

10 AUGUST 2021

DISPUTE RESOLUTION ALERT

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Dedicated magistrates keep the wheels of justice turning

"Easily 80% by volume of civil disputes and criminal prosecutions are heard in the magistrates' courts. They are grassroots courts. They are very busy courts without which the judicial system of our country would grind to a halt. We all owe a big debt of gratitude to those judicial officers in every district and region who work with inadequate resources and remarkably high case-loads."

Former Deputy Chief Justice, Dikgang Moseneke, All Rise:
A Judicial Memoir



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AND SERVICES

Dedicated magistrates keep the wheels of justice turning

It's a sunny day in Johannesburg and the Magistrate's Court is bustling. It's your first week as a candidate attorney. Two things are crucial: your black robe and your script.

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It's a sunny day in Johannesburg and the Magistrate's Court is bustling. It's your first week as a candidate attorney. Two things are crucial: your black robe and your script. You need to wear your robe while appearing before the magistrate. Your script is your lifeline. But you must remember not to wear your robe while walking to court – it is frowned upon for attorneys or advocates to walk the streets fully robed.

You are a candidate attorney navigating uncharted territory – your first appearance in the Magistrate's Court. You step inside the building and struggle to find the courtroom but happen upon a friendly clerk who guides you up two flights of stairs. "You won't miss it", she says. You do miss it, but make it, at 08h55, which is just in time because Magistrate's Court starts at 09h00 and not 10h00, like the High Court.

You check the court roll and your matter is there staring back at you. Number 16 on the unopposed motion court roll. Unopposed court means there's a slim chance of a fiery opponent appearing and derailing the matter. You enter and take your place at the back of the room amongst the other robed candidate attorneys. Hierarchy, remember – advocates and senior attorneys appear first. The magistrate enters wearing a black robe. She is carrying her court rules and the Magistrate's Court Act 32 of 1944



Dedicated magistrates keep the wheels of justice turning...continued

Walking back to the office, robe-less and anonymous, you marvel at her dedication to keeping the wheels of justice turning.

and puts them down with a thud. You remember what you learnt in law school – magistrates are creatures of statute which means that they can only hear applications catered for by the act. *"Silence in court"*, her clerk says.

Three hours later your matter is yet to be heard but you've sat through a multitude of unopposed matters from default judgment applications, to evictions, to debt collections. The magistrate is juggling them all. Opposed matters are being heard next door and the maintenance court is at the end of the corridor. Judicial decisions are being made throughout the building and you feel happy to be a small cog in the system.

This magistrate is clearly dedicated, prepared and eager to hear and determine as many matters as possible. You are impressed. Finally, matter number 16 is called up. You stand up, fix your robe, wipe your clammy hands and proceed to the front. You pass the candidate attorney whose matter has just been struck from the roll for failure to comply with the rules of court. You hope your application does not suffer the same fate. Clearing

your throat, script in hand, you say, as confidently as possible, *"Good morning Your Worship, I appear on behalf of the applicant in this matter"*. You're glad you remembered that magistrates are called *"Your Worship"*, not *"My Lady"* or *"My Lord"* like judges. Five minutes pass as you recite your script. The magistrate asks you some questions. There is a pause. You can hear your heart beating and the gentle whirr of the magistrate's fan on her desk. Finally, she says, *"Please hand up your draft order"*. You're grateful to your colleagues who reminded you to print two copies – one for the court and one for your file. *"Order granted"*, says the magistrate. You got your first order!

You walk back to the office, order in hand, remembering to take off your robe before stepping out onto the street. You suspect you will remember that magistrate who granted your first order, and the mass of matters she had before her, for many years to come. Walking back to the office, robe-less and anonymous, you marvel at her dedication to keeping the wheels of justice turning.

Lisa de Waal and Paige Winfield



2021 RESULTS

CDH's Dispute Resolution practice is ranked as a Top-Tier firm in THE LEGAL 500 EMEA 2021.

Tim Fletcher is ranked as a Leading Individual in Dispute Resolution in THE LEGAL 500 EMEA 2021.

Eugene Bester is recommended in Dispute Resolution in THE LEGAL 500 EMEA 2021.

Jonathan Witts-Hewinson is recommended in Dispute Resolution in THE LEGAL 500 EMEA 2021.

Rishaban Moodley is recommended in Dispute Resolution in THE LEGAL 500 EMEA 2021.

Lucinde Rhodie is recommended in Dispute Resolution in THE LEGAL 500 2021.

Kgosi Nkaiseng is ranked as a Next Generation Partner in THE LEGAL 500 EMEA 2021.

Tim Smit is ranked as a Next Generation Partner in THE LEGAL 500 EMEA 2021.

Gareth Howard is ranked as a Rising Star in THE LEGAL 500 EMEA 2021.

CDH's Construction practice is ranked in Tier 2 in THE LEGAL 500 EMEA 2021.

Clive Rumsey is ranked as a Leading Individual in Construction in THE LEGAL 500 EMEA 2021.

Joe Whittle is recommended in Construction in THE LEGAL 500 EMEA 2021.

Timothy Baker is recommended in Construction in THE LEGAL 500 EMEA 2021.



2021 RESULTS

CHAMBERS GLOBAL 2017 - 2021 ranked our Dispute Resolution practice in Band 1: Dispute Resolution.

CHAMBERS GLOBAL 2018 - 2021 ranked our Dispute Resolution practice in Band 2: Insurance.

CHAMBERS GLOBAL 2017 - 2021 ranked our Dispute Resolution practice in Band 2: Restructuring/Insolvency.

CHAMBERS GLOBAL 2020 - 2021 ranked our Corporate Investigations sector in Band 3: Corporate Investigations.

CHAMBERS GLOBAL 2021 ranked our Construction sector in Band 3: Construction.

CHAMBERS GLOBAL 2021 ranked our Administrative & Public Law sector in Band 3: Administrative & Public Law.

Clive Rumsey ranked by CHAMBERS GLOBAL 2013-2021 in Band 1: Construction and Band 4: Dispute Resolution.

Jonathan Witts-Hewinson ranked by CHAMBERS GLOBAL 2021 in Band 3: Dispute Resolution.

Tim Fletcher ranked by CHAMBERS GLOBAL 2019 - 2021 in Band 3: Dispute Resolution.

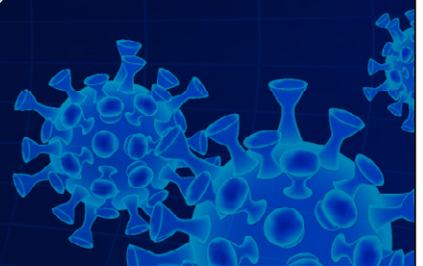
Joe Whittle ranked by CHAMBERS GLOBAL 2020 - 2021 in Band 3: Construction

Tobie Jordaan ranked by CHAMBERS GLOBAL 2020 - 2021 as an up and coming Restructuring/Insolvency lawyer.



CDH'S COVID-19 RESOURCE HUB

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BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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