LJU4802

Professional Ethics

Duration 2 Hours 100 Marks

EXAMINERS
FIRST DR FD MNYONGANI
SECOND PROF M SLABBERT

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 What is ethics? (3)

1.2 What according to you is the relation between ethics and a code of conduct? (7)

Question 2

2.1 The legal profession has no room for legal practitioners who do not have integrity. Discuss any three cases where legal practitioners found lacking in integrity were struck off the roll by the court. (15)

2.2 Judges are appointed and removed from office in accordance with the provisions of the Constitution of South Africa, 1996. Discuss how judges are appointed to office, who qualifies for such an appointment and how they may be removed from office. (15)

Question 3

Write notes in which you explain the following:

3.1 The role differentiated behaviour (5)

3.2 The duty of confidentiality owed by an attorney to his client (5)

3.3 The privilege of advocates and attorneys to make defamatory statements in court (5)

3.4 The post modern theory of ethics (5)

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

3.6 Deontic ethics or ethics of duty (5)

Question 4

What has by now become clear to you through this module, is that an aspirant legal practitioner wishing to be admitted must not only have formal qualifications but must also be a fit and proper person. Discuss the requirement of being a fit and proper person to practice law in South Africa. (30)

TOTAL: [100]