LJU4802

PROFESSIONAL ETHICS

Duration  2 Hours
EXAMINERS •
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Closed book examination

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This paper consists of 2 pages

1  ANSWER ALL THE QUESTIONS

2  READ THE QUESTIONS CAREFULLY BEFORE ANSWERING THEM

[TURN OVER]
QUESTION 1

It is important for legal practitioners to know the rules of the legal profession, but to conduct oneself ethically in the legal profession requires more than just adherence to the rules.

Discuss the above statement. Your discussion should in addition make reference to four other philosophical approaches to ethics. [25]

QUESTION 2

In the history of South Africa there have been legal practitioners whose political convictions brought them into conflict with their duty to uphold the law. Refer to any four of such cases to discuss how the courts dealt with the legal practitioners involved. [25]

QUESTION 3

3.1 Discuss the role differentiated behaviour in relation to legal ethics. [10]

3.2 You are an advocate of the High Court who is also passionate about the rights of women. During the Sixteen Days of Activism against the Abuse of Women and Children, an attorney approaches you with a brief requesting you to represent his client who is accused of bludgeoning his wife to death. Will you accept the brief or not? [5]

3.3 What are the factors which an advocate must consider in determining reasonable fees for services rendered? [5]

QUESTION 4

Write notes on the following.

4.1 The duty owed by an advocate towards the court when he or she appears in an ex parte application. [5]

4.2 The factors that characterize an adversarial legal system. [5]

4.3 Factors that distinguish the legal profession from any other job. [5]

4.4 Civil disobedience and when it may be justified. [5]

4.5 The responsibility of a legal practitioner towards his or her colleagues. [5]

4.6 The duty of confidentiality owed to a client by an attorney. [5]

TOTAL: [100]