Minutes of JAA Meeting with JP Mlambo on 24 June 2015

RE: South Gauteng High Court issues

Present: Judge President Mlambo

Jacques Tarica (JAA Main Committee Chairperson)

Katherine Gascoigne (JAA Main Committee Treasurer)

Hoosen Sader (JAA Main Committee Member)

Chantelle Gladwin (JAA Main Committee Member)

Riekie Erasmus (JAA Main Committee Member)

1. **Enforcement of arrear maintenance orders (granted by the High Court)** – It appears that the Registrars at the Joburg High Court are refusing to issue writs for the enforcement of maintenance orders granted by the Joburg High Court, on the authority of a certain judgment issued recently which provided that such writs could be issued by the maintenance court. The JAA is of the view that the High Court must be able to issue writs in order to enforce its own orders. It was agreed that the JAA would submit a summary of the problem to the JP, and that he would consider same and revert. Hopefully the matter will be disposed of once and for all in the very near future.

2. **Electronic filing and service** – the JP acknowledged the potential of an electronic filing system, if the Department of Justice and Constitutional Development ("DOJCD") could be convinced that it was safe and efficient. Jacques Tarica (of the JAA) has been liaising with Judge Spilg (who is in charge of the project from the court's side) for some time now, working with a service provider called Litigator, to get a pilot project up and running. The idea was that (to avoid a protracted implementation of the project) the JAA would fund and host the electronic system, and all the court would have to do would be to participate. However, there are concerns

from DOJCD side that need to be addressed before any such system can be piloted. Chantelle Gladwin and Jaques Tarica of the JAA are going to set up a meeting with the Litigator team in order to develop a system that meets the needs of both the court and the DOJCD. Hopefully the pilot can be rolled out next year.

3. **Missing files** – the JP acknowledged the problem and undertook to consider a proposal that will be submitted Jacques of the JAA, to the effect that attorneys file duplicates and keep the originals (rather than file originals and keep duplicates). This will hopefully eradicate the theft of court files. Jacques will be sending the proposal to the JP in the coming week. If accepted, the new system could be up and running in the next few months.

4. ***Probono* offices** – the *probono* office at the Joburg High Court is set to start operating in July. It will be staffed by Legal Aid, Probono.org, and attorneys/candidates on a roster system and will have a full time administrator on staff. It is not yet 100% clear as to what the responsibilities of the attorneys/candidates who volunteer their time will be, but it is envisaged that a similar set up to that employed at the *probono* office in the Randburg Magistrate's court will apply (which is that attorneys offer either once off legal advice, or if more is needed, that the attorneys take instructions from the clients, compile a brief, and forward it to the Probono.org offices, who will source further *probono* assistance for the client). Katherine of the JAA will be liaising with Judge Weiner, who is in charge of the *probono* desk, going forward. Anyone interested in giving of their time in this manner can contact Angela of the JAA on info@jaa.org.za .

5. **Acting Judges** – the JAA raised that many members are complaining that judgments by certain (acting) judges are incorrect and inappropriate. A discussion to find the root cause of the problem took place, and the JP agreed to consider nominations for acting judges with particular expertise in certain areas. It was also agreed that if the JAA could notify the JP of the specific focus areas of certain of the judges and acting judges, the court could ensure that more cases in that line were heard by the expert judges. The JAA will collate and forward nominations of suitable candidates

to the JP in due course. Megan Harrington-Johnson of the JAA also sits on the Family Law Forum, and she would arrange a meeting of that forum with the JP, to ensure that the forum's voice is heard in family matters (with specific reference to the problem of acting judges making inappropriate judgments in family matters).