LJU4802
LJU413J
PROFESSIONAL ETHICS

Duration: 2 Hours

100 Marks

EXAMINERS:
FIRST: MR FD MNYONGANI
SECOND: PROF M SLABBERT

This paper consists of 2 pages

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

QUESTION 1

Write notes in which you explain the following:

1.1 The factors an advocate should consider in determining reasonable fees for services rendered (5)

1.2 The characteristics of a postmodern theory of ethics (5)

1.3 Factors that characterise an adversarial legal system (5)

1.4 Deontic ethics or the ethics of duty (5)

1.5 The duty owed by an advocate towards the court when he or she appears in an ex parte application (5)

[25]
QUESTION 2

Clients form a constant feature in the professional life of a legal practitioner. The legal profession has put in place systems and processes that are aimed at protecting clients. Bearing in mind the division of the legal profession into both attorneys and advocates, discuss the lawyers' relationship with clients. In your discussion you should consider among others:

1. Acceptance of a mandate from clients
2. The referral rule and its rationale
3. The need for a trust banking account
4. The duty of confidentiality owed to a client
5. Recourse for clients who are not satisfied with a legal practitioner's work

[25]

QUESTION 3

"The court has an inherent common law power to regulate the legal profession and therefore remains the final arbiter of what is appropriate in this regard." Professional Ethics Study Guide (LJU413J) 5. Refer to case law in your discussion of this statement in as far as it relates to the power of the court to

Admit prospective legal practitioners into the profession,

Strike errant legal practitioners off the roll, and

Reinstate legal practitioners who want to rejoin the profession after having being struck off the roll

[30]

QUESTION 4

4.1 To remove a judge from office is a fairly complex process, as opposed to when a judge resigns. Discuss

(10)

4.2 Discuss utilitarianism as one of the philosophical approaches to legal ethics. Your discussion should also make mention of the problems attendant to this approach

(10)

[20]

TOTAL: [100]