This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue.

This paper consists of 2 pages

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

QUESTION 1

It is important for aspirant legal practitioners and those already in practice to know the rules of the legal profession, but to be an ethical professional requires more than adherence to the rules

Discuss the above statement. Your discussion should in addition make reference to the four other philosophical approaches to ethics. [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

QUESTION 3

In the history of South Africa, there have been legal practitioners whose political or religious commitments brought them into conflict with their duty to uphold the law of the state. Referring to case law, discuss the influence of such commitments on them as fit and proper persons to practice law or not.

QUESTION 4

The role played by legal practitioners in court is not any different from the one played by actors on stage. Discuss the role differentiated approach to legal ethics.

QUESTION 5

Section 165(4) of the Constitution of South Africa 1996 states that organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts. Write notes on

1. the need to maintain the dignity of the court and the legal process;
2. the role played in this regard by legal practitioners and judges;
3. the legal remedies which ensure that the dignity of the court is maintained

TOTAL: [100]