

The UCT Law Postgraduate Diploma in Judicial Studies

Be part of a **new generation of judges** on the **African continent** who are **practically and theoretically** grounded in the art of **judging in a constitutional democracy**.

Why do a postgraduate Diploma in Judicial Studies?

This is Africa's first postgraduate qualification in judicial studies, offered by Africa's leading university. The diploma offers access to cutting-edge knowledge from diverse faculty members, ensuring professionals are up to date with new issues in law.

What is the University of Cape Town's postgraduate Diploma in Judicial Studies?

This one-year full-time (or two-year part-time) qualification is offered by the University of Cape Town's School for Advanced Legal Studies, under the Faculty of Law. Working with the *Judicial Institute for Africa*, UCT Law offers this programme to professionals currently serving as judges and magistrates, and to those earmarked for the judicial track.

The diploma provides a specialist qualification in judicial studies, ensuring that participants are exposed to concepts, developments, debates, and discussions in the judicial space across the continent. It consists of four courses: two core courses and two electives, all taught in short blocks.

Core course convenors:

Emeritus Professor Hugh Corder;
Former Chief Justice Mathilda Twomey; Justice Oagile Dingake;
and Justice Lillian Tibatemwa

Curriculum:

The curriculum comprises two compulsory courses and two elective courses and consists of 120 credits

Admission requirements:

In addition to a basic qualification in law, applicants are required to demonstrate appointment as a judicial officer (judge, magistrate, or equivalent) or the potential for such appointment in the foreseeable future by including a letter of reference from an appropriate official

Duration:

One year, full-time or
two years, part-time

Format:

Hybrid with both block and
online teaching

Cost:

R81 280 (2022 fees)

Please note:

2023 fees have not yet been
determined; for an approximate
cost, add 6% to the 2022 amount

How to apply:

Head over to the UCT Law Faculty's
School for Advanced Legal Studies
website to find out how and where
to apply [www.sals.uct.ac.za/sals/
applying/forms](http://www.sals.uct.ac.za/sals/applying/forms)

Scholarships:

A limited number of tuition
scholarships will be available



COMPULSORY COURSES

Judicial Skills and Practical Jurisprudence

This course will focus on the practical skills required of a judicial officer to help them better understand their role in a constitutional democracy. It will equip participants with the skills needed for case and court management, including analysis, fact finding, decision making, judgment writing, and the use of technology. Judicial codes of conduct will be examined and applied to practical scenarios. Theoretical discussions in applied jurisprudence will deepen understanding and emphasise the importance of independence, accountability, and impartiality, including how to overcome unconscious bias and societal influence to arrive at a fair outcome, irrespective of complexity.

Judging in a Constitutional Democracy

This course equips participants to function as judicial officers in a constitutional democracy, focusing especially on the context of developing nations in Africa. Participants will develop the knowledge and skills to navigate the obstacles and polycentric issues of broad constitutional law. More specifically, the following items will be canvassed: the doctrine of the separation of powers; constitutional deference; the balance between judicial independence and impartiality, and accountability; contrasting discourses on forms of rights protection; judicial activism and 'overreach'; the benefits and dangers of 'lawfare'; engagement with different theories of the interpretation of the law, and developments in judicial review of administrative action; and the concepts of administrative justice and openness of public governance.

ELECTIVE COURSES

Practical Approach to Evidence Law

This course provides an advanced study of evidence law and its application in the courtroom, with the aim of equipping judicial officers to navigate evidentiary issues in trials. It investigates the roles of the judicial officer as a trier of fact and law, and evidentiary matters that arise in civil, criminal, quasi-criminal, and constitutional cases. Various sources of evidence will be considered with particular attention to common difficulties and controversies related to the competence, compellability and reliability of witnesses, the issue of unconscious bias, the admission of new forms of technologically captured evidence, as well as the problem of admitting hearsay evidence. The application of principles to real-life situations will equip participants to confidently navigate these issues in their courtroom.

Practical Court Processes

This course is designed to equip current and aspirant judicial officers with the theoretical and practical skills to manage the proceedings before them in a manner that encourages access to justice, creates an environment for the best delivery of evidence from witnesses, and promotes public confidence. Participants will learn how to effectively manage a courtroom, from trial preparation through to judgment and post-judgment. The course will address the role of the judicial officer and the court system in dispute resolution and in ensuring fair hearings, and further equip participants with skills to navigate unprepared legal practitioners, unrepresented litigants, trials in absentia, to work with interpreters, and to handle media and public interest in high-profile or political cases. Participants will be introduced to the use of technology in court rooms, including case management software, online filing, virtual hearings, and closed-circuit television to ensure the protection of witnesses.

Regional Instruments, Courts, and Cases for Judicial Officers

The overall aim of this course is to equip serving or prospective judicial officers with a working knowledge of regional law in Africa as constituted in multilateral instruments and regional case law. This will be done by identifying components of regional law on the continent and presenting them as an integrated whole. Participants will have the opportunity to engage with the subject from various dimensions, starting with the legal instruments setting up a selection of regional economic communities and institutions. The jurisdictional scope of regional courts will also be discussed as well as key provisions of regional instruments for intra-African commerce, in particular the African Continental Free Trade Agreement. Cases that provide valuable interpretation of regional instruments will be highlighted, culminating in an engagement with the all-important issue of domestic enforcement of judgments of regional courts.

Law and Technology for Judicial Officers

Judicial officers have shown keen interest to understand technology, and the ways in which new technologies challenge traditional areas of substantive law and the operation of courts on the African continent. Given its relatively recent emergence in the justice curriculum across Africa, many judicial officers may not have had the opportunity to formally study law and information technology issues.

Course participants will develop a deeper understanding of modern technology and the ethical, legal, and regulatory issues in the digital realm. Moreover, the course will highlight how judges approach technology-related adjudication, contextualising international best practice against African developments in this field. The course aims to expose judicial officers to both theoretical knowledge and practical experience in assessing court technologies, and how these might facilitate speedier and cost-effective access to justice.

Key areas of substantive information technology law include: electronic contracting, electronic evidence, cybercrime and cybersecurity, data protection, consumer protection online, e-commerce and tax, jurisdiction, electronic communications, IP in the digital realm, the liability of internet service providers, and the rights and freedoms online. These broad substantive law topics will be discussed against a common framework that allows judicial officers to understand how modern technologies (including Artificial Intelligence, the blockchain, social media) have developed, the inherent problems, and the regulatory challenges they create.

Environmental Law for Judicial Officers

The aim of this course is to build an understanding of the environmental, socio-cultural, and economic challenges facing the Earth, and Africa in particular. This course supports participants to examine how, through use of the law, judicial officers can assist in regulating, managing and resolving these challenges on the continent. Participants will develop comprehension of the origins, nature, scope and ambit of environmental law; an understanding of the concepts, principles and mechanisms characteristically reflected in environmental law; and an appreciation of how these concepts, principles and mechanisms could inform, shape and influence the work of judicial officers in Africa.

Independent Research Paper

This course provides the opportunity for justice officers to develop research and writing skills in an area of the law of particular importance to them, or areas in which they wish to develop further. The course aims to enhance participants' abilities to work independently while under some form of expert supervision, to better position them for judgment-writing in the future. In some cases, research papers will be worthy of wider publication.



CONTACT

Further information about applying to the University of Cape Town's Faculty of Law for this programme can be found on the Faculty's School for Advanced Legal Studies website at www.sals.uct.ac.za

The Faculty Office can be contacted on law-studies@uct.ac.za, and the Postgraduate Administrator in the Faculty Office can be reached on clare.richfield@uct.ac.za

For queries related JIFA, please contact vanja.karth@uct.ac.za