



## LEGAL SUPPORT STAFF TRAINING

### CIVIL LITIGATION IN THE MAGISTRATES' COURT

#### ***DURATION***

2 Days

#### ***PURPOSE OF THIS COURSE***

Hundreds of legal office support personnel have had no formal training with regards to the process followed in the Magistrates' Courts in civil litigation matters. Furthermore, the Rules of the Magistrates' Court have been amended in 2010 and many secretaries and typists are not familiar with the requirements of the new Rules. The main aim of this course is to provide all participants with the skills, and so the confidence, to draft legal documents and other pleadings as and when they are required in terms of the Rules.

#### ***CERTIFICATION***

On successful completion of the programme, the participant will receive an Attendance Certificate in Civil Litigation in the Magistrates' Court from the Law Society of SA/L.E.A.D's

#### ***WHO SHOULD ATTEND***

- ❖ Legal Office Support Staff
- ❖ Candidate **attorneys**
- ❖ Individuals who want to educate themselves further with the intention of seeking employment in the legal field.





### **WHAT PREVIOUS STUDENTS SAID**

- ❖ "It is exactly what it proposed to be – a practical approach to the Magistrates' Court litigation in a concise format."
- ❖ "The examples given was very practical and made it very easy to understand the theory."
- ❖ "It was an eye opener and a good learning course as far as action proceedings and application proceedings concerns."
- ❖ "It was very practical. The explanations and the examples make it easy to understand the various principles of Law."
- ❖ "The contents of the course was practical and that you as the attendee could relate, it to physical matters within your daily life."
- ❖ "This course will help me for PLT (Law School) & board exams."

### **GENERAL LEARNING OUTCOMES**

After completion of this training the participant should be able to:

- ❖ Understand the most popular legal jargon used by practitioners and the courts.
- ❖ Understand the differences between Motion Procedures (Applications) and Action Procedures (Actions).
- ❖ Understand the basic flow of the Motion process holistically.
- ❖ Understand the basic flow of the Action process holistically.
- ❖ Be able to anticipate the next step in the action or motion process, as the case may be, and to draft the required pleading, notice or document.
- ❖ Demonstrate an understanding of the required format of the court documents.
- ❖ Be able to plan and diarise a matter accordingly based on the anticipated next step.





### **LEARNING THAT IS ASSUMED TO BE IN PLACE**

Participants need to have a basic knowledge of English as the course is presented in English.

### **COURSE OUTLINE**

- ❖ Introduction to the Civil Litigation in the Magistrates' Courts
  - Rules relating to pleadings
  - The basic claims in the Magistrates' Court
  - Calculation of time limits
  - Terminology
  - Jurisdiction of the Magistrates' Court
  - Description of the Parties
  - Lapsing of claims
  
- ❖ Application Procedure (Motions)
  - Differences between Actions and Motions
  - Requirements
  - Format of the Application
  - The Application Process
  - Different forms of Applications
  
- ❖ Action Procedure
  - Taking instructions, opening files and other initial steps
  - Pleading stage
  - Close of Pleadings/Preparation Stage
  - Trial
  - Execution of Judgment
  - undefended actions
  
- ❖ Provisional Sentence Summons
  - Requirements
  - Format
  - Process





- ❖ Appeals and Reviews
  - Differences between appeals and reviews
  - Processes

### ***METHODOLOGY***

This course is designed to revise the basic rules relating to Civil Litigation in the Magistrates' Courts and to put these into practice. It requires a large degree of learner participation both orally and textually.

