



# RHODES UNIVERSITY

*Where leaders learn*

## Foundations of Law B 2015

Lecture times: Thursday 10h30 to 11h15 (Barratt 2)  
Friday 11h25 to 12h10 (Barratt 2)

Lecturers: *Dr R Krüger (RK)*  
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## Course outline: Foundations of Law B

### 1 Introduction

#### 1.1 Overview

Foundations of Law B is a component course of Foundations of Law which forms part of the Legal Theory I course taught at Rhodes University. Legal Theory I is taught at first year level as a major subject for the BA, B SocSci, B Com and BSc degrees.

The purpose of Foundations of Law B, like the other component courses of Legal Theory I, is to provide an overview of a selection of legal topics in order to enable students to make an informed choice regarding a career in law. Foundations of Law B introduces students to the following specific topics:

- Dispute Resolution and Law;
- The Structure of the Courts;
- The Legal Profession;

- An Elementary Outline of Criminal Procedure;
- An Elementary Outline of Civil Procedure.

## **1.2 Credit value**

7.5 credits which translate to 7 hours 30 minutes to be spent on this course per week. There are two 45-minute lectures per week in this course. Students are thus required to do 6 hours of independent work in this course per week.

## **1.3 Assumptions of prior learning**

It is assumed that:

- students have the ability to communicate in written and spoken English at least at the level of NQF 4;
- students are capable of independent work.

## **2 Outcomes**

### **2.1 Critical outcomes**

This course will contribute to students attaining the following critical outcomes:

- 2.1.1 organising and managing themselves;
- 2.1.2 collecting, analysing and evaluating information;
- 2.1.3 recognising problem solving contexts;
- 2.1.4 identifying and solving problems;
- 2.1.5 communicating effectively;
- 2.1.6 participating as responsible citizens.

### **2.2 Intended specific outcomes**

At the end of this course, students will be able to:

- 2.2.1 understand and outline different methods by means of which disputes can be resolved;
- 2.2.2 understand and explain the hierarchical structure and the jurisdiction of the different courts;
- 2.2.3 understand and explain the structure and functioning of the legal profession;
- 2.2.4 understand, explain and identify court procedures followed in criminal cases at an elementary level;
- 2.2.5 understand, explain and identify court procedures followed in civil cases at an elementary level.

### 3 Teaching and learning

Students are provided with a course outline and handout for each of the topics. It is important to note that students are responsible for their own learning. Lecturers provide guidance, but students ultimately are those who construct their own knowledge in accordance with the dictates of the discipline of which the lecturers are experts who assist that learning process.

**Students are expected to do readings before coming to lectures from the prescribed readings and the handouts.**

**The course components contain at least one class work task. These tasks are outlined in the course outline or may be posted on RUConnected prior to the lecture. Students must complete these tasks and submit them at the beginning of the lecture in which they are due. The class work tasks must be typed and printed, and your document must clearly indicate your name and student number, as well as the name of your tutor, at the top of the page. You will receive feedback on these tasks and marks MAY be recorded for these tasks which may count towards your final mark.**

**NO LATE SUBMISSIONS OF CLASS WORK TASKS WILL BE ACCEPTED.**

The lecturer will provide examples of practical applications of the law where appropriate in class. Class discussions are held whenever the topic of discussion and time permit.

There is a tutorial programme for the whole of the Foundations of Law course which is administered by the course co-ordinator. Details regarding the tutorial programme are provided by the course co-ordinator. At least one of the tutorial assignments is on a topic related to topics discussed in Foundations of Law B.

Students must develop a glossary of terms that they encounter throughout the semester and periodically check the accuracy of this glossary with their tuto

### 4 Course content

*Dispute resolution and law (lecturer – R Krüger)*

*The structure of the courts (lecturer – R Krüger)*

*The legal profession (lecturer – T Waterworth)*

*An elementary outline of criminal procedure (lecturer – L Niesing)*

*An elementary outline of civil procedure (lecturer – T Waterworth)*

### 5 Resources

Kleyn, D & Viljoen, F *Beginner's Guide for Law Students* 4 ed (2010)

Humby, T, Kotze L and Du Plessis, A (eds) *Introduction to Law and Legal Skills* (2012)

Du Plessis, L *An Introduction to Law* 3 ed (1999)

Judgments referred to in course outline

Information, readings and other materials placed on RUConnected

## 6 Student assessment

Course work counts 30% towards the final mark obtained in Foundations of Law. Course work marks are calculated from marks obtained in tutorial assignments and tests. Students are expected to do tutorial assignments during the course of the semester and at least one of these assignments is relevant for Foundations of Law B. Students are expected to write two tests during the course of the semester. Half of each test will be on Foundations of Law B. The tests and assignments are formative assessment tasks and students are provided with feedback on their work. In respect of tests the feedback will take the form of oral discussion of the tests once marked. The tutorial assignment relevant for Foundations of Law B is set by the lecturer, marked by tutors and moderated by the lecturer.

At the end of the semester there is one summative assessment exercise in the form of a three-hour exam for the Foundations of Law course. Half the exam tests students' understanding and knowledge of the Foundations of Law B course.

<b>Intended specific outcomes</b> <i>On successful completion of this course the students will be able to:</i>	<b>Assessment criteria</b> <i>Students will provide evidence that they can:</i>
Understand, explain and outline the different forms of dispute resolution provided for in South African law	<ul style="list-style-type: none"><li>• List and explain different methods of dispute resolution</li><li>• Identify instances in which alternative dispute resolution (ADR) would be more suitable than litigation (factual scenarios)</li><li>• Define and explain negotiation, mediation and arbitration as forms of alternative dispute resolution</li><li>• List and discuss the advantages and disadvantages of the forms of dispute resolution</li><li>• Explain the characteristics of adversarial and inquisitorial court systems</li><li>• Advise in hypothetical scenarios as to the appropriate method of dispute resolution</li></ul>
Understand, explain and outline the hierarchical structure of the South African court system	<ul style="list-style-type: none"><li>• List and explain the hierarchy of courts in South Africa</li><li>• Explain the term "jurisdiction"</li><li>• Explain the jurisdiction of the</li></ul>

	different courts with reference to simple sets of facts
Understand and explain the structure and functioning of the legal profession	<ul style="list-style-type: none"> <li>• Identify and list the legal professions in the private sector</li> <li>• Explain the difference in the nature of the work done by attorneys and advocates</li> <li>• Identify and list the legal professions in the public service</li> <li>• Explain the nature of the work done by each of the professions in the public service</li> <li>• Assess the ethical standards set for legal practitioners with reference to selected judgment(s)</li> </ul>
Understand, explain and identify court procedures followed in criminal cases at an elementary level	<ul style="list-style-type: none"> <li>• Explain the difference between criminal and civil cases</li> <li>• Explain the difference between adjective and substantive law</li> <li>• Explain the nature of the law of criminal procedure</li> <li>• Explain the difference between accusatorial and inquisitorial court processes</li> <li>• Integrate knowledge regarding jurisdiction with the law of criminal procedure</li> <li>• Outline the constitutional rights of arrested persons</li> <li>• Outline and explain the pre-trial stage in a criminal cases</li> <li>• Outline the constitutional rights of accused persons</li> <li>• Describe and explain the trial stage in criminal cases with regard to merit and sentencing</li> <li>• Compare and contrast appeals and reviews in criminal matters</li> <li>• Give advice in hypothetical situations involving criminal procedure on an elementary level</li> </ul>
Understand, explain and identify court procedures followed in civil cases at an elementary level	<ul style="list-style-type: none"> <li>• Explain the nature of the law of civil procedure</li> <li>• Integrate knowledge about jurisdiction with the law of civil procedure</li> <li>• Explain the difference between action and motion proceedings</li> <li>• Outline and describe the sequence</li> </ul>

	<p>of pleadings in action proceedings</p> <ul style="list-style-type: none"> <li>• Explain the difference between a simple summons and a combined summons</li> <li>• Distinguish between the pleading and trial stages in action proceedings</li> <li>• Explain what happens during the pleading and trial stages in action proceedings</li> <li>• Explain what steps can be taken after judgment – execution, review and appeal</li> <li>• Explain the circumstances under which default judgment may be granted</li> <li>• Explain when special pleas may be raised</li> <li>• Explain when exceptions may be raised</li> <li>• Explain what a claim in reconvention is</li> <li>• Compare and contrast the different types of application proceedings and explain under which circumstances each is used</li> <li>• Explain the sequence of proceedings in applications</li> <li>• Give advice in hypothetical situations involving civil procedure on an elementary level</li> </ul>
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## 7 Evaluation

This course will be reviewed and updated by the lecturer on an annual basis. Evaluation of the course will take place in accordance with the evaluation cycle set up by the Faculty. This means that the course will be evaluated at least once every three years. Evaluation will take place at the end of the first term to enable the lecturer to provide feedback to the students on the evaluation and to address any complaints. Students are invited to discuss their difficulties and problems with the course, either personally or through their student representative, with the lecturers.

**Proposed schedule for first semester**

<b>Week</b>	<b>Date of lectures</b>	<b>Lect</b>	<b>Topic</b>
1	19 and 20 Feb	RK	Dispute resolution
2	26 and 27 Feb	RK	Dispute resolution
3	5 and Mar	RK	Structure of courts
4	12 Mar 13 Mar	RK TW	Structure of courts Legal Profession
5	19 and 20 Mar	TW	Legal Profession
6	26 and 27 Mar	TW	Legal Profession
7	16 and 17 Apr	LN	Crim Proc
8	23 and 24 Apr	LN	Crim Proc
9	30 Apr No lect 1 May	LN	Crim Proc
10	7 May 8 May	LN TW	Crim Proc Civ Proc
11	14 and 15 May	TW	Civ Proc
12	21 and 22 May	TW	Civ Proc
13	28 and 29 May	TW	Civ Proc