

Qedusizi Herbert Msimang (1951–2011)

HERBERT QEDUSIZI Msimang was born on 28 November 1951 in Edendale, Pietermaritzburg. He matriculated at St Augustine High School, Nquthu in 1969. Thereafter he enrolled at the University of Zululand for a Bachelor of Laws, with which he graduated in 1973. In 1975, he completed a Master of Law Degree at the Tulane University, Louisiana in New Orleans, USA. In 1977 he returned to the University of Zululand as a Senior Lecturer in the Department of Private Law.

Msimang practised as an advocate in Lesotho (Maseru Bar) from 1978 to 1979. He thereafter served articles with Dyason, Odendaal and Van Eeden (Pretoria) from November 1979 to November 1981. On 10 November 1981 he was admitted as an attorney of the Supreme Court of South Africa (Transvaal Provincial Division).

In 1981 he established his own law firm and practised as an attorney for his own account in Witbank (Transvaal) until 1985. He thereafter practised in partnership under the name and style of Msimang, Rutsch & Company in Pietermaritzburg from 1985 to 1995.

Whilst practising as such he was employed on a part-time basis by the University of Zululand (Kwa-Dlangezwa) as a director of the Legal Aid Clinic from 1989 to 1991. In July 1995 his firm amalgamated with Shepstone & Wylie Tomlinson which then practised as Shepstone & Wylie Tomlinson Inc Msimang, Rutsch & Company.

In 2006 he was appointed as one of the Commissioners of the Independent Electoral Commission of the Republic of South Africa.



Herbert Msimang

In 1998, he was appointed as acting judge in the Natal Provincial Division of the High Court, at times sitting on the bench in 2000 and 2001. In January 2002, he was then appointed as a full-time judge of the Natal Provincial Division. In October 2009, he was appointed as the Deputy Judge President of KwaZulu-Natal Provincial Division and thereafter was appointed as the Judge President of KZN in April 2010.

He served as a member of the Law Society's examinations panel and sat as a commissioner of the Small Claims Court. He also served as a member of the Grey's Hospital Board. He was elected chairman of the board of trustees for the Umgeni Aids Centre, an NGO, and was appointed as a member of the Town Planning Appeals Board. He was a member of the Board of Trustees of Edendale Lay Ecumenical Centre from 2005 to his death.

Judge Msimang is survived by his wife, four daughters, two grandchildren, a brother and a sister.

JUDGE JEROME MNGUNI

QEDUSIZI (Qeda) Herbert Msimang, Judge-President of the KwaZulu-Natal High Court, died after a brief heart-related illness at the Midlands Medical Centre in Pietermaritzburg on Thursday night, 7 April 2011.

He was a member of the well-known Msimang family of missionaries, scholars, writers and land-owners of Edendale, outside Pietermaritzburg. His grandfather was Oliver Edward Msimang, eighth son of pioneer Wesleyan Methodist missionary Mavuso Daniel Msimang, one of the founding fathers of Edendale in 1851.

His great-uncles Richard and Selby Msimang were founders of the ANC and worked assiduously to promote its cause. Selby, after many years of trade union work and participating in ANC meetings, later also founded the non-racial South African Liberal Party with Peter Brown and Alan Paton in 1953.

Qeda was the son of Bhoyi Msimang, but grew up with his mother, using her Ngwenya married name until his final years at St Augustine High School, Nquthu in 1969, when he adopted his father's name.

Following the death of Bhoyi Msimang, Qeda's uncle, Evans Obuti Msimang took him under his wing and financed his upkeep. A hard-working student, Qeda obtained a bursary to complete a BJuris degree at the University of Zululand in 1973 and then a scholarship for a Master of Laws degree at the University of Louisiana, New Orleans, USA (1975). On his return to South Africa, Qeda was appointed Senior Lecturer in Private law at his *alma mater* while studying further for the LLB degree (1978).

Then followed a distinguished legal career outlined above, culminating in his becoming an acting judge in the Natal Provincial Division of the High Court of South Africa in 1998, judge in 2002, Deputy Judge President on 24 November 2009 and finally Judge President of the KwaZulu-Natal High Court in Pietermaritzburg and Durban on 29 April 2010.

Qeda was proud of his family contribution to law and the freedom struggle, but he was also conscious of upholding its traditions. In the practice of law he was legally astute, competent, hardworking, decisive and impatient with those who were not, according to *Sunday Times* obituarist Chris Barron.

The most publicised event of Judge Msimang's career was when he presided in the drawn-out Jacob Zuma corruption trial in 2006, finally bringing it to an abrupt halt by striking the case from the roll following repeated delays by the prosecution.

Acting State President Kgalema Motlanthe designated the funeral of Judge Msimang a special provincial official funeral. The South African flag was flown at half-mast at every flag station in KwaZulu-Natal on the day of the funeral, Saturday 16 April 2011.

A memorial service was held on Thursday, 14 April at the Royal Showgrounds in Pietermaritzburg. The funeral service, which was attended by President Jacob Zuma, was held at Hilton College two days later, followed by a burial in the Edendale Cemetery where most of the Msimang family members have been interred.

MAVUSO MSIMANG