



**AFRICA**  
**UNIVERSITY**<sup>®</sup>  
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**SCHOOL OF LAW**

**NLLB309: LEGAL ETHICS & PROFESSIONAL TRAINING**

**END OF SEMESTER EXAMINATIONS**

**APRIL 2025**

**LECTURER: DR. L. SITHOLE**

**DURATION: 3 HOURS**

#### **INSTRUCTIONS**

1. Answer **THREE** Questions.
2. **Section A is COMPULSORY.**
3. Answer **any TWO** Questions in Section B.
4. This exam carries a total of **70 Marks.**
5. Refer to relevant authorities.

## SECTION A

### Question 1

a) You are a legal practitioner in private practice. One evening at a party a fellow-guest, on learning that you are a lawyer, asks your advice. She says she has received a letter from the Attorney-General's Office demanding repayment of a loan made to her ten years ago by the Ministry of Higher Education so that she could further her studies overseas. You tell her she can safely ignore the letter because the debt was extinguished by prescription after three years. The next day you check in the Prescription Act and find that in fact such debts are not extinguished until 15 years have elapsed. You do not contact the fellow-guest to tell her this even though she gave you her telephone number. She acts on your advice, does not enter an appearance to defend the government's claim, and has judgment awarded against her for the amount of the unpaid loan.

(a) Discuss the ethical issues arising. **[20 Marks]**

b) Explain any two (2) ethical duties of a legal practitioner. **[10 marks]**

c) "I deal now with the duty of an attorney in regard to trust money. ... where trust money is paid to an attorney it is his duty to keep it in his possession and to use it for no other purpose than that of the trust. It is inherent in such a trust that the attorney should at all times have available liquid funds in an equivalent amount. The very essence of a trust is the absence of risk. It is imperative that trust money in the possession of an attorney should be available to his client the instant it becomes payable." ***Law Society, Transvaal v Matthews 1989 (4) SA 389 (T) at 394***

Discuss. **[10 Marks]**

## SECTION B

### Question 2

You are a legal practitioner representing a wife who is suing her husband for divorce, and the case is due to be heard in the High Court before Justice Mulenga. When you

tell your client this, she says: “Wonderful! I’ve been having a sexual affair with him for two years, and I’m sure he’ll be very favourable to our case – he’ll want to marry me after I’ve got my divorce. Of course, my husband doesn’t know about our affair, so don’t tell him.” When the case begins, Justice Mulenga makes no move to recuse himself.

Citing relevant case law, discuss the law on recusal of a judicial officer. **[15 Marks]**

### **Question 3**

Explain the following, giving appropriate examples:

- a) touting; **[2 Marks]**
- b) costs *de bonis propriis*; **[5 Marks]**
- c) fit and proper person; **[5 Marks]**
- d) champerty. **[3 Marks]**

### **Question 4**

- a) What do you understand by deontic ethics or the ethics of duty? **[5 marks]**
- b) Explain the concept of abuse of court process. In your answer, give five examples of abuse of court process. **[10 marks]**

### **Question 5**

- a) Law is practised as a profession and is not merely a job. What distinguishes a profession from other jobs, businesses or trades? **[10 Marks]**
- b) Briefly discuss the legal practitioner’s duty of confidentiality towards his/her client. **[5 Marks]**

**END OF EXAMINATION**