LJU4802
PROFESSIONAL ETHICS

Duration 2 Hours 100 Marks

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
QUESTION 1

1 1 Is 'ethics' the same as 'legal ethics'? Discuss (10)

1 2 An ethical lawyer is one who is honest, reliable and has integrity. Refer to any four cases to discuss how the courts have dealt with legal practitioners whose ethical conduct was found wanting in relation to these values (20) [30]

QUESTION 2

2 1 Law is practised as a profession and not merely a job. Discuss (10)

2 2 The constitutionality of the powers of the court to screen lawyers has been challenged on two occasions. Discuss the two cases (10) [20]

QUESTION 3

The case of Prince v President, Cape Law Society 2002 (2) SA 794 (CC) provides a good illustration of the tension between an approach that is rule-based and one that is post-modern in outlook. Discuss the merits and de-merits of each of the approaches in relation to the use of the law in the case of Prince. Your discussion should

3 1 set out what the case is about,

3 2 provide a brief outline of both the rule-based approach and the post-modern theory, and

3 3 set out the merits and de-merits of each of the approaches in relation to the case (30)

QUESTION 4

4 1 A number of reasons can be put forward to explain why there is a general loss of ethical direction in the legal profession. Discuss five such reasons (10)

4 2 Virtue according to Aristotle is not based on a rule to be obeyed but on excellence of character. Discuss the Aristotelian understanding of virtue (10) [20]

TOTAL: [100]