



OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
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NOTICE

TO

1. Judges of the Gauteng Division, Johannesburg
2. Chief Registrar - Gauteng Division of the High Court, Pretoria and Johannesburg
3. Secretariat – Judicial Case Flow Management, Office of the Chief Justice
4. Registrars - Gauteng Division of the High Court, Johannesburg and Pretoria
5. Legal Practice Council – Gauteng
6. Law Society of South Africa
7. Johannesburg Society of Advocates
8. Pan African Bar Association of South Africa
9. Gauteng Family Law Forum
10. Gauteng Attorneys Association
11. Pretoria Attorneys Association
12. Johannesburg Attorneys Association
13. West Rand Attorneys Association
14. South African Black Women in Law
15. South African Women Lawyers Association
16. General Council of the Bar of South Africa
17. National Bar Council of South Africa
18. South African Bar Association
19. National Forum of Advocates
20. Pretoria Society of Advocates
21. North Gauteng Association of Advocates
22. Church Square Association of Advocates
23. Advocates for Transformation
24. Black Lawyers Association
25. South African Medical Malpractice Lawyers Association
26. Personal Injury Plaintiff Lawyers Association
27. National Association of Democratic Lawyers

28. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
29. Office of the State Attorneys, Pretoria and Johannesburg
30. CEO – Legal Aid South Africa
31. CEO – Road Accident Fund
32. CEO – PRASA
33. Director General – Gauteng Province
34. Head of Legal Department – Department of Health – Gauteng Province
35. South African Medico-Legal Association
36. Solicitor General :

DATE : 25 March 2022

RE : MODE OF HEARINGS IN THE JOHANNESBURG HIGH COURT IN THE SECOND AND THIRD TERMS OF 2022

1. After consultations with the professions and with the members of the bench on the question of when and under what conditions the Johannesburg court would resume traditional physical court hearings the following decisions were taken:

1.1 During the second term, the status quo would continue; i.e., remote hearings are the default position, subject to the presiding judge directing that a physical hearing is appropriate because it could be held under safe conditions.

1.2 As a general rule, physical hearings shall be convened where the parties request to do so for a sound reason and the presiding judge agrees. Where a presiding judge takes the initiative to decide that it would be appropriate, reasonable notice shall be given, usually not less than 48 hours.

1.3 We contemplate a more general return to physical hearings from the third term; i.e., 17 July 2022. This aspiration is not unconditional. In this regard, issues of functional air conditioning in court rooms and reliable IT systems etc. are important. We have received assurances that these amenities are up to scratch.

1.4 Among the factors advanced from several quarters expressing a reluctance about a return to physical hearings, is the concern about security in the city. The City has upped the presence of the Johannesburg Metropolitan Police Department in the High Court Precinct and it remains to be seen whether this can be sustained. There are reasons to be confident that this could happen as part of a regeneration of the High Court Precinct in which the Mayor and the City leadership has shown renewed interest.

1.5 However, it is appropriate to alert the professions to certain, as yet provisional decisions, about what remote hearings might remain permanent features, so that practice management can adapt to such long-term arrangements. There is a strong sense that the following should continue in remote mode on a permanent basis;

1.5.1 The civil trial roll call.

1.5.2 After court-hours urgent applications. (Papers would be communicated by email if CaseLines is not accessible at the relevant time)

1.5.3 The unopposed divorce court, including adducing evidence on affidavit rather than viva voce where appropriate.

1.5.4 Applications for leave to appeal.

1.5.5 Conferences with judges for case management purposes.

2 Consultations with the leadership of the professions shall continue on these issues.

3 In addition, the long-awaited online facility, "Court Online", which will replace the initial uploading of court process on CaseLines up to the stage of a hearing, at which point the documentation will seamlessly transfer into CaseLines, is being piloted at this time with selected volunteer attorneys, and shall incrementally be

introduced to all attorneys during the second term. Further notice about this innovation shall be communicated in due course.

Yours faithfully

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

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**