



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, 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. Gauteng Family Law Forum
8. Gauteng Attorneys Association
9. Pretoria Attorneys Association
10. Johannesburg Attorneys Association
11. West Rand Attorneys Association
12. South African Black Women in Law
13. National Association of Democratic Lawyers
14. Black Lawyers Association
15. South African Women Lawyers Association
16. South African Medical Malpractice Lawyers Association
17. Personal Injury Plaintiff Lawyers Association
18. South African Medico-Legal Association
19. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
20. Office of the State Attorneys, Pretoria and Johannesburg
21. Solicitor General
22. Office of the Family Advocate, Pretoria and Johannesburg

23. Legal Aid South Africa
24. Johannesburg Society of Advocates
25. Pretoria Society of Advocates
26. Gauteng Society of Advocates
27. Tshwane Society of Advocates
28. Pan African Bar Association of South Africa
29. General Council of the Bar of South Africa
30. National Bar Council of South Africa
31. South African Bar Association
32. National Forum of Advocates
33. North Gauteng Association of Advocates
34. Church Square Association of Advocates
35. Advocates for Transformation
36. Legal Division of the Department of Health: Gauteng
37. Legal Division of the Department of Sport, Arts, Culture and Recreation
38. Gauteng Department of Agriculture and Rural Development
39. Legal Services - Gauteng Provincial Department of Education
40. South African Board of Sheriffs
41. South African Sheriff Society
42. Road Accident Fund

DATE : 29 November 2023

OUR REF: DJP/05/2012/lt

RE : MORATORIUM ON CASE MANAGEMENT
ASSIGNMENTS IN JOHANNESBURG HIGH COURT

1. It has, regrettably, become appropriate to impose a moratorium on fresh assignments of case management duties to the judges in Johannesburg. This is the result of several considerations.
2. Only permanent judges are given case management assignments for obvious reasons. Although there are 40 permanent judges on the establishment, in reality there are never 40 judges available *de facto* to whom cases can be assigned. In every term, some members of this bench are elsewhere: in the Supreme Court of Appeal, the Labour Appeal Court, Land Claims Court, the Special Investigation Unit Tribunal, or on long leave or have retired leaving vacancies. In term 4 of

2023, 17 judges have been absent for these reasons. Although the number of absentees varies from term to term, the absentee proportion remains high. In term 1 of 2024 there shall be 15 judges absent for these reasons.

3. There are ten (10) criminal trial courts which run and as a general rule some of those courts are staffed by acting judges and some by permanent judges. These permanent judges are not assigned case management duties because they, in addition to presiding in the trial courts, and appeals every second week, they also deal with the automatic reviews and the petitions from the magistrates' courts, bail applications and bail appeals. In week 1 of 2024, seven permanent judges are rostered to hear criminal trials.
4. The ultimate outcome is that only eighteen (18) of the notional forty (40) judges are available to be assigned case management duties in term 1 of 2024. In 2022 one hundred (100) case management assignments were made. In 2023, to date 120 have already been made. This translates in 2023 alone, to an average of six to seven cases per judge. To emphasise, this workload is on top of what they already have to manage. The duration of case management varies considerably, and the intensity and frequency of the interaction also varies. One judge has 27 cases under current management; my personal tally is 19 currently under case management. These are the assignments made from the applications that appear meritorious. I routinely decline several applications which are meritless.
5. It seems plain to me that the present system of case management is unsustainable. No time in the work programme is allocated to perform this work, a feature which it shares with no time allocated to read appeals or opposed motions or write judgments.
6. The principal role of the judge is to hear a case and hand down a reasoned judgment either there and then or soon thereafter. It is no secret that the volume of work in this Division is enormous and the pressure to enroll cases within a reasonable lead time of a request for a set-down date is stretching the capacity of the bench. The litigating public is not served by a critical mass of chronically fatigued judges. Steps to address this problem must be taken.

7. As a result, a moratorium on case management assignments shall take effect immediately.
8. There is one exception. This shall not affect the commercial court cases where the matching of a judge to a case to drive the case to completion will continue.
9. In cases against the MEC for Health, which at present are case managed on request leading to a certificate of readiness, the procedure shall cease forthwith. Such cases whose durations are 1-5 days shall be enrolled by the civil trial registrar in the ordinary way. Longer duration cases must be submitted through the office of the Deputy Judge President with a motivation for a duration in excess of 5 days.
10. The moratorium will remain in place until further notice. Cases already under case management shall continue until completion.
11. For general information, attached is the table of lead times at present for the several categories of case.

Yours faithfully

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

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**

Lead Times as at 31 October 2023

TYPE OF CASE	VOLUME SET DOWN PER WEEK	LEAD TIME TO SET DOWN DATE
FULL COURT APPEALS	2 – 3	From moment applying for date: 1 – 2 terms subject to available date slot on roll
Magistrate's Court Civil Appeals	4	From moment applying for a date: 1 term
Opposed Motions Roll	50	8 weeks
Special Motions Roll	1 – 2 matters	1 – 2 terms
Urgent Motions Roll	45 – 50 average	N/A
Unopposed Motions Roll	600	3 months
Special Interlocutory Roll	No cap: 200+	10 days' notice (2 weeks)
Unopposed Divorces Fridays Only	60	4 weeks
Case Management Roll of "Y" Trials		Abolished with effect from Term 1 2023
Settlement Court Roll	12+- average	1 week cycle
General Civil Trials Roll		
"Y" Cases Trial Roll (RAF)	29 cases	2 years
RAF Default Judgment Trial Roll	200	2 months
Non-"Y" cases	10 cases	1 year 6 months
Commercial Trials Roll	1 – 2 cases	Ad hoc set down – 1 term notice
Long Duration Trials Roll	2 cases	Ad hoc set down – 1 term notice
Family Court Roll	50 – 60 cases	4 week cycle + urgent applications
Criminal Trials Roll	19	2 months
Full Court Criminal Appeals	1 case	5 – 6 months
Magistrate's Court Criminal Appeals	4 – 6 cases	4 months
Special Tax Court	1 – 3 cases	1 term notice