

EPISODE 14

HOW DO COURTS DECIDE WHICH URGENT CASE TO HEAR FIRST?

Understanding Urgent Court Rolls, Judicial Case Management and Continuous Institutional Improvement

Estimated Reading Time: 6–7 minutes

Introduction

Justice delayed can sometimes become justice denied.

For that reason, every court has procedures for hearing urgent matters more quickly than ordinary cases.

But what happens when several urgent applications arrive at the same time?

Who decides which matter is heard first?

Can one urgent application be heard before another involving the same parties?

Does the sequence matter?

This episode explains how urgent court rolls are generally managed and why efficient court administration is an essential part of delivering justice.

Understanding Urgent Applications

Most civil cases follow normal court timetables.

Urgent applications are different.

They ask the court to hear a matter sooner because waiting may cause serious prejudice that cannot easily be corrected later.

Examples include:

- preservation of assets;
- urgent interdicts;
- imminent evictions;
- commercial emergencies; and
- other matters requiring immediate judicial intervention.

Urgency does not guarantee success.

It simply asks the court to hear the matter sooner.

The Case Study

One issue arising from my own litigation concerned the order in which two urgent applications involving substantially the same parties were heard.

That experience raises broader educational questions:

- How are urgent matters prioritised?
- Should related urgent applications be heard together?
- What role does judicial case management play?
- Can the sequence in which matters are heard affect later proceedings?

These questions extend beyond one case and illustrate why understanding court administration is important for every citizen.

Why This Matters

Most people focus only on judgments.

Very few people think about how courts are administered.

Yet administration influences:

- access to justice;
- delays;
- litigation costs;
- public confidence; and
- the overall effectiveness of the justice system.

Understanding how institutions operate is an important part of understanding the law itself.

OUBAS Analysis

Courts exist to serve the public by resolving disputes fairly, independently and within a reasonable time.

Public confidence is strengthened when court procedures are transparent and understandable.

OUBAS believes that every public institution should continually examine how it delivers its services to the people it serves.

Innovation and continuous improvement should not be occasional exercises—they should become part of the culture of every institution.

The question is therefore not simply whether today's court system functions.

The more important question is:

Can it function better tomorrow than it does today?

That is the standard against which every institution should be measured.

OUBAS Reform Proposal

OUBAS proposes that judicial administration should continuously evolve through:

- simpler court procedures;
- greater transparency in case management;
- wider use of technology;
- improved communication with litigants;
- measurable service standards; and
- regular public feedback on court performance.

Every institution should strive for continuous improvement because the needs of society continue to evolve.

Key Lessons

After reading this episode you should understand that:

- urgent applications seek an earlier hearing, not an automatic victory;
- courts generally manage their own urgent rolls;
- court administration affects access to justice;
- transparency promotes public confidence; and
- every institution should embrace innovation and continuous improvement.

OUBAS Knowledge Check

1. What is the purpose of an urgent application?

- ☐ To request an earlier hearing.
 - ☐ To guarantee success.
 - ☐ To avoid court rules.
 - ☐ To reduce legal costs.
-

2. Does urgency automatically determine the outcome of a case?

- ☐ Yes
 - ☐ No
-

3. Why is court administration important?

- ☐ It affects access to justice.
 - ☐ It influences delays.
 - ☐ It affects public confidence.
 - ☐ All of the above.
-

4. Should institutions continually improve how they serve the public?

- ☐ Yes
 - ☐ No
-

5. Which of the following best reflects the OUBAS approach?

- ☐ Accept existing systems without question.
 - ☐ Continuously improve institutions.
 - ☐ Avoid innovation.
 - ☐ Preserve procedures even when they no longer serve society.
-

OUBAS Public Sentiment Survey

Help us understand public opinion.

1. Do you believe courts should publish measurable service standards?

- ☐ Strongly Agree
 - ☐ Agree
 - ☐ Neutral
 - ☐ Disagree
 - ☐ Strongly Disagree
-

2. Should technology play a greater role in improving court administration?

- ☐ Strongly Agree
 - ☐ Agree
 - ☐ Neutral
 - ☐ Disagree
 - ☐ Strongly Disagree
-

3. Which should be the primary measure of a successful justice system?

- ☐ Speed
 - ☐ Fairness
 - ☐ Accessibility
 - ☐ Transparency
 - ☐ A combination of all these factors
-

4. Before reading this episode, had you considered how court administration affects justice?

- ☐ Yes
 - ☐ No
-

5. In one sentence, what would you change first to improve the justice system?

OUBAS Innovation Challenge

Continuous improvement is the hallmark of every successful institution.

Imagine you have been appointed to redesign the urgent court system for the next generation.

You are not required to preserve the current model.

What one innovation would most improve access to justice?

Share your idea with OUBAS.

Outstanding proposals may be featured in future **OUBAS Reform Papers** and discussed within the AAP professional community.

Share Your Experience

Have you ever participated in urgent court proceedings?

What worked well?

What could have been improved?

Your lived experience helps OUBAS educate others and contributes to the **OUBAS People's Index**.

Continue Your Learning

 Visit the **OUBAS Bookstore** for books exploring civil procedure, litigation strategy, insolvency, constitutional accountability and institutional reform.

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Next Episode

Episode 15

Why Do Parties Oppose Rescission Applications?

Can a court judgment ever be revisited?

When should finality give way to fairness?

In the next episode, we examine one of the most important remedies in civil litigation and why rescission applications are often vigorously contested.

OUBAS exists to educate, stimulate informed discussion and inspire practical solutions.

Knowledge grows when it is shared. Institutions improve when people participate.

Join the conversation. Join AAP. Help build a better Africa.