



## **Special sitting of the Land Claims Court in honour of the late Judge President Fikile Bam, Judge President of the Land Claims Court**

**Mogoeng Mogoeng, Chief Justice of the Republic of South Africa 02 February 2012**

Mama Xoliswa Bam; Dr Brigalia Bam; Members of the Bam and Madikiza Families

Honourable Deputy Chief Justice, Justice Dikgang Moseneke

Honourable Judges Presidents; Judges and Magistrates present

Honourable Former Chief Justice Arthur Chaskalson

Fellow South Africans

Good Afternoon

I begin by paying tribute to the colleagues in the Land Claims Court, and the Gauteng High Court who had the foresight to arrange today's special Court sitting, in honour of Judge President Fikile Bam, who was one of the finest legal minds of our time. Indeed, he was a legal giant who left a legacy which we are privileged to draw from. Those of us who knew him, are not surprised that Rhodes University identified him as one of the few who were worthy of an honorary doctoral degree. And it is this rich heritage that Bro Fiks has left that I wish to highlight, hoping that in his honour, we can continue to build on his vision for the empowerment of Judicial Officers, ensuring that his dream in that regard comes to fruition. Many of us who knew Bro Fiks would recall that the education of Judicial Officers were some of the areas close to his heart. The suffering that he



shared with millions of black South Africans, which inspired him to embrace and participate in the liberation struggle, must have driven Bro Fiks to work tirelessly to ensure that the path towards reaching the pinnacle of their careers, was not too arduous a task for incoming Judicial Officers.

To this end, he was a mentor, a teacher and a great supporter of judicial education. It therefore gives me immeasurable joy to announce that the South African Judicial Education Institute (SAJEI) has this year – in line with our undertaking on the 8th of September 2011 to hit the ground running – launched its first educational and empowerment programme for Judges and Magistrates.

You will recall that since the establishment of SAJEI in 2009 due to a number of challenges, some two-and-a-half years went by without any judicial training taking place. However, through SAJEI, and with the support of results-driven colleagues like Bro Fiks, we have managed to turn this situation around. Just last month in January 2012 alone, we have conducted three 5-day orientation programmes for Judicial Officers.

Newly appointed High Court Judges were trained by our more experienced colleagues from the Constitutional Court, the Supreme Court of Appeal, High Court and some retired Judges from 16-20 January 2012. District Court Magistrates underwent training from 18-22 January 2012 whereas; the training programme for our Regional Court colleagues ran from the 23rd to the 27th of January 2012.

These are all interventions aimed at ensuring that as the Judiciary, we address our shortcomings head on and deliver on our mandate to build



capacity and empower all Judicial Officers to deliver quality justice efficiently and speedily. Plans are afoot to continue with these training interventions, and I am pleased to announce that we will continue to draw from the vast experience and expertise of both serving and retired Judicial Officers, as educators and mentors for our serving Judicial Officers.

One of the most critical challenges that we shall address in the 2012 / 2013 financial year is Judicial Case Management, which is geared at improving court efficiency. The statistics on this front present a worrying picture. Judicial Case Management is one of the most important strategic tools at the disposal of the judiciary to speedily, effectively and efficiently deliver quality justice.

Bro Fiks identified the efficacy of this model and used his rule-making authority to craft rules that paved the way for its implementation. Those of us who attended his funeral service would recall how former Land Claims Court Judge, Honourable Gildenhuys spoke gloriously about this model of case management and how it enhances court efficiency, facilitates individual judicial accountability and reinforces the authority of Judicial Officers to dictate the pace of litigation.

It is the same model that was introduced by retired Chief Justice Chaskalson at the Constitutional Court, and indeed the model that our courts have always sought refuge in whenever confronted with complex matters, very long trials and cases that have generated a lot of public interest and have attracted significant media attention. Often at the request of the parties, but sometimes at the instance of the Head of Court, a Judicial Officer who is to preside in such a matter is identified at the earliest possible stage, to manage the preparations for trial in consultation



with the legal teams involved, and together identify the date for hearing that would suit everybody.

This is done to avoid unnecessary postponements and delays often occasioned by lack of proper preparation. The most recent example of the successful implementation of this case management model was in the North Gauteng High Court, in the matter involving 13 or 14 Advocates allegedly involved in acts of misconduct relating to the Road Accident Fund cases.

It is therefore, not a foreign concept or model but a home-grown solution. The difference between South Africa and other countries in this regard, is that South Africa applies it selectively, whereas countries like the US and Botswana apply it to all cases.

It is for this reason that our priority for the current financial year is the training of Judicial Officers, using SAJEI as an important vehicle. Once Judicial Officers are fully trained and capacitated to take charge of their courts through the effective application of Judicial Case Management strategies, court efficiency will be much enhanced. There must be a paradigm shift from our past case management strategies to the one that enables the judiciary to respond positively and with speed to case backlogs case finalisation challenges.

Preparations for the collaborative implementation of the July 2011 Access to Justice Conference Resolutions and the Civil Justice Review Project are at an advanced stage. The Judiciary, the Ministry, the National Department known as the Office of the Chief Justice and that of Justice and Constitutional Development, are working together to pave the way for the smooth and effective implementation of measures that will



enhance court efficiency.

Harmonised practice directions for all the High Courts are in the process of being drafted, to aid the implementation of Judicial Case Management, and electronic filing. Once this process is finalised, it will be tabled before the Heads of Courts for consideration and approval. We have also initiated a process of drafting rules similar to Order Number 42 of the Botswana High Court also borrowing from our existing Practice Directions to create a permanent implementation framework for all these new measures.

Bro Fiks, together with other Heads of Courts, worked hard to strengthen the independence of the Judiciary as an institution. These efforts gave birth to the proclamation of the new National Department, namely, the Office of the Chief Justice. We pay tribute to him for the sacrifices he made to help us record all of the above achievements.

To Mama Xoliswa, the Children and the entire Bam and Madikiza families, we say thank you for having shared your loved one with us.

Thank you.