



OFFICE OF THE DEPUTY JUDGE PRESIDENT

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

Telephone number: (011) 335 0116/011 335 0162 / (011 335 0163)/ Fax number: (011) 335 0219
e-mail address: Secretarydjp@judiciary.org.za /
LTulleken@judiciary.org.za/skajee@judiciary.org.za

C I R C U L A R

TO : Judges of the Gauteng Local Division

DATE : 04 October 2021

OUR REF : DJP/336/2021/SK

RE : **IN RE MANAGEMENT OF THE URGENT MOTION COURT**

04 October 2021

Dear Colleagues

1. Together with this memo you have been provided with a notice which is to be sent to the legal profession and a template for you and your secretary to report on the volume and character of the matters that come before the urgent court each week. This memo explains briefly why these steps have been taken and why the information will assist in the management of the urgent court to the advantage of both the judges presiding and the litigators.
2. Increasingly, colleagues have expressed dismay at the volume of urgent matters and at the cavalier approach of legal practitioners in setting matters down in the urgent court without regard to the circumstances under which a judge can be reasonably expected to adjudicate the matters. The notice addresses the most

serious of these concerns and aspires to inducing a more disciplined attitude by lawyers to the use of the urgent court. The contents of the notice are self-explanatory.

3. What is important to stress in this memo is that colleagues must be willing to take a strict view of the procedure and we, as a body, must maintain a consistent regime. A relaxed or overly generous approach inevitably becomes a rod we take to our own back. Additional resources are unlikely to become available and therefore we must devise ways to cope with our workload by insisting on the most efficient processes and on cooperation from the legal profession.
4. The report, too, is self-explanatory as to the data sought to be collected. What is this data to be used for? Decisions about how to organise urgent work cannot be made without a knowledge of the volume and types of matters that are passing through that court. Hitherto this information has never been collated and in the absence of tracking these matters we have no idea of what happens from week to week or why it happens.
5. It is intended that several aspects can be addressed on the basis of an analysis that shall be possible once there is enough data, over a period, to enable inferences to be drawn. For example:
 - 5.1. How many of the enrolled matters are inappropriately enrolled because they are not truly urgent? Will the elimination of these matters relieve pressure appreciably?
 - 5.2. To what extent are judges preparing matters that do not proceed because at court the parties themselves reassess the so-called urgency and create a timetable for exchange of papers so the case can be heard later. If this is what occurs, why was it enrolled in the first place?
 - 5.3. Is there a trend of particular types of cases that might suggest that streaming them would be an advantage; eg should family law cases be redirected to a specialised stream? Is there enough work to warrant a special court?
 - 5.4. Are two judges enough to address the matters that truly belong in the urgent court? Do we need to consider rostering three judges or, if the court is better managed, will two judges be sufficient?
 - 5.5. Is it a feasible idea that all after hours matters be dealt with via video-link on a permanent basis?
 - 5.6. How many cases involve unrepresented parties?

5.7. What types of complex matters are regularly enrolled which would justify specific training seminars?

6. The report template might be tweaked in the light of the data gathered.

7. It is envisaged that during the 4th term 2021, a thorough examination of the urgent court process will be undertaken with a view to permanent reforms which can be introduced in 2022. Colleagues are requested to contribute their views and suggestions. Your active participation will be appreciated.

Yours faithfully

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

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**

CC The Honourable Mr Justice E Molahlehi