



## **BASIC DIPLOMA IN LEGAL PRACTICE AND CIVIL LITIGATION**

### **What to expect from each module**

#### **Module 1 – Basic Legal Practice and Civil Litigation: an introduction**

This module gives a background and overview of the legal framework of South Africa and civil litigation.

- General background on South African law including the following:
  - ✓ Foundation of South African law
  - ✓ The Common Law
  - ✓ Sources of Law
- The Court Structure
  - ✓ The Constitutional Court
  - ✓ The Supreme Court of Appeal
  - ✓ The High Court
  - ✓ The Magistrate's Court
  - ✓ Specialized courts
- Role players in Legal Practice
  - ✓ Types of legal practitioners
  - ✓ Types of court officials
- What is Civil Procedure
- The difference between civil procedure and criminal procedure
- The difference between action and application proceedings
- Evaluation for Module 1

#### **Module 2 – Advanced Legal Practice**

This module gives a general overview of legal concepts.

- Matrimonial law
  - ✓ Marriage in terms of the marriage act
  - ✓ Customary Marriages
  - ✓ Civil unions
- Types of matrimonial property systems
  - ✓ Marriage in community of property
  - ✓ Marriage out of community of property with accrual
  - ✓ Marriage out of community of property without accrual
  - ✓ The advantages and disadvantages of the types of matrimonial property systems

- Cohabitation
  - ✓ The concept of a common-law marriage
  - ✓ Legal consequences of living together without being married
  - ✓ The establishment of a universal Partnership
- Wills and Estates
  - ✓ Difference between dying intestate vs testate
  - ✓ The consequences of dying without a will
  - ✓ The working of intestate succession
  - ✓ The requirements for a valid will
- Prescription
  - ✓ What is prescription
  - ✓ Time periods for prescription
  - ✓ When will prescription be delayed or interrupted
- Difference between attorney's trust account and attorney's business account
- Evaluation for Module 2

### **Module 3 – Advanced Civil Litigation:**

This module gives an overview of civil procedure and provides guidelines for drafting legal documents and pleadings,

- Initial steps that must be taken in Civil Procedure
  - ✓ Locus Standi
  - ✓ Determining the cause of action
  - ✓ Determining which court has jurisdiction
- The functioning of pleadings
- The purpose of pleadings
- The difference between action and application proceedings
- Basics of drafting
  - ✓ Telling your clients “story”
  - ✓ Formal requirements for pleadings
  - ✓ Initial steps to take when drafting
  - ✓ Consultation with the client
  - ✓ Complying with the Uniform Rules of Court
  - ✓ Format
  - ✓ Deciding between the action and application procedure
- Guidelines for drafting pleadings in the action procedure
  - ✓ Overview of the procedure
  - ✓ Summons
  - ✓ Particulars of Claim
  - ✓ Plea
  - ✓ Replication
- Guidelines for drafting pleadings in the application procedure
  - ✓ Overview of the procedure
  - ✓ Notice of motion
  - ✓ Founding affidavit
  - ✓ Answering affidavit
  - ✓ Replying Affidavit
- Evaluation for Module 3