

# MICHAEL JAMES BISHOP

## *Curriculum Vitae*

### **PERSONAL INFORMATION**

#### **DETAILS**

Date of Birth: 12 April 1984  
ID Number: 8404125161089  
Nationality: South African and British  
Gender: Male  
Email: mjbishop@outlook.com

#### **PROFESSIONAL MEMBERSHIP**

##### Advocate

Dec 2011 – present Advocate of the High Court of South Africa  
Dec 2012 – present Member of the Cape Bar

##### Voluntary Associations

2008 – present Member of the Constitutional Court Clerks Alumni Association  
2012 – present Member of the Administrative Justice Association of South Africa

## EDUCATION

### SCHOOL

- 1991-1993 Emmarentia Primary School, Johannesburg, South Africa  
1994 Carlow College Campus School, Pittsburgh, USA  
1994-1996 Waterkloof House Preparatory School, Pretoria, South Africa  
1999 Glenlyon Norfolk School, Victoria BC, Canada  
1997-2001 Pretoria Boys High School, Pretoria, South Africa  
Matriculated in December 2001 with distinctions in English, Afrikaans, Science, Mathematics, History and Computer Studies

### UNIVERSITY OF PRETORIA (2002-2007)

- 2002-2004 BA (Law) (majoring in Philosophy) *cum laude*  
2002-2005 LLB *cum laude*  
2006-2007 LLM (Critical Legal Theory) *cum laude*

### Prizes

- 2002 *Carpe Diem* Prize for Best 1<sup>st</sup> year LLB student  
DH Van Zyl Prize for Best Student in Historical Foundations of South African Private Law  
Shadrack Mbonani Memorial Prize for Best Student in Legal Skills  
1<sup>st</sup> place for 'Introduction to Poetry'  
2003 Johan Verloren van Themaat prize for Best Student in Constitutional Law  
2<sup>nd</sup> place for '20<sup>th</sup> Century Drama'  
2004 Van der Merwe Du Toit Prize for Best Student in Law of Things  
2005 MacRoberts Prize for Best Student in Medical Law

Merit Certificates (best student)

- 2002 Law of Persons, Family Law, Historical Foundations of South African Private Law, Legal Skills
- 2003 Constitutional Law
- 2004 Administrative Law, Legal Philosophy, Law of Things
- 2005 Critical Race and Gender Theory, Tax Law, Law and Literature, Medical Law, Philosophical Perspectives on Legal Problems, Media Law

Moot Court Participation

- 2003 All African Human Rights Moot Court (Yaounde, Cameroon)  
Fourth-placed English team
- 2005 National Rounds of Jessup International Law Moot Court (Johannesburg)  
Best oral advocate  
Second-placed team
- 2005 ICRC Humanitarian Law Moot Court (Arusha, Tanzania)

**COLUMBIA UNIVERSITY (2008-PRESENT)**

- 2008-2009 LLM *James Kent Scholar* (equivalent to *magna cum laude*)
- 2010-present JSD candidate

## WORK EXPERIENCE

### TEACHING AND RESEARCH

#### University of Pretoria

**Period:** Feb 2003 – Nov 2005

**Position:** Various tutoring positions, University of Pretoria  
Legal Skills, 1<sup>st</sup> year (Feb 2003-Nov 2005)  
Law of Succession, 2<sup>nd</sup> year (Feb-Nov 2004),  
Jurisprudence, 3<sup>rd</sup> year (Feb-Jul 2005)

**Duties:** For all the posts, the duties included tutoring small groups, marking assignments and various administrative duties.

**References:** Prof Anton Kok (anton.kok@up.ac.za)  
Prof Karin Van Marle (karin.vanmarle@up.ac.za)  
Prof Anton van der Linde (anton.vanderlinde@up.ac.za)

**Period:** Apr – Jun 2007

**Position:** External Marker, Department of Legal History and Jurisprudence

**Duties:** Grading 3<sup>rd</sup> year Legal Philosophy tests and assignments

**Reference:** Prof Karin Van Marle (karin.vanmarle@up.ac.za)

**Period:** Jan 2008 – Dec 2009

**Position:** Extraordinary Lecturer, Department of Public Law

**Duties:** Designing and teaching a course on Constitutional Law to LLM students

**Reference:** Prof Stu Woolman (stuart.woolman@wits.ac.za)

#### University of South Africa

**Period:** Nov 2006 – Nov 2007

**Position:** External Marker

**Duties:** Grading 4<sup>th</sup> year Legal Philosophy assignments and exams

**Reference:** Prof Irma Kroeze (kroezi@unisa.ac.za)

South African Institute for Advanced Constitutional, Public, Human Rights and International Law (SAIFAC)

- Period:** Jan – Jun 2008
- Position:** Junior Researcher,
- Duties:** Update *Constitutional Law of South Africa*, pursue other research interests (including work on an “openness index” for the Open Society Institute, writing a submission to a commission of inquiry into the conduct of the National Director of Public Prosecutions) and participate in and run seminars.
- Reference:** Prof Theunis Roux (t.roux@unsw.edu.au)

**PROFESSIONAL**

Constitutional Court of South Africa

- Period:** Jan 2006 – Dec 2007:
- Position:** Clerk to Justice Pius Langa, Chief Justice of South Africa
- Duties:** Research, writing memoranda, assisting with preparing and editing judgments, speech-writing, assisting the judge in court, and cite-checking.
- Reference:** Chief Justice Pius langa (langa@concourt.org.za)

Ashira Legal Advisors

- Period:** Jun 2009 – Jan 2012
- Position:** Junior Legal Advisor (Jun – Aug 2009)  
Senior Legal Advisor (Sep 2009 – Jan 2012)
- Duties:** Preparing legal memos and opinions; drafting contracts and regulations. My work covered all areas of public law, particularly procurement, government structures and administrative law. I advised national and provincial departments, public entities and municipalities.
- Reference:** Oya Hazel Gumede (hazel@ashira.co.za)

Legal Resources Centre: Constitutional Litigation Unit

- Period:** Sep 2011 – Jan 2012

- Position:** Research Consultant
- Duties:** Legal research and drafting on constitutional matters. I worked on small-scale fishing policies, access to education, the payment of levies to traditional leaders, disability law, refugee law, the right to assemble and the right to housing.
- References:** Jason Brickhill (jasonb@lrc.org.za)
- Period:** Jan 2013 – Present
- Position:** Counsel
- Duties:** Acting as counsel on LRC matters. I have worked on issues relating to housing, water, education, freedom of expression, freedom of assembly, equality, land restitution, labour tenants' rights, refugee rights, environmental law, social security, class actions, international criminal law, customary law, fishing rights, healthcare and policing. I have appeared in the Constitutional Court, the Supreme Court of Appeal, the High Court and the Land Claims Court.
- References:** Jason Brickhill (jasonb@lrc.org.za)

### ASSOCIATE POSITIONS

#### Centre for Human Rights, University of Pretoria

- Period:** January 2006 – December 2008
- Position:** Research Associate
- Role:** General research, and writing *Constitutional Law of South Africa*.

#### Columbia Law School

- Period:** September 2009 – May 2010
- Position:** Visiting Research Fellow
- Role:** Conducting research on courts and institutional change.

#### University of Cape Town

- Period:** January 2012-Present
- Position:** Honorary Research Associate, Department of Public Law
- Role:** Institutional affiliation.

## PUBLICATIONS

### BOOKS

1. Managing Editor: S Woolman, M Bishop & J Brickhill (eds) *Constitutional Law of South Africa* (2<sup>nd</sup> Edition, 2003-2012, Juta).
2. S Woolman, T Roux & M Bishop (eds) *Constitutional Law of South Africa: Student Edition* (2007, Juta).
3. S Woolman & M Bishop (eds) *Constitutional Conversations* (2008, Pretoria University Law Press).
4. D Cornell, S Woolman, S Fuller, J Brickhill & M Bishop (eds) *The Dignity Jurisprudence of the Constitutional Court of South Africa: Cases and Materials* (2013, Fordham).
5. D Van Loggerenberg & P Farlam *Erasmus: Superior Court Practice* (Constitutional law revision) (Juta, 2012)
6. A Price & M Bishop (eds) *A Transformative Justice: Essays in Honour of Chief Justice Pius Langa* (2015, Juta), also to be published as *Acta Juridica* (2015)

### CHAPTERS IN BOOKS

1. The following chapters in *Constitutional Law of South Africa*
  - 1.1. Slavery, Servitude and Forced Labour (with S Woolman) (2005)
  - 1.2. Public Protector (with S Woolman) (2005)
  - 1.3. Freedom and Security of the Person (with S Woolman) (2006)
  - 1.4. Education (with S Woolman) (2007)
  - 1.5. Constitutional Litigation (with M Chaskalson & G Marcus) (2007)
  - 1.6. Remedies (2008)
  - 1.7. A Baedeker to *Constitutional Law of South Africa* (with S Woolman & T Roux) (2008)
  - 1.8. Costs (2010)
  - 1.9. National Legislative Authority (with N Raboshakga) (2011)
2. 'Remedies' in *Constitutional Law of South Africa: Student Edition* (No. 2 above).
3. 'Law's Autonomy' (with S Woolman) in *Constitutional Conversations* (No. 3 above).
4. 'Transforming Memory Transforming' in W le Roux & K van Marle (eds) *Law, Memory and the Legacy of Apartheid: Ten Years after AZAPO v President of South Africa* (2007, Pretoria University Law Press).

5. 'Rationality is Dead, Long Live Rationality! Saving Rational Basis Review' in S Woolman & D Bilchitz (eds) *Is This Seat Taken? Conversations Between the Bench, Bar and Academy* (2012).
6. O Ampofo-Anti & M Bishop 'On the Limits of Cultural Accommodation' in A Price & M Bishop *A Transformative Justice: Essays in Honour of Justice Langa* (2015)

### **JOURNAL ARTICLES**

1. S Woolman & M Bishop 'State as Pimp: Sexual Slavery in South Africa' (2006) 23(3) *Development Southern Africa* 385.
2. S Woolman & M Bishop 'Down on the Farm and Barefoot in the Kitchen: Farm Labour and Domestic Labour as Forms of Servitude' (2007) 24(4) *Development Southern Africa* 595.
3. M Bishop 'Why Must I Cry? Justification, Sacrifice, Loneliness, Madness and Laughter in South African Adjudication' (2008) *Pretoria Student Law Review* 38.
4. M Bishop, S Kazee & L Chamberlain 'Twelve-Year Review of the Work of the Constitutional Court: A Statistical Analysis' (2008) 24 *South African Journal on Human Rights* (forthcoming).
5. M Bishop 'Vampire or Prince? The Listening Constitution and *Merafong Demarcation Forum v President of the Republic of South Africa & Others*' (2009) 2 *Constitutional Court Review* 313.
6. 'Rationality is Dead, Long Live Rationality! Saving Rational Basis Review' (2010) *South African Public Law* 313.
7. M Bishop & J Brickhill 'In the Beginning was the Word: The Role of the Text in Statutory Interpretation under the Constitution' (2012) 4 *South African Law Journal* 681.
8. O Ampofo-Anti & M Bishop 'On the Limits of Cultural Accommodation' (2015) *Acta Juridica*.

### **CONFERENCE PRESENTATIONS**

1. 'An Accidental Good: The Role of Commissions of Inquiry in South Africa' New York Law School Symposium for 20 Years of Constitutionalism in South Africa (New York, November 2014) Commissioning the Present: Marikana and its Aftermath (May 2015)
2. 'Lost in Translation: How to Talk about Conflicts between Dignity and Freedom' Symposium in honour of Frank Michelman (Johannesburg, 18 July 2012).
3. 'Vampire or Prince? The Listening Constitution and *Merafong Demarcation Forum v President of the Republic of South Africa & Others*' Constitutional Court Review Conference (Johannesburg, 10 December 2009) and New York Law School Reading Group (New York, February 2010).



4. 'Rationality is Dead, Long Live Rationality! Saving Rational Basis Review' Is This Seat Taken? SAIFAC Seminar Series (Johannesburg, 7 July 2009).
5. 'A Story Like the Wind: Human Rights and Identity' SAIFAC Seminar (Johannesburg, 10 April 2008).
6. 'Transforming Memory Transforming' 10 Years after *AZAPO* Conference (Pretoria, 18 August 2006).

### **OTHER**

1. Managing Editor, *Constitutional Court Review* (2013-present)
2. J Brickhill & M Bishop 'Constitutional Law' for *Juta's Quarterly Review of South African Law* 2009(2)-2014(2) (ongoing).
3. J Brickhill & M Bishop 'Constitutional Law' for *Annual Survey of South African Law* 2009-2013 (ongoing).
4. M Bishop, N Stein, L Chamberlain, A Vukeya, L Smit & A Franco 'Constitutional Court Statistics 2005 Term' (2006) 22 *South African Journal of Human Rights* 518.
5. M Bishop, L Chamberlain, S Kazee & N Stein 'Constitutional Court Statistics 2006 Term' (2007) 23 *South African Journal of Human Rights* 386.
6. M Bishop, L Chamberlain, S Kazee & N Stein 'Constitutional Court Statistics 2007 Term' (2010) 26 *South African Journal of Human Rights* 571.
7. H Woolaver & M Bishop 'Submission to the Enquiry into the National Director of Public Prosecutions by the SA Institute for Advanced Constitutional, Public, Human Rights and International Law' (2008) 21(2) *Advocate* 26.