LJU4802
PROFESSIONAL ETHICS

October/November 2011

Duration 2 Hours
100 Marks

EXAMINERS:
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This paper consists of 3 pages

1 ANSWER ALL THE QUESTIONS
2 READ THE QUESTIONS CAREFULLY BEFORE ANSWERING THEM

QUESTION 1

"The crisis of professionalism is not restricted to law and similar concerns have been raised in connection with other professions, such as the medical profession." Professional Ethics Study Guide (LJU4802) 53

Do you agree/disagree that the legal profession is in an ethical crisis? Motivate your answer [5]

QUESTION 2

When you practise as an attorney or an advocate you are referred to as a professional. What makes you different from an ordinary businessman? [5]

[TURN OVER]
QUESTION 3

People who want to enter the legal profession as attorneys or advocates are subjected to extensive character screening. What does this mean? Who is responsible for it? Give examples on how political considerations influenced character screening in the past. What was the Constitutional Court's view on this issue? [25]

QUESTION 4

The religious commitments of attorneys may bring them in conflict with their duty to uphold the law of the state. Discuss whether such commitments render them unfit and improper to practise law. Refer to case law [10]

QUESTION 5

What are the functions of a Code of Legal ethics? [5]

QUESTION 6

In spite of lofty ideals about codes of conduct and legal ethics there is criticism from both the side of the profession and the general public against such codes. Discuss [10]

QUESTION 7

A mid-wife performed an illegal abortion at her home. She is being prosecuted for the act and comes to you as an attorney for legal help. Abortions are against your religious beliefs. Will you help the lady or not? Motivate your answer. If you were an advocate and the case was referred to you will you accept the brief or not? [5]

QUESTION 8

You are an attorney. On Saturdays you play golf with the local doctor and the state prosecutor. While playing you tell them about one of your exciting cases. You mention the person's name as well as the facts of the case. You all have a good laugh because the case is very interesting. But is your conduct acceptable? [5]

QUESTION 9

Attorneys and advocates are officials of the court and should always give the courts their utmost respect and promote the dignity of the court. Discuss. [5]

QUESTION 10

During a rape trial the defence advocate calls a witness a whore. The judge does not seem perturbed by this and the prosecutor looks on with no objection registered on his face. Discuss [5]
QUESTION 11

A judge was caught driving under the influence of alcohol. He also used bad language in the verbal altercation that ensued. The public is enraged, and they want him removed from office. Explain how judges may be removed from office. [5]

QUESTION 12

Is the traditional approach to legal ethics still acceptable today? Discuss. [10]

QUESTION 13

Explain what is meant with the term touting. Also give an example. [5]

TOTAL: [100]