

LJU413J

May/June 2009

PROFESSIONAL ETHICS

Duration 2 Hours

100 Marks

EXAMINERS
FIRST
SECOND

PROF M SLABBERT
MR FD MNYONGANI

This paper consists of 2 pages

- 1 **ANSWER ALL THE QUESTIONS**
- 2 **READ THE QUESTIONS CAREFULLY BEFORE ANSWERING THEM**

QUESTION 1

Shakespeare said " Life is but a stage where everyone should play a part "

Discuss the role-based approach of legal practitioners as justification for unethical behaviour

[10]

QUESTION 2

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)

[20]

QUESTION 3

Discuss the role of rules, consequences and virtue as approaches to assessing ethical conduct

[15]

[TURN OVER]

QUESTION 4

Write an essay in which you discuss the following

- (i) the traditional approach to legal ethics as it is put forward by writers such as Lewis, (10)
- (ii) the critique against the traditional approach as it is put forward by writers as Wasserstrom, and , (10)
- (iii) the philosophical approach to legal ethics which, according to you, holds the most promise to address the current crisis in the legal profession (10)

[30]**QUESTION 5**

Write notes on the following

- (a) Characteristics of post modern ethics (5)
- (b) What is the meaning of "legal ethics"? (5)
- (c) When and how may judges be removed from office? (5)
- (d) The duty of confidentiality owed by an attorney to his or her client (5)
- (e) The circumstances when an advocate can refuse to accept a mandate (5)

[25]**TOTAL 100**