

PO Box / Posbus 3864
PRETORIA
0001
Room 5.18 / Kamer 5.18
High Court Building / Hooggeregshofgebou
c/o Paul Kruger & Madiba Street
PRETORIA
0001
Tel: (012) 323 6201

5 September 2023

Dear Sir / Madam,

REPORT FOR PRETORIA EEC MEETING
TO BE HELD ON 7 SEPTEMBER 2023

1. **MATTERS ARISING FROM PREVIOUS MINUTE**

1.1. **COURT ONLINE**

Par 6(i) of meeting held on 7 June 2023

- 1.1.1. Our members are thankful for progress made with login and other issues with the assistance of SITA.
- 1.1.2. A feedback meeting was convened by the JP's office on 21 August 2023 at which progress made by SITA thus far in resolving some of the issues, especially aimed at system stability were reported on. Several functional issues, such as the issue of bundling remains problematic.
- 1.1.3. It was proposed that until the functional issues with Court Online have been fully resolved, serious consideration be given to utilising Court Online for those functionalities that do work (issuing new processes for example) and in the meantime sticking to Caselines for purposes of loading of matter documentation and the conduct of hearings until such time as glitches with those functionalities have been fully resolved by OCJ.
- 1.1.4. Serious functional issues are still arising on a frequent basis. An example of this is the issue of Court Online not being able to access the unopposed

motion roll for new date allocations which was recently resolved, but which prevented the allocation of unopposed motion dates from June 2023 to the end of August 2023 despite having been reported by the Chief Registrar when the issue initially arose in June 2023.

- 1.1.5. The PAA is nevertheless very thankful for the line of communication that has been established with the OCJ's office and that of SITA through which practitioners can be assisted to resolve issues with Court Online on an ongoing basis.
- 1.1.6. The PAA continues to keep our members, and other practitioners on our Whatsapp groups informed of developments.
- 1.1.7. An online log has also been established on which practitioners are able to log their issues with Court Online on the PAA website, which log is being provided to SITA and the OCJ's office on a regular basis to in turn enable them to monitor system performance.

1.2. ALLOCATION OF TRIAL DATES AND DEFAULT HEARING DATES

Par 6(ii) meeting held on 7 June 2023

- 1.2.1. The allocation of trial dates remains immensely problematic because of the lead times between the allocation of dates and actual hearing dates.
- 1.2.2. As at date of preparing this report:
 - 1.2.2.1. Trial dates are being allocated for May 2026 amounting to an all time record of a 32 month lead time.
 - 1.2.2.2. Default hearing dates are being allocated for April 2025, with a lead time of 18 months. The RAF still continues to enter appearance to defend matters enrolled on the default roll shortly before or on the

morning of the default hearing, which means that after waiting for more than 18 months for their matter to be finalised on Default, such matters have to continue along the normal litigation course and such a Plaintiff will then have to wait for a further 2 years and 8 months for the matter to be finalised on trial.

- 1.2.3. Given the immense lead times that prevail at the Pretoria High court there has been a request that the trial and default rolls as they presently stand be made public in order that practitioners can be satisfied that a sufficient number of matters have been allocated per day leading up to the dates currently allocated.
- 1.2.4. Whereas we realise, and appreciate that a solution at the level of the National Department of Justice is required, the Pretoria legal practitioners' fraternity is willing to assist our courts as follows:
 - 1.2.4.1. By making available pro- bono acting judges. The PAA has to this effect submitted a list of names of approximately 50 suitable attorneys who have indicated their willingness to serve as pro-bono acting judges.
 - 1.2.4.2. By making available spaces (Consultation rooms at large law firms and Advocates chambers) that can serve as satellite court rooms, thereby adding to the capacity of the Pretoria High Court to deal with more hearings in a day. We realise that there may be logistical challenges with this proposal, but that same can be overcome by utilising technology such as MS teams to record proceedings, and also by utilising firms' / chambers' own resources in the forms of Candidate Attorneys / Secretaries to assist as Registrars, where required.
- 1.2.5. In the meantime, the PAA is part of the collective of attorneys' associations that are working with the LSSA to find a lasting solution to the unfortunate state the RAF finds itself in.

1.2.6. We have, in this capacity requested the Chief Registrar and Trials Registrar, to provide us with the same information set out in the memorandum issued by DJP Sutherland in his notice of 31 July 2023 headed “Organisation of the roll and lead times in the Johannesburg High Court as at 31 July 2023” in order to include same in the problem statement which is being prepared for the Justice portfolio committee of Parliament by the collaborative of 10 voluntary associations.

1.3. SPECIFIC PROVISIONS RELATING TO INTEREST AND COSTS IN COURT ORDERS

Par 6(iii) meeting held on 7 June 2023

1.3.1. The PAA and PSA have to jointly prepare a “standard” draft order of court / orders of court which will jointly be presented to DJP Ledwaba for his consideration and approval.

1.3.2. Once so approved, a workshop will have to be arranged to explain to taxing masters on the one hand what is expected of them in terms of applying their discretion as taxing master to those disbursements not specifically noted in orders of court.

1.3.3. Legal practitioners will similarly be requested to utilise the “standard” court order when preparing draft orders for the court’s consideration and confirmation.

1.4. HIGH COURT PRECINCT

Par 6(iv) meeting held on 7 June 2023

1.4.1. The situation has somewhat digressed given the ongoing strike and protest action by City of Tshwane employees.

- 1.4.2. The PAA and PSA had a constructive meeting with the Court Manager Ms Malatji on Tuesday 29 August, during which possible solutions were again discussed. It was concluded during this meeting that the scope of the court cleaning contractor does not extend beyond the palisade fencing of the main court building.
- 1.4.3. Due to its national heritage status, the Palace of Justice cannot be fenced off and as such we remain dependant on the City of Tshwane to ensure that the area surrounding the Palace is kept clean.

1.5. INFRASTRUCTURE

Par 6(v) meeting held on 7 June 2023

Courts on 2nd Floor not working due to absence of stenographical equipment

- 1.5.1. The issue of stenographical equipment at our courtrooms on the 2nd floor have still not been resolved.
- 1.5.2. Our own liaison with the OCT's office in this regard has confirmed that the issue seems to be with the Department of Justice, despite the issue having been followed up with them by the Court Manager and the office of DJP Ledwaba. We have engaged OCJ on this issue, and will continue to apply pressure until we have received constructive feedback from the Department of Justice confirming a timeline for the implementation of a solution in this regard.

Court infrastructure reporting system

- 1.5.3. The PAA has implemented a web based log system that can now be utilised by all to report issues in and around the court buildings.

1.5.4. The link to the form can be found on the PAA website under “forms” at:

<https://www.ppv.co.za/forms/#1689322594296-8b60d7fd-4d38>

1.5.5. The PAA will be sending the logbook of issues raised to Ms Malatji on a weekly basis. Her feedback on issues will also be incorporated in a log sheet which will be published on the PAA’s website and to the PAA High Court information groups for members’ information.

Laptop Check-in system

1.5.6. This too was discussed with the court manager Ms Malatji at the meeting on Tuesday 29 August 2023.

1.5.7. A bar scanner was considered as an option, and will be considered and motivated by Ms Malatji with the next budgeting cycle.

1.5.8. In the meantime, it was agreed that Ms Malatji would implement a paper based system which would allow for legal practitioners to register and record the particulars of their electronic device upon entering the court building, and they will then also report their exiting the building making use of the paper based system when exiting the building. This will allow for faster entrance into the court building, whilst maintaining the recording of laptops entering and exiting the building. We are very grateful to the court Manager Ms Malatji for assisting legal professionals in this manner.

1.6. ACTING JUDGES

Par 6(vii) meeting held on 7 June 2023

The PAA submitted a list of approximately 50 names of legal practitioners in good standing, with in excess of 10 years relevant experience and who have indicated their willingness to act on a pro-bono basis in the 3rd and 4th

terms of 2023 to the offices of DJP Ledwaba and JP Mlambo on 22 June 2023.

Most of these judges also indicated that they would bring their own Registrar to assist them during the period they will be acting.

Most of our members also confirmed that they are willing to make available candidate attorneys to act as registrars. They however require the precise dates on which this will be required well in advance to make the necessary logistical arrangements.

1.7. WI-FI

Par 6(ix) meeting held on 7 June 2023

- 1.7.1. The PAA and PSA have started working together on this project which aims to achieve fast working Wi-Fi at court for legal practitioners.
- 1.7.2. The PSA have already submitted their proposed service provider's quotation for consideration.
- 1.7.3. The PAA had a site meeting at court with Ms Malatji and the facilities- and IT managers as well as our proposed service provider present during which full particulars of the court's requirements were obtained.
- 1.7.4. The quote is presently awaited but was somewhat delayed because the red coloured cabling we have been asked to use appears to be somewhat of a rare commodity, and our supplier has been struggling to obtain stock and pricing for same.
- 1.7.5. If approved by the PAA's EXCO, we will continue to liaise with the PSA as soon as the quote has been received with a view to having the installation done in the last term of 2023.

1.8. TAXATIONS

Par 6(xi) meeting held on 7 June 2023

- 1.8.1. We are pleased to report that there have been a number of constructive engagements between the PAA and the office of the Chief Registrar as well as the head taxing mistress to address the various concerns raised in our previous report regarding taxations.
- 1.8.2. It was confirmed by Ms Ledwaba at our last court liaison meeting that there are presently 8 taxing masters at the Pretoria High Court. Many of them are unfortunately still in training and not working at full capacity. As such the lead times on taxation dates have not improved. Taxation dates remain approximately a year into the future.
- 1.8.3. In order to assist in arriving at a constructive solution to this problem, the PAA submitted a proposal for pro-bono acting taxing masters to be appointed to address the “back log” of matters to be taxed. A copy of this proposal, which we understand is being considered by DJP Ledwaba is annexed to this report as “**Annexure PAA1**”.
- 1.8.4. The PAA is immensely thankful for the confirmation received from Ms Ledwaba at our 31 August court liaison meeting that the Pretoria taxing office is preparing to, from 1 October, also attend to taxations making use of Caselines.
- 1.8.5. Notwithstanding the above, complaints are still being received from the taxation fraternity of taxing masters not being in their offices on time for taxations, and not applying uniformity in the manner they attend to taxations. It is strongly proposed that these issues be better monitored to ensure that each taxing master is being utilised at capacity and deliver the required outputs on a daily basis.

- 1.8.6. It is further proposed that the roll also indicates the nr of line items for each bill to be taxed in order to provide the reader of the roll with insight into the amount of time it should take for taxation to be attended to.
- 1.8.7. Also, it has been proposed that taxations of interlocutory bills of cost be dealt with in a different manner as these are low in quantum and complexity and should therefore be dealt with in batches in stead of being dealt with one by one in the normal taxation roll, where we propose the roll is being clogged by the numbers of such small bills forming part of the taxation process.

1.9. PRACTICE DIRECTIVE

Par 7.1.3 (b) and (e) minute of *meeting held on 7 June 2023*

- 1.9.1. Our members are immensely thankful for the issuing of the directive by DJP Ledwaba which does away with the requirement that both parties file their heads before a hearing date may be allocated by the Registrar.
- 1.9.2. The Profession has furthermore welcomed Consolidated Practice Directive 1 of 2023 which will come into effect on 1 October 2023.
- 1.9.3. Preliminary feedback from our members is that there are some small cross reference and typing errors here and there. The PAA shall in due course be liaising with the office of the Judge President to seek clarity on / correction of these issues.
- 1.9.4. We proposed to the Chief Registrar Ms Ledwaba that the PAA together with the office of the Chief Registrar and DJP and JP facilitate a series of training workshops at which practitioners will be trained on the consolidated directive and at which clarity can be sought regarding the practical implementation of its provisions.

1.9.5. We await feedback from Ms Ledwaba regarding dates on which she and DJP Ledwaba are available for these training sessions.

2. **NEW AGENDA ITEMS**

2.1. **COMMUNITY SERVICE**

2.1.1. With reference to the Amended regulations under section 94(1) of the Legal Practice Act, 2014 published in the Government Gazette on 11 August 2023, we have been requested to clarify that acting as pro-bono judge would qualify as “community service” hours spent in compliance with this regulation, as amended.



Prepared by

Nicolette de Witt

Convenor: High Court Committee

Tel : 082 372 8357

Email: nicolette@dwm-attorneys.co.za