



# Diploma in Legal Practice and Civil Litigation

## Purpose of this diploma

- To provide step-by-step updated and thoroughly researched knowledge and skills to anyone from a beginner to a legal secretary who wants to improve his or her overall work performance and client service.
- Comprehensive explanatory theoretical training manual.
- After completion of this basic diploma course the attendees will be able to work more efficiently in the field of litigation, using their user-friendly notes as an “office bible”.
- Attendance courses are presented by approachable lecturers, capable of motivating learners and inspiring them with a passion for the law.

## Certificates

- We do not issue meaningless attendance certificates. A Certificate for each module is only issued upon successful completion of the evaluation by the learner as proof that the learner has the ability to apply the learning content that relates to a certain module.
- The pass mark for each module is 50%. A mark exceeding 90% will earn an honours certificate.

## Who should attend?

- This diploma is suitable for anyone from a beginner to someone who has been working in a legal practice for some years and wants to improve his or her knowledge and skills.
- Receptionists, personal assistants and administrative personnel who are working in a law firm and would like to improve their legal knowledge and skills will also benefit from this diploma.
- This course lays the essential foundation on which to build a more advanced knowledge of 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

