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Name [REDACTED]

Student Number [REDACTED]

Module: [REDACTED] Part 1

Question 1

A [REDACTED], you have not referenced accordingly. For legal modules, the referencing technique used is De Jure as opposed to in text!

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- 6 1. This matter would be filed under Print Media (Pty) Ltd. The company Print Media is a private company and is a juristic person. The private company participates in legal intercourse through its directors. The law attaches legal consequences to the company as it is its own separate legal entity. Mr. Barry Ngubane, the client, is not responsible for the company Print Media (Pty) Ltd's actions. Print Media is not its directors and the company is liable for its own debts. The company Print Media must sue and be sued in its own name.
- 4 2. This matter is a civil matter. A civil matter occurs when a business or company sues another because of a dispute that had occurred between them. A civil matter happens when the state is not involved, but with a criminal matter, the state is involved. The company Print Media is being sued by the company MedicinesForAfrica based on disputes that occurred between them which makes this matter a civil matter.
- 5 3. The court that has jurisdiction to hear this matter would be the Regional Magistrates Court. This type of court deals with monetary cases from around the amount of R200 000.00 to R400 000.00. In this matter an amount of R210 000.00 is present which lies between R200 000.00 and R400 000.00 which would be heard by the Magistrates Court as this court deals with monetary cases ranging from these amounts. MedicinesForAfrica is a Durban based company so the court involved would be the regional court that is in Durban, the Durban Regional Court. Jurisdiction always follows the defendant and since the defendant is based in Durban, the Durban Regional Court would have to deal with this matter and be involved. (A Practical Guide for Legal Support Staff 2nd ed, 2019)

5 4. This matter commenced by way of Action. This is because the proceedings anticipate the presentation of facts and evidence in the court during a trial. These proceedings are commenced by way of combined summons and a full statement of the claim in one document. A Plea; a Summons + Particulars of Claim; a Letter of Demand; Sheriff's return and Appearance to defend are all documents commenced by way of Action and not by way of Application. The final proceeding is much quicker. (A Practical Guide for Legal Support Staff 2nd ed, 2019)

4 5.1. A letter of Engagement is a written agreement that describes the business relationship to be entered into by a client and a company. It is a documentation for a service firm to provide services to a client. It can also be a legally binding document that an attorney sends to a client to acknowledge that they are working together. The purpose of an engagement letter is to set expectations on both sides of the agreement. (Kopp, 2022)

5 5.2. It is important for attorneys to provide the letter of engagement to clients so that an expert document the scope and extent of the mandate could attract many risks. It is also important that the extent of the mandate must be documented. Many potential risks can be avoided if the mandate is properly documented in each matter concerning the client. The letter of Engagement may assist for example, the unfortunate event of a professional insurance claim against your firm, the allegations may be that you failed to properly carry out your mandate, this letter will assist in assessing whether or not there is any liability on the part of your firm. A letter of Engagement would help in managing a client's expectations. (Rebus, 2016)

For your resubmission, please write in your own words. Feel free to use examples to illustrate your understanding

(17)

12 + 5

6. File cover

03/F683/02 ✓		
PRINT MEDIA		
vs.		
MEDICINESFORAFRICA ✓		
Re: Goods sold and delivered		
Date	Record of work done	Time spent
10.07.2022 ✓	Letter of Demand <i>you consult with client to get instructions</i>	30 mins
18.07.2022 ✓	<i>Drafted</i> Summons & Particulars of Claim ✓	1 hour
20.07.2022	Consultation with a client ✗	15 mins
22.07.2022 ✓	<i>Perused</i> Sheriff's Return ✓	5 mins
01.08.2022 ✓	<i>Perused</i> Appearance to Defend ✓	15 mins
02.08.2022 ✓	<i>Perused</i> A Plea ✓	14 days
28.08.2022 ✓	<i>Drafted</i> Summary Judgement Application ✓	30 mins
30.08.2022 ✓	<i>Perused</i> Affidavit opposing Summary Judgement ✓	25 mins
01.09.2022	<i>Court hearing</i> Service of the summons ✗	10 mins
05.09.2022	Defendants leave to defend <i>NR</i>	15 mins
08.09.2022	Travel expenses claim	10 mins
09.09.2022	Postage of Letter of Demand	5 mins

Bibliography

(2019). In C. Womack, *A Practical Guide for Legal Support Staff 2nd ed* (p. 61). Claremont: Juta.

Kopp, C. M. (2022, July 30). *Small business regulation*. Retrieved from Investopedia:
<http://www.investopedia.com>

Rebus, d. (2016, October 24). *Letters of Engagement documenting the ambit of the instruction given to the attorney*. Retrieved from derebus.org.za: <http://www.org.za/letters-engagement-documenting-ambit-instruction-given-attorney/>

Please see me on how to prepare a proper Bibliography