LJU4802
PROFESSIONAL ETHICS

Duration: 2 Hours

EXAMINERS
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SECOND: PROF M SLABBERT

100 Marks

Closed book examination

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

1.1 Discuss the abuse of the ‘fit and proper person’ test during Apartheid [10]

1.2 Is Prince v President, Cape Law Society 2000 (3) SA 845 (SCA) an example of continued abuse of this test? Motivate your answer [5] [15]

QUESTION 2

2.1 Discuss Kant’s ethics of duty and how it differs from Bentham’s utilitarianism? [15]

2.2 What does it mean to say that the practice of law is a profession and not a job? Are there any distinguishing characteristics that set the profession apart? [10] [25]

QUESTION 3

Write notes in which you explain the following:

3.1 The factors that characterise an adversarial legal system [5]

3.2 The factors an advocate should consider in determining reasonable fees for services rendered [5]

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

3.4 The need to preserve the integrity of the courts and of the judges as discussed in S v Mamabolo 2001 (3) SA 409 (CC) [10]

3.5 The removal of a judge from office [5] [30]

QUESTION 4

Write an essay in which you discuss the following cases and compare how the court understood the duty of a legal practitioner to obey the law. Incorporated Law Society, Transvaal v Mandela 1954 (3) SA 102 (T) and Natal Law Society v Maqubela 1986 (3) SA 51 (N) [30]

TOTAL: [100]