

OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
OFFICE 1210

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NOTICE

TO:

1. **Judges of the Gauteng Division, Johannesburg**
2. **Chief Registrar, Gauteng Division, Johannesburg**
3. **Legal Practice Council – Gauteng**
4. **Law Society of South Africa**
5. **Gauteng Family Law Forum**
6. **Gauteng Attorneys Association**
7. **Pretoria Attorneys Association**
8. **Johannesburg Attorneys Association**
9. **West Rand Attorneys Association**
10. **South African Black Women in Law**
11. **National Association of Democratic Lawyers**
12. **Black Lawyers Association**
13. **South African Women Lawyers Association**
14. **South African Medical Malpractice Lawyers Association**
15. **Personal Injury Plaintiff Lawyers Association**
16. **South African Medico-Legal Association**
17. **Office of the Director of Public Prosecutions, Pretoria and Johannesburg**
18. **Office of the State Attorneys, Pretoria and Johannesburg**
19. **Solicitor General**
20. **Office of the Family Advocate, Pretoria and Johannesburg**
21. **Legal Aid South Africa**
22. **Johannesburg Society of Advocates**
23. **Pretoria Society of Advocates**
24. **Gauteng Society of Advocates**
25. **Pan African Bar Association of South Africa**
26. **General Council of the Bar of South Africa**
27. **National Bar Council of South Africa**

28. South African Bar Association
29. National Forum of Advocates
30. North Gauteng Association of Advocates
31. Church Square Association of Advocates
32. Advocates for Transformation
33. Legal Division of the Department of Health: Gauteng
34. Legal Division of the Department of Sport, Arts, Culture and Recreation
35. Gauteng Department of Agriculture and Rural Development
36. Legal Services - Gauteng Provincial Department of Education
37. Gauteng Society of Advocates

DATE : 31 March 2022

RE : **THE JOHANNESBURG UNOPPOSED MOTION COURT IN SECOND AND THIRD TERM OF 2022**

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1. The lead time between a request for a provisional date and the allocated set-down date for unopposed motions in the Johannesburg High Court is at present approximately 4-5 months, excluding the recesses. This is an unacceptable waiting time. Although matters which have, for good cause, deserved an accelerated date have been dealt with *ad hoc* by me, on request, that is not a viable long-term solution. To reduce the lead time two things are necessary; a permanent increased judicial capacity and one or more *ad hoc* interventions to overcome the backlog excess of demand over supply of dates. As a result, the measures described below have been introduced. They do not resolve the delay overnight, and I expect that a satisfactory position can be reached only by the first term of 2023. If I am able to secure the appointment of acting judges, additional to the number on the establishment in Johannesburg, an earlier target date could be feasible. At present, I have no reason to believe that will be forthcoming.

2. TERM 2:

   2.1. The cap on the number of matters per judge per day has been increased from 40 to 50. Four judges are deployed. The number of matters processed per week is increased to a maximum of 400.

   2.2. In week 9: 6 June to 9 June, because no civil trials have been set down, judges are available re-deployment. In addition to the four judges rostered,

an additional 8 judges will sit in the unopposed motion court that week and will deal with 800 matters. Therefore, in that week, 1200 matters will be dealt with.

2.3. For administrative reasons those matters which have already been set down in the third term will not be accelerated. In the course of the second term COURT ONLINE is expected to become the default modality for the enrolment of all new matters and matters that were prior thereto enrolled on caselines have to remain in that stream until exhausted. As at the date of this notice, set downs are at mid-August 2022. It is appreciated that this arrangement may be interpreted as unfair, but in this regard, I request practitioners to be patient despite such perspectives.

3. TERM 3:

3.1. The number of judges rostered will be increased to 6 meaning that 600 matters a week will be heard, a two-thirds increase on the number heard per week in the first term.

3.2. If feasible, another special motion court may be utilised in the 9th week of the term.

4. Ultimately, the policy objective is that the lead time in the unopposed motion court is reduced to between 4 and 6 weeks. However, it is necessary to caution practitioners that an understandable and justifiable degree of frustration with turnaround will likely endure, albeit diminishing incrementally, for at least the rest of 2022.

5. At present, assessments are ongoing to identify the types of unopposed motion that warrant priority in the allocation of dates. These include interlocutory matters (other than interlocutory matters that can be brought in the trials interlocutory court), *ex parte* matters, appointment of curators, family matters and others which exhibit, objectively, a need for rapid relief.

6. It is appropriate to remind practitioners to make full use of the trials interlocutory court for matters in which an opponent is in default of a procedural obligation. For pragmatic reasons in all matters, trials and applications and appeals, where an

opponent is in such default, this court will entertain an application to compel compliance.

Yours faithfully

Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature

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ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT