



OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
OFFICE 1210

Telephone number: 010 494 8491

e-mail address: Secretarydj@judiciary.org.za / LTulleken@judiciary.org.za

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 : 26 March 2024

OUR REF: DJP/373/2023/lt

RE : **NOTICE TO THE LEGAL PROFESSION ABOUT THE FUTURE OF THE ROAD ACCIDENT FUND DEFAULT JUDGMENT ROLL IN JOHANNESBURG HIGH COURT**

-
1. In mid-2023, the Road Accident Fund Default Judgment roll (“RAF DJ”) was introduced to alleviate the problem of the excessively long lead time for the hearing of such cases. The model employed was to set down 200 default judgment cases to heard by four pro bono acting judges. The model was wholly dependent on Legal Practitioners to volunteer to undertake what was an onerous week for zero recompense. This was a huge ask and the Profession, especially the Johannesburg Bar, responded with enormous generosity. The call was for a

40 practitioners per term to perform this task. There were some who gave more than a single week, and several who volunteered to act term after term. I cannot express sufficiently the appreciation I have for all who so selflessly participated.

2. Axiomatically this was a radical model to arrest a serious problem stemming from the under-capacitation of the courts. The model has, perhaps predictably, proven to be unsustainable over the long term. The appetite to sacrifice a week's earning capacity is self-evidently subject to limitations. This has manifested itself in the lack of response to serve in this capacity during the second term of 2024. This is no rebuke of the practitioners, but simply facing up to reality. The Government cannot indefinitely take the Legal Profession for granted and expect them to donate the resources that they neglect to supply. The indifference from the Ministry of Justice on this long-standing issue is, at best, disappointing.
3. Because of the inability to muster four pro bono acting judges in each of 10 weeks, a radical step is forced on us which has highly regrettable consequences for plaintiffs seeking to get a judgment.
4. An aspect which in part, though a minor one relative to the paucity of acting judges, is the behavior of the Road Accident Fund in the RAF DJ court. It has reported to me that, increasingly a practice has evolved in which a RAF 'representative' (sic) turns up at the last minute, totally ignorant of the case and incapable of engaging even in settlement discussions, and thereupon files a belated notice of opposition. This provokes a postponement albeit with punitive costs. One acting judge recently informed me that his entire roll had been sabotaged by this ruse. I need not belabour the unethical nature of this conduct. It makes a mockery of the process of court.

5. As a result, of the lack of judges, the procedure in the RAF DJ Court shall be as follows:-

5.1. With effect from the third term of 2024 the RAF DJ court shall consist of 50 cases before one judge. This will regrettably push out the lead time.

5.2. For the duration of the 2nd term of 2024:

5.2.1. Where less than 4 judges are rostered, each judge who is rostered shall be allocated in, the order that the cases randomly appear on the published roll, the 50 cases each.

5.2.2. The balance of the cases shall automatically be removed.

5.2.3. Removed cases shall have to be the subject of a fresh request for a set down date in the queue. No preference can be afforded to such cases.

5.2.4. If a case so removed, is settled in that week it may be mentioned for that purpose to one of the judges presiding by not later than 14h00 on a Thursday.

6. This revised model shall apply in both term 3 and 4 of 2024.

7. Whether or not further adaptations can be made to produce happier outcomes remains an open question.

8. Lastly, I must again unequivocally express on behalf of the Judges of the Division our thanks to all those Practitioners who have contributed to our efforts to deliver the most effective litigation system of which we are capable.

Yours faithfully

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

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**