



OFFICE OF THE DEPUTY JUDGE PRESIDENT

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

TO:

1. Judges of the Gauteng Division, Johannesburg
2. Chief Registrar – Gauteng Division of the High Court, Johannesburg
3. Secretariat – Judicial Case Flow Management, Office of the Chief Justice
4. Registrars – Gauteng Division of the High Court, Johannesburg
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 for 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. Chief Executive Officer – Legal Aid South Africa
31. Chief Executive Officer – Road Accident Fund
32. Chief Executive Officer – Passenger Rail Agency of South Africa
33. Head of Legal Department – Department of Health, Gauteng Province
34. South African Medico-Legal Association
35. Director General – Gauteng Province
36. Solicitor General

DATE : 13 October 2021

OUR REF : DJP/21/2012/lt

RE : NOTICE TO LEGAL PRACTITIONERS ABOUT THE
PROCESS OF REQUESTING AND ISSUING OF TRIAL
DATES IN THE GAUTENG DIVISION,
JOHANNESBURG

1. Recently, a number of attorneys have expressed dissatisfaction about the time it takes the civil trials registrar to issue a trial date. Almost all such complaints concern “Y” matters in which the defendant is the RAF or the MEC for Health, Gauteng. An investigation into these complaints has revealed that there is a lack of understanding about the process and what can be reasonably expected of the civil trials registrar. This circular is directed at clarifying these misconceptions.
2. First, in terms of the Covid Directives issued by the Judge President, the registrar has been instructed not to entertain any personal physical visits by attorneys or their messengers. Despite that Directive, persons do arrive at the registrar’s office and are offended that they will not be received. The position is plain: all contact must be via CaseLines or by email.
3. Routine communications, other than via CaseLines, by email must be addressed:
 - a. to jhbpretrial@judiciary.org.za for enrolments in the case management court or the settlements court.
 - b. To jhbciviltrials@judiciary.org.za for issuing of trial dates.
4. Non-routine communications about queries and problems must be addressed to tkhumalo@judiciary.org.za. Care should be made to articulate exactly what is at issue and provide all the relevant details. A failure to do so simply inhibits the real issue being addressed.
5. If efforts to communicate via these channels proves impossible or difficult, the usual culprit is a breakdown of the judiciary domain internet server or email service. This, alas, is an occupational hazard beyond the powers of the registrar to resolve. If there is sound reason to believe that an IT reason is not the cause of a failure to communicate, the complaint should first be addressed to the Chief Registrar. If satisfaction is not forthcoming the office of the DJP should be approached.
6. On a regular basis, the requests on Caselines for trial dates which are received, are downloaded, printed and addressed. The present administrative system remains largely paper-based. In an ideal world it would be computerised, but for the foreseeable future, the State is unlikely to provide such a resource.
7. The requests are examined to determine whether they meet the requirements of the Directives. Only the civil trials registrar herself is available to perform this

scrutiny. Self-evidently, only those requests that are complete and fully compliant can be considered for the issue of a trial date. A request that is fully in order can expect to have a trial date issued within 5 days of lodging the request.

8. Requests which are not compliant cannot be processed within that time and a query will be registered against the request. At present, it is estimated that approximately 50% of requests are deficient in some respect. Typical examples of the deficiencies which delay processing a request are these:

No invitation on the CaseLines profiles

Incorrect prefixing/no prefixing case number

No practice note

No signature on practice note

No email address on practice note

Incorrect email on practice note

No signature on form 6

Use of incorrect prescribed forms when applying (using a Pretoria-specific form for Johannesburg)

9. Frequently, for example, a request is communicated, say on 15 January, which is incomplete. A query is registered by the registrar on 16 January, but, presumably because the matter is diarized in the attorney's office for a week or a fortnight later, a response to the query is delayed. Then it is addressed. Perhaps the request is still incomplete. If repeated queries by the registrar have to be made, it is obvious that the request is further delayed. The registrar has been instructed to be strict about compliance.

10. Self-evidently, the time consumed in addressing non-compliant requests is a major diversion of effort by the registrar for which there is no reward. It seems obvious that in many attorneys' offices it seems probable that the persons who are responsible for checking that requests are compliant are not well-versed in the requirements. This must change, if routinely, delay is not to be experienced. The submission of request is not a mere clerical action, it a component of the process of court and requires a professional eye to ensure that it will succeed in its objective.

11. There is apparent confusion about what happens once an order in the trials interlocutory court is granted or a certificate of readiness is issued in the case management court. There has been, in the past, a delay within the court administration in getting these orders uploaded to CaseLines as soon as possible after the hearings. These systemic deficiencies have been addressed and it can be expected that the orders or certificates, in proper form, shall be

available on CaseLines for attorneys to initiate the next step within 5 days at most. Efforts are being made, at present, to address remaining systemic delays and get these orders out even earlier; this is work-in-progress. This function is the responsibility of the judges and their secretaries. Where this has not occurred, a query should be addressed to the judge. It is important to appreciate that nothing further will automatically happen after an order or certificate is uploaded. After an order or certificate is uploaded, until the attorney acts to trigger a request for a trial date, the matter will lie dormant.

12. The present target lead-time between the issue of a trial date and the trial date itself is about three months. The calculation of the three-month target for a turnaround, between the issue of the date and trial date itself, excludes any recesses. This lead time is the optimal period. A matter of long duration will often have to be accommodated at a later time. This most often affects actions against the MEC for Health which almost routinely require in excess of 5 days. Self-evidently the estimation of duration must be realistic, but a too pessimistic estimate may result in a later date being allocated. This aspect highlights the need for genuine preparedness at the case management court stage so that a realistic estimate can be made between the counsel.
13. Unhappiness at getting a date well in excess of three months is frequently the result of a misconception. Measuring the elapse of time from the date that a hearing took place in the case management court or an order in the trials interlocutory court is issued is misconceived. The critical trigger date is a *compliant* request; a deficient request will trigger nothing.
14. An awareness of these procedures and the related dynamics by reasonable diligent practitioners and a willingness by practitioners to approach the interaction with the registrar as a collaborative exercise should result in better relationships, an absence of anxiety and exasperation because of unmet expectations, and a more efficient service being provided to the litigating public.

Yours faithfully

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

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**