



Interview of Judge Gregory Noel Kruger

By Kerusha Pillay



INSPIRING LEGAL MINDS
WWW.INSPIRINGLEGALMINDS.CO.ZA

Introduction

Reputed as a Judge who does not tolerate any nonsense, Judge Gregory Noel Kruger's hallmark of excellence is his strong work ethic and preparedness in court. Elevated to the Bench in 2003, at a time when the appointment of Judges from the ranks of attorneys was frowned upon and in the face of vehement objection from the advocates profession, he soon earned the admiration and respect of the legal profession and has left an indelible mark on the jurisprudence of our country. His exemplary leadership and administrative skills were demonstrated on the numerous occasions that he served as the Senior Judge of the division. It was indeed a privilege to interview someone who I regard as the benchmark of judicial distinction.

What inspired you to choose a career in law?

When I was in High School, my father was involved in a motor vehicle collision and he had to appear in Court. I skipped school and accompanied him. As I watched the proceedings unfold, I was deeply intrigued and decided to study law.

What were the challenges that you faced as a judge and how did you overcome these challenges?

Firstly, when I applied for the position, the Bar sent a written objection to the Judicial Services Commission and voiced strong opposition as I was a practising attorney at the time. Even though I was the President of the KwaZulu - Natal Law Society and the examiner for the Notaries exam, they still suggested that I should rather join the Bar first to gain more experience before progressing to the Bench. Being strong willed, having confidence in my ability and faith in God, I didn't allow that to hinder my judicial aspirations.

Secondly, I was invited to apply for the position as South Africa was transitioning into a democratic dispensation, where the need for transformation of the judiciary was well recognised as a means to achieve transformative constitutionalism. I realized that I had a duty to "heed the call", which was a difficult decision to make. The dawn of democracy resulted in a change in the spread of state work and as a practitioner, my firm was starting to receive lucrative work which was previously the preserve of the large established white law firms. Considering that I had young children to still educate, it was daunting to shoulder a significantly reduced income.

Thirdly, when I took up my appointment, I was not well received being both a black lawyer and an attorney. I was often tested by the more senior Judges, most of whom were white advocates previously, and my ability was regularly questioned. In hindsight, I know that I have more than proved my competence, which I attribute to the hard work that I have consistently put in. For example, when I started, I had no experience in maritime law, as it was the domain of white lawyers, however, I have three reported judgments on this area. I just had to put my head down and work.



How has your appointment contributed to transform the South African jurisprudence?

It comes out strongly in my judgments and the matters that I adjudicate. As a black lawyer who grew up in apartheid South Africa, I am mindful of the inequality that people faced and the social and economic challenges that resulted. I am more aware of the surroundings of the litigants that appear before me and the circumstances that they grew up in. However, I grew up the hard way and I am street wise so I am mindful that I must be fair and not unduly sympathetic. There is a fine balance between the two.

In your opinion, what does it take to be a good judge?

There are two aspects that I am able to identify immediately. The first is to work hard. If you are prepared to read, you will get it done. The second is to be a good listener. It is important to listen with open ears, understanding and empathy for everyone involved in the matter.

What are your career highlights?

Appointment as the President of the KwaZulu - Natal Law Society " Served as an examiner for the Notaries exam for several years " Appointed as a Judge in KwaZulu - Natal in 2003 " Appointed as Senior Judge in KwaZulu - Natal and overseeing the administration of the division " Appointed as the Acting Deputy Judge President



Having served in various leadership roles, what are the characteristics of a good leader?

I have been the leader of the KwaZulu - Natal Law Society, the Chairperson of St. Theresa's Orphanage and the Senior Judge of this division. In my opinion, the most important trait is to listen carefully to everyone's divergent views on the subject. It is also necessary to be decisive when it comes to decision making.

What advice do you have for lawyers and aspiring lawyers on resilience?

You will never succeed the first time but you have to keep trying. When you fall, you have to get up and dust yourself off. If you sit down and cry, you will never win. An analogy I often use is that if you spill milk and you cry about it, it won't put the milk back into the bottle. Get a mop, mop up the milk and get another bottle of milk.

What is your advice to legal practitioners on preparing for court?

Its very simple. Read your brief before you come to court. Know your papers well. The most common mistake that practitioners make is that they don't read their papers. That is the primary reason that they experience difficulty when appearing before a Judge. .

