

COLLEGE OF LAW
SCHOOL OF LAW: DEPARTMENT OF
JURISPRUDENCE
SKILLS COURSE FOR LAW STUDENTS (SCL1501)
TUTORIAL LETTER 201/2011
(Second Semester)

FEEDBACK : ASSIGNMENTS 01 and 02 (SECOND SEMESTER):

This tutorial letter is intended to give you feedback/memo relating to both Assignments 01 and 02 of the second semester. It is also **the last tutorial letter for SCL1501 this semester.**

Dear Student

This is your last tutorial letter for this course (SCL1501) this semester (Semester 02). It contains feedback or comments on both Assignments 01 and 02.

1 EXERCISES IN THE WORKBOOK

We hereby remind you that the exercises in your workbook remain an important component of your tutorial matter in this module. As stated in your tutorial letter 101/3/ 2011 **we will not send** you feedback/answers to the exercises in the workbook. The reason for this is that we have learnt that many students do not do the exercises and rather wait until they receive the memo. This defeats the whole purpose of the *Workbook* as students do not derive much value from the Workbook if they do the exercises with the answers already at their disposal. The purpose of the Workbook is to offer you an opportunity to assess yourself as you proceed with your tutorial material

2 FEEDBACK ON ASSIGNMENT 01 (UNIQUE NUMBER: 766898)

Question 1. The correct statement is **option 3**. See item 1.3 on page 3 of your Study Guide.

Question 2. The correct statement is **option 3**. See item 1.12.1 on page 21 of your Guide.

Question 3. The correct statement is **option 4**. See item 1.8.5 paragraph (b) “decentralised groups” on page 15 of your Study Guide.

Question 4. The correct statement is **option 2**. See item 1.11 on page 19 of your Study Guide.

Question 5. The correct statement is **option 3**. See paragraph (c) “presumptions” on page 36 of your Study Guide.

Question 6. The correct statement is **option 4**. See bullet points under item 2.5.3 on page 45 of your Study Guide.

Question 7. The correct statement is **option 2**. Refer to different kinds of judgments on page 51 of your Study Guide.

Question 8. The correct statement is **option 4**. See item 3.4 on page 77 of your study Guide.

Question 9. The correct answer is **option 4**. See item 2.5.2 on page 44 of your Study Guide.

Question 10. The correct statement is **option 2**. Refer to item 3.4.1, specifically the last paragraph on page 79 of your Study Guide.

Question 11. The correct statement is **option 4**. See item 3.4.3 on pages 82 - 83 of your Study Guide.

Question 12. The correct statement is **option 4**. Refer to example 3 on page 126 of your Study Guide. The answer is 71.4%, when you round it off it equals 71%.

Question 13. The correct statement is **option 3**. A trust account is an account held by a law firm on behalf of the client. It is worth noting that the accounting of trust money is highly regulated and even though the money is controlled by the law practice the money still belongs to the client until such time as it is applied to an invoice or until it is applied to a disbursement.

Question 14. The correct statement is **option 2**. See the formula that reflects at the top of page 131 of your Study Guide.

Question 15. The correct statement is **option 3**. See item 4.3.1 on pages 98 - 99 of your Study Guide.

Question 16. The correct statement is **option 3**. Read item 4.3.3 under “eye contact” on page 99 of your Study Guide.

Question 17. The correct statement is **option 4**. See item 4.4.2 on page 101 of your Study Guide.

Question 18. The correct statement is **option 3**. See pages 103 -105 of your Study Guide. Read particularly item 4.5.3 on page 105.

Question 19. The correct answer is **option 3**. See item 4.6 on page 106 of your Study Guide.

Question 20. The correct answer is **option 4**. See page 116 of your Study Guide.

3 FEEDBACK ON ASSIGNMENT 02 (WRITTEN)

PART A

Question 1.

Note that the question requires you to “discuss”. In other words, it will not be satisfactory for you to merely mention or state the problems or “hurdles” that timetables normally help us deal with. You will find helpful information on pages 10-12 of your Study Guide (items 1.7, 1.7.1 and 1.7.2). The points under item 1.7.2 are particularly useful. Make use of the information from pages 10-11 to ensure that you thoroughly discuss the points raised in item 1.7.2.

Question 2.

For this question you have to remember that you are required to “explain”. You are therefore not expected to merely mention the various points without supporting the various aspects that you state in relation to this concept. It is expected of you to show understanding of the concept “learning”, and thus use your own words. You will find useful information on page 3 (item 1.3). Note that ‘learning’, as an active process, is a key part of a study process. Note the bullet points under item 1.3 for the clarification of learning as an active process.

Question 3.

The focus of this question is on your ability to “distinguish” between various concepts listed therein. You were expected to find pit, yourself, the difference between the two note-making strategies which are examples of narrative notes (sentences/paragraphs).For some light in this regard refer to pages 16-17 of your Study Guide (item 1.9.1).

Question 4

For this question you first have to read the *Ex Parte Pieters* case. The case appears on pages 18-23 of your Workbook. Note that for you to be able to summarise any text, you must make sure that you understand that given text. In this regard you should ensure that you consider the following:

- (i) Your summary should not exceed five lines.
- (ii) Write in your own words.
- (iii) Your summary should maintain the original message with as few words as possible.
- (iv) Note that although you reduce the number of words, you do not reduce the message. Thus, no new information is added, and no information is reduced from the original text (that is, the *Ex Parte Pieters* case in this instance).
- (v) For helpful information on making summaries, refer to items 1.11 and 1.11.1 (on pages 19-20 of your Study Guide). You should particularly note the bullet points under item 1.11.1 (on pages 19-20) of the Study Guide.

Question 5

An attorney's account has been discussed under item 5.12 (see pages 132-134) of your Study Guide. You should particularly make sure that you understand the concept "**or part thereof**". It is also important that you draw the **columns/lines** reflecting the entries (e.g. items, fees, costs). Here follows the account:

Item/service	Fees	Disbursements/Expenses
Received Letters 10 x R25	R 250	
Written Letters 5 x R150	R 750	
Postage/ Stamps		R50 + 14% = R57
Summons	R2400	
Affidavit 5 ¾ pages : 6 xR100	R 600	
Tel. Consultation 18 min =2 x R25	R 50	
Consultation 2 ¾ = 6 xR250	R1500	
Medico Legal Report		R4867 + 14% = R5548.38
TOTAL	R5550	R5605.38
+ Vat 14%	+ R 777 = R6327	
+ Costs	+ R5605.38	
Total due by client	<u>R11932.38</u>	

Question 6

Note that you must not simply write the answer. This transaction is a fee, and thus you have to add VAT. Thus:

$(R450 \times 3) + 14\% : R1350 + R189 = R1539$ Malo must pay Rathelele **R1539-00**
See example 1 under item 5.4 on page 123 of your Study Guide. Also see item 5.10 especially the section on adding VAT on page 131

Question 7

Read item 5.5.3 on percentages, particularly example 4 on page 126 of your Study Guide. An hour comprises 60 minutes. Thus $(R550 \times 2) + 7,5\%: R1100 + R154 = R1254$. The new charge per hour is **R1254**.

Question 8

(a) Note that this question relates to “subtraction”. Tax is the amount that is deducted by individuals/entities from their incomes or profits and paid to the State. For the application of this principle read item 5.5.3 on percentages on pages 126-127 of your Study Guide. Thus $35/100 \times R100\ 000 = \mathbf{R35\ 000}$.

Motšetene Attorneys Inc. will pay **R35 000** in tax.

(b) Follow the examples under item 5.7 (“apportionment”) on pages 128-129 of your Study Guide. The remaining profit: $R100\ 000 - R35\ 000 = \mathbf{R650\ 000}$.
Benni: $3/5 \times 650\ 000 = \mathbf{R390\ 000}$. Ramodike: $2/3 \times 650\ 000 = \mathbf{R260\ 000}$

Question 9

This question relates to the “**addition**” of all the amounts in damages that Makolobe has suffered (or will suffer). In this respect, please read the information under item 5.3 on pages 121 -122 of your Study Guide.

Thus $R54\ 000 + 37\ 000 + 14\ 185 = R105\ 185$. Makolobe can claim **R105 185**.

PART B

This part of your Assignment 02 required you to personally visit a court of law and observe a real court case. The purpose of this part of the assignment is to expose you, **as a law student**, to a real court environment. There is no single answer or response that was expected from you in dealing with the set questions because individual students observed different matters in various courts across the country, or even across the world! **We will not mark this part of the assignment if the last page of the observation sheet is not completed by the clerk of the court (or the Registrar) as instructed: signature, date and the stamp.**

However we want to make the following remarks in relation to the various questions:

5. Here, with reference to the court case you have observed, you have to give reasons why you think the case is a criminal or civil matter (depending on your response for question 4).

7. Here we expected you to give a short description of what the matter or issue before the court was. It will not be sufficient for you to merely say: “theft” or “bail”.

9. There are those cases that might have not been concluded on the day(s) you went for the observation. Here, you have to state what the magistrate / judge decided on that particular day. For example, “the magistrate postponed the matter to enable the state to gather more evidence etc.”

4 SATELLITE BROADCAST AND DISCUSSION CLASSES

We are very happy that most of you “attended” the satellite class/lecture which was broadcast on 18 August 2011. We also want to congratulate all those who attended the discussion classes which we conducted in the various centres across the country. We always enjoy the interactions that go with these classes.

5 FORMAT OF YOUR EXAMINATION PAPER

As indicated in paragraph 8.2 of Tutorial Letter 101/3/2011, the total marks for the SCL1501 examination will be 100, which mark will be adapted to 80. The paper comprises five sections, to cover all the study units in this module. There are no so-called “multiple choice” questions. However, the paper takes a fill-in format, in which sense you are expected to write your answers on the spaces provided in the examination book. Thus, the examination book comprises the question paper and the answer sheet. The mark allocation for the various sections is as follows:

- Section 1 (Study Skills): 25 marks
- Section 2 (Numeric Skills): 20 marks
- Section 3 (Communication Skills): 20 marks
- Section 4 (Research Skills): 10 marks
- Section 5 (Reading Skills): 25 marks

Note that you are allowed to use your pocket calculator in the exams, and **NOT** your cell phone. Please write fast (do not waste time on unnecessary things)!

Finally, we wish you the best in these coming exams!

Kind regards

DAVID LETSOALO
FM MAHLOBOGWANE

PRETORIA