UNIVERSITY OF FORT HARE

Professional Skills and Ethics
LLP 221 E

DEGREE EXAMINATIONS

November

2019

Time: 3 HOURS
Subject: LLP 221 E
Marks: 100

This paper consists of 4 pages including the cover page

Internal Examiners
Mr G Pope
Adv S Seti

External Examiners

INSTRUCTIONS

1. Answer ALL QUESTIONS!
2. It is in your best interest to write clearly and legibly.
3. Rely on relevant case law and statutory provisions.
Your client is Cebisa Makhungela, a young woman who owns a Ford Fiesta FXR 234 EC and lives in Cambridge. The first 5 questions relate to this client.

Question 1

Whilst on her way to work last week she happened to drive past the Cambridge Police Station and whilst driving past the entrance of the Police Station she was hit by a police van entering the road from the police station. The police van had a registration number FDR 221 EC and was driven by Sgt Nick Evans.

The accident has been caused as a result of Sgt Evans’s negligence who drove his vehicle at a very high speed and entered the road when it was unsafe to do so.

She took this motor vehicle to Kiro Panelbeaters to be repaired. Kiro Panelbeaters charged her R45 000.00 to repair the vehicle to its pre-accident condition.

You are instructed to draw a fees agreement for this client.

15 Marks

QUESTION 2

Draft an opinion for this client on these facts.

15 Marks

QUESTION 3
You are instructed by her to draft a letter of demand addressed to the
Commissioner of Police at police headquarters Eastern Cape at the Provincial
Police headquarters at Zwelitsha

15 Marks

QUESTION 4

Cebisa approaches you, her attorney, and request that you proceed with legal
action against SAPS.

You are to draft a particulars of claim on behalf of Cebisa. Include all necessary
averments and details. Please make up facts where they have been omitted.

Marks will be awarded for structure and accuracy.

25 Marks

QUESTION 5

After repairs Cebisa wishes to sell the Ford, up for private sale as it is to high
maintenance. Thabo Mpfu is interested in buying the car valued at R150 000.00
(One Hundred and Fifty Thousand Rand). Cebisa and Mpfu meet and take the
car to Ford Eastern Cape to be assessed.

Both parties are happy and Cebisa agrees to sell the car to Mpfu for the
aforementioned price. She approaches his attorney (You) and wishes that his
verbal agreement be formalised.

You are to draft a contract of sale on behalf of Cebisa. Include all relevant details
and facts.

Marks will be awarded for structure and accuracy.

25 Marks
Question 6

Rules of professional conduct must be obeyed as a member who fails to comply shall be guilty of unprofessional / dishonorable conduct.

*Mark the following statements as true or false:*

6.1 Lawyers must not maintain the independence necessary to enable them to give their clients unbiased advice.  
1 Mark

6.2 Lawyers can keep clients' money along with their own and retain that money indefinitely.  
1 Mark

6.3 Legal Practitioners must maintain confidentiality regarding the affairs of present or former clients unless otherwise required by law.  
1 Mark

6.4 Legal persons must take on all legal work on questions of law.  
1 Mark

6.5 An Attorney must advise their client at the earliest possible opportunity on the likely success of such client’s case.  
1 Mark

5 Marks