

What is the Judicial Service Commission?

The Judicial Service Commission (JSC) is comprised of 23 representatives from different structures of the government and South African legal community. The Chief Justice, Justice Mogoeng Mogoeng, presides and in his absence, the Deputy Chief Justice, Justice Moseneke.

The role of the JSC

The Judicial Service Commission was established in terms of section 178 of the Constitution to act in an advisory role to the President and national government on any matters relating to the Judiciary or administration of justice.

The JSC's role also includes the interviewing of candidates for judicial posts and making recommendations for appointment to the bench as well as dealing with complaints brought against Judges.

The 23 members include:

The President of the Supreme Court of Appeal, Lex Mpati, also attends, and in his absence, the Deputy, Justice Maya. The Judge Presidents, who run the divisions of the High Court, send a representative, Judge Kgomo.

Various politicians from the different parties also attending and are led by the Minister of Justice, Mr Masutha, and the Chair of the NCOP, Ms Modise. There is the Chair of the Justice committee, from Parliament, Mr Motshekga and some members of parliament and representatives of the National Council of Provinces (NCOP) – the Upper House of Parliament.

There are also representatives of minority parties; the IFP, the EFF and the DA and from the organised profession including representatives of the Bar, and Side Bar (Advocates and attorneys respectively). There are two members representing the Bar, Mr Motimele and Mr Hellens. For the attorneys, there are Mr Mabunda, and Mr Fourie. The law academics are also represented. The President has four appointees, Adv Ntsebeza, Adv Ndoni, Adv Semanya, and one other.

Also present at each interview is the Judge President of the division which is being interviewed for – the prospective boss of the judge – and a representative of the Premier for that province.

The JSC meetings

As members of JSC act in other professional capacities, the JSC and its various committees meet bi-annually for a week in April and October of every year. The meetings are generally held in Cape Town. The JSC Secretariat makes all logistical arrangements for all commissioners and is responsible for collating an agenda and documents relating to general matters to be dealt with by the JSC.

Interviewing of candidates for judicial posts

Twice a year the JSC meet for a week to interview nominated candidates for the various open positions within the judiciary. The President of the Supreme Court of Appeal or responsible Judge President tells the Commission when a vacancy occurs or will occur in the Supreme Court of Appeal or any provincial or local division of the High Court.

The Commission then informs the institutions of the vacancy and calls for nominations by a specified closing date. All nominations are then sent to the "screening committee" (a subcommittee of the JSC, made up of the representatives of the legal profession and the Minister of Justice) who prepare a short list of candidates to be interviewed. After that, the questionnaires for the candidates are sent to the members of the JSC, who start preparing for the interviews.

The interviews usually take place in Cape Town over the course of a week and the public are welcome to attend. **The next round of interviews are scheduled for the 4th – 8th April 2016.**

Complaints against Judges

Complaints against Judges who contravene the Code of Judicial Conduct must first be reported to the JSC Secretariat which is located within the Office of the Chief Justice. The Code of Judicial Conduct provides for ethical and professional standards required of every Judge.