggests to you that you could use more acting time getting exposure to civil litigation in the High Court, how would that be unfair?

Ms O. Van Papendorp: It won't be unfair ma'am. Any acting experience, every exposure is always a learning curve and is always helpful so I will not be against it. Please, don't understand me wrong. I just say that I have got the apt and the understanding of the civil law and of the principles of it and to apply my mind to whatever civil case is brought before me. Like for instance, when I was now acting the last stint in Port Elizabeth, for the first time, I was called to deal with Shipping Law, which I have never before in the... my life dealt with. But I've had two applications and I dealt with it successfully and I managed. It was quite actually quite interesting and challenging.

COMM N. Thomas: Thank you. Thanks, Chief Justice.

CJ M. Mogoeng: Thank you, Commissioner Nkosi Thomas. Commissioner Mpofu?

COMM D. Mpofu: Thank you very much, Chief Justice. Mine is a very quick one. It's just a follow-up on Judge President Hlophe's question on language. Look, accepting that as you call it, the practicalities and all, that make it necessary for now that we use English as a language of record because as you say, it will be costly and so on. But should we accept that situation forever, amen? In other words, should any measures be taken now so that at some stage, whether it is 50 years, 100 years or whatever, at some stage these languages should be developed to such an extent that you have developed a jurisprudence and books and so on and so on? In other words, we have to start somewhere, even if I just write one book in Xhosa on the Law of Succession, that's at least one step. The next year someone else might write another one and so on until one day we have, you understand what I am saying? Should we just give up and say well it is English, it's impractical, it's expensive, well, it will be like that in a 1000 years' time.

Ms O. Van Papendorp: Sir, well if I understand you correctly I think we are talking about two things. The one is a court language, a general court language to speak. If I follow you, what you're saying to me now. You are referring to reference work, for training of lawyers, of presiding officers. Definitely on that score I think it is imperative, it is essential that people be able to learn in a language which they're comfortable with. So yes, I think that would be the right route to go to. As far as court is concerned it's going to be extremely difficult. You can imagine just having a presiding officer for all these different languages, you are going to appoint a specific presiding officer judge for a specific court which only deals with specific languages, because how else are you going to facilitate it? It's going to become a nightmare. But I agree with you fully that there should be - ways should be found to promote these other languages as well in that sphere.

COMM D. Mpofu: So in short we must just accept our fate because it will be a nightmare?

Ms O. Van Papendorp: Sir, you never have to accept your fate but you always have to look for new and creative ways to try and deal with it. If one finds it, it is going to be a big bonus for this country.

COMM. D Mpofu: Chief Justice –

CJ M. Mogoeng: Thank you, Commissioner Mpofu. Commissioner Masuku?

COMM. T. Masuku: Thank you, Chief Justice. Good afternoon, ma'am.

Ms O. Van Papendorp: Good afternoon, sir.

COMM. T. Masuku: I am just following up the questions that you were asked by the Deputy Minister relating to your decision to take up an acting appointment in circumstances where you had eleven part-heards. I just want you to appreciate the enormity of the prejudice that such a decision has on people who are awaiting- who re involved in these part-heards. Did you appreciate the injustice that a decision like that causes to people who are waiting to hear what your decisions are on the cases?

Ms O. Van Papendorp: I am actually fully aware of that, sir. Fortunately, I did have my Regional Court President's full cooperation as far as that's concerned and his support.

COMM. T. Masuku: No, I - let me put it this way. If I were one of these persons, the people that you were prosecuting oh sorry, the people that you were going to decide their fate on, I wouldn't be impressed with that answer. If they are listening right now and hearing that you decided to go and take an acting appointment in circumstances where you had eleven part-heards, the effect of which their justice was delayed by a significant amount of time. It tells me that your sense of judgement is not sensitive to the interests of justice. It also tells me that you didn't really consider that by taking an acting appointment you are imposing an almost impossible task on yourself because once you take an acting appointment you get more work that requires a rigorous attention to detail. Now in my view, and you can comment on what my view is, it doesn't reflect very well of someone who aspires to be a judge - that at the entry

level of justice, this is how you treat ordinary people who are accused, who are coming before you for justice. I just want your comment on it.

Ms O. Van Papendorp: Sir, I think I already commented as far as the position in the Regional Court is concerned. Unfortunately, that is what we are dealing with. You know, we are often called from the Regional Court to assist in the High Court. But this is exactly the problem which we deal with and it doesn't reflect on my views on delaying judgements [inaudible 26:11] specifically towards those accused, it is one of those things which very often is out of our hands. We have already made available specifically by our Regional Court Presidents, but besides that I suppose I could have refused. I took the opportunity. Fortunately for me, under all these when I did go and act, there was no major denial. Yes, time delays, but nobody was served an injustice specifically because I wasn't there. Time delay, yes, but not otherwise.

CJ M. Mogoeng: I don't think you understand. You know this expression "justice delayed is justice denied". What the Commissioner seeks to find out is, is it really consistent with a commitment to delivering justice to the people without delay that when confronted with a choice between finalising a case and seizing an opportunity that will benefit you, an opportunity for upward mobility and opportunity for career advancement, you effectively sacrificed the possibility of people having justice delivered speedily to them so that you can benefit. [Cross talk]. Does it not reflect negatively on your judgement? Am I characterising your position, your question properly? –

COMM. T. Masuku: Yes, very crisply, Chief Justice.

CJ M. Mogoeng: Yes.

Ms O. Van Papendorp: Yes, I think. Thank you, Chief Justice. Put that way, yes, certainly it does. I can't argue it away. Then I should not have taken it at all.

CJ M. Mogoeng: Well, the question is that why did you do it? Because did it must have dawned on you. Did it dawn on your perhaps that wow, these people are going to suffer?

MS O. Van Papendorp: Sir, that's -

CJ M. Mogoeng: Let me give you an example. When I worked for government in a different capacity years back, people would come to me during the lunch hour. So the choice would be, do I assist these people or do I choose food, considering that some of them come from far-removed places, transport may even leave them behind? I would rather not eat and help them, I will eat later. So do I do justice now to these people and wait for an opportunity later? That's - did it dawn on you or did it not register?

Ms O. Van Papendorp: Sir, not immediately but it did, pretty soon did dawn upon me. But by then I was already going at it.

CJ M. Mogoeng: Yes. You want – okay, Commissioner Didiza?

COMM T. Didiza: Thank you very much, CJ. Good afternoon, Ms Papendorp.

Ms O. Van Papendorp: Good afternoon, ma'am.

COMM T. Didiza: How are you?

Ms O. Van Papendorp: I'm fine, thank you.

COMM T. Didiza: On the application form on page 15, point 10, the question is with regards to the question is regards to the significant contribution to the law in the pursuit of justice is South Africa. Your answer is, "I'm passionate about dispensing justice without fear, favour or prejudice to all." Maybe if you can just add a little bit of - in that statement. What is that you have done that in your view has made this contribution to law and justice, in pursuit of justice?

Ms O. Van Papendorp: Ma'am, my legal career started before I joined the Bench as an attorney. I was also always passionate to see to it that whoever works through my front door gets legal presentation. Very often that meant referring the person to

Legal Aid, sometimes I also acted Pro bono for these people because I felt they had a voice and they had a right to be heard. It started there and then I progressed to the Bench itself. Very often people enter the courts and they have this absolute feeling whether it is now district or regional or any other court that nobody is listening to them; nobody is helping them. It gives me a great amount of satisfaction to finalise a case and to see that litigants are happy, both parties are never always going to be happy. But at least to be able to see that you've helped these people and that at the end of the day justice was done to their case. They got their decision and that is the end of the story for them.

COMM T. Didiza: Are there any articles or papers that you might have written on the specific part of the law, which you would regard it made a contribution in advancing our jurisprudence - this country?

Ms O. Van Papendorp: Sir, I've not – ag, sorry ma'am. I haven't written specific articles, but I did do a thesis on the implications of the Child Justice Act on sentencing, which at the time and I still believe are quite used [inaudible 31:43] for training of different magistrates, regional magistrates. It is also available at University of UNISA's Library and things and it learnt me a great deal in putting forward the implications and the different way of thinking, which the Child Justice Bill brought into play when dealing specifically with juveniles and when dealing with sentencing these juveniles.

COMM T. Didiza: Just the last one, CJ. I am sorry that I will have to say what I am saying, but being a woman and knowing that there are very few women in the Judiciary, is there anything that you have done personally or maybe with others to actually ensure that you support, encourage more women to come in the profession so that indeed, as part of the transformation agenda they can you know, form part of this arm of state?

Ms O. Van Papendorp: Ma'am, I will call myself sort of a mentor for a couple of female ladies, which frequently phone me on various issues of the law, just maybe, just to talk, to get my, to see whether I follow their line of arguing and their line of reasoning or to seek advice. I am not a person that knows everything and they know

it as well. I told them, but I like to help women specifically, actually all people. My door – I've got a fairly open-door policy pertaining to my colleague's, District was well as Regional Court. I am also a facilitator, I don't know if you noted from the application and as that I have got an open-door policy to anybody to call me. But specifically, I've got a couple of females which phones me on a regular weekly basis just to talk to me about specifically something a case which they are dealing with, just to hear. But – many, often these women just need a soundboard. It's nice to just have a soundboard especially in the world which we work in so in that say, in that way, unofficially yes, I feel that I have contributed and I am still prepared to contribute and will always do it because I feel that on the way up you also help the others to go up with you, you don't just climb the ladder and leave your colleagues behind. It's important because these people are also your support structure.

CJ M. Mogoeng: Thank you, Commissioner Didiza. Thank you very much, ma'am, you are excused.

Ms O. Van Papendorp: Thank you, sir.