Dear Members of the Legal Fraternity and Other Role-players,

I trust that you are all still well and healthy!

We have to consider the manner in which we ought to run the court system at the Johannesburg civil regional court POST LOCKDOWN.

Whether that will be with effect from the next working day, namely 04 May 2020, or a later date, makes little difference. As COVID-19 will be with us for a while yet, court services will have to be phased-in with the aim of going as paperless as possible, and limiting the amount of interaction of people as much as possible. I am confident that despite this setback, we will catch up with everything before the end of the year.

Clearly, everyone involved in the court system will be affected by the practices and procedures that will be implemented. It is, therefore, important that you make suggestions that you consider will contribute to procedural fairness and efficiency whilst protecting the interests of practitioners and litigants.

Whilst we ought to strive for rules of practice that are consistent with the Judge President's current Directives in the High Court, our practices must be practical in the magistrates court. Practitioners are also reminded that the magistrates court may be constrained in its ability to deviate significantly from the court rules due to its lack of inherent jurisdiction. For instance, the awarding of costs for a hearing conducted by teleconferencing, speakerphone, ZOOM, etcetera may become the source of debate.

I would like to remind you that the types of matters that we mostly address at this court are the following:

1. Civil Trials
2. Pre-trial Conferences/Certification Hearings
3. Unopposed Divorces
4. Motions
5. Urgent Motions
6. Ex Parte Applications
7. Requests for Default Judgment ITO Rule 12
8. Taxations by the Registrar
9. Apostilles & Authentication of Documents
10. All Applications for Court Dates

In addition to the above, the Registrar and Assistant Registrars attend to a myriad of administrative matters relating to all the cases that present before us.

We will need to adapt our practices and procedures in order to make the system fair and workable for all, especially as we have a high number of in-person litigants in relation to matrimonial matters.

Please may I have your comments and suggestions by 04 May 2020 in relation to each aspect of the work listed above.

My special request to the Johannesburg Attorneys Association is to circulate this message to as many relevant role-players as it considers necessary. I am still having difficulty in communicating with the Legal Aid Offices in Gauteng, the State Attorney's office, and the law clinics other than Wits.

Thank you.

A Chaitram

Regional Magistrate

Civil Regional Court

JOHANNESBURG