



Chief Justice Mogoeng Mogoeng  
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07 June 2020

**Advocate Craig Watt-Pringle**  
**Chair: General Council of the Bar**

Dear Chair

**ACCESS TO JUSTICE: THE OPERATION OF THE SUPERIOR COURTS DURING LOCKDOWN**

This is a response to your letter dated 22 May 2020, which I first became aware of from the media. I thank you and the Advocates' profession for bringing your legitimate concerns to my attention.

While I appreciate the magnitude and implications of the challenges or frustrations the organised profession have to contend with as a result of the directives, that still doesn't remove the need to be measured in expressing your genuine concerns. My colleagues deserve better than to have it said of them that they "have adopted what can at best be described, with respect, as a supine, if not obstructive approach". Similarly, it offends one's sense of courtesy to read that what Judges President have done to have courts function under unprecedentedly challenging circumstances is now being characterized as "less thought through". That you disagree with their approach very strongly, gives you no license to project them and their approach as negatively as you have chosen to do.

In appreciation of the need to enhance access to justice and the efficiency and effectiveness of our courts, we set up Provincial Efficiency Enhancement Committees as far back as 2012. They are chaired by Judges President and the Advocates' and Attorneys' Professions are part of those structures. These platforms exist to help resolve, with deliberate speed, access to justice and case management related issues. Besides, it has always been open to the organised professions to approach the Judges President to resolve any matter of concern that affects the proper functioning of the courts. With the advent of the Superior Courts Act, the Magistrate's Courts are also included in the JPs list of responsibilities.

Nothing in your letter suggests that Judges President were ever asked by the GCB constituent Bars to formulate "practice directives after consultations with the organised profession" and

that they refused to do so. There is also nothing to suggest that the GCB advised its constituent Bars to propose to the Judges President to consider adopting practice directives modelled on those which practitioners regard as "a pragmatic and facilitative approach to the functioning of the High Court".

Based on the examples you have cited of Heads of Court that have been able to formulate acceptable directives in consultation with practitioners, without the intervention of the Chief Justice and the whole body of the Heads of Court, I urge you to consider advising your colleagues in the Provinces to adopt the same approach as their colleagues in courts that are reportedly functioning well. The preexisting mechanisms and structures proactively established to resolve these challenges expeditiously, stand ready to be used. For these reasons, there is no need for the proposed meeting.

Yours sincerely



**Mogoeng Mogoeng**  
**Chief Justice of the Republic of South Africa**