

# NATIONAL BAR EXAMINATION

## Legal Writing

### Curriculum

Pupils will be required to be able to draft the following documents and to have a thorough knowledge of the Court Rules and other statutory provisions relevant thereto:

<u>DOCUMENT</u>	<u>SOURCE MATERIAL</u>
1. <u>Opinion and Memorandum</u>	
2. <u>Third Party Notice and Annexure thereto</u>	Uniform Rule 13 (High Court) Erasmus <i>Superior Court Practice</i> , B1-105 to 110A B1-453 tot 454
3. <u>Combined Summons / Declaration and Amendment of pleadings and documents</u>	Uniform Rules 17, 18, 20 and 28
(i) Contractual matter	Erasmus B1-123 to 134A
(ii) Action for damages	B1-136 to 137
(iii) Action for divorce	B1-176 to 186B
4. <u>Request for further particulars and further particulars</u>	Uniform Rule 21 Erasmus B1-137 to 140
5. <u>Plea, claim in reconvention, plea in reconvention and replication</u>	Uniform Rules 22, 24 and 25 Erasmus B1-141 to 150
6. <u>Exception and application to strike out</u>	Uniform Rule 23 Erasmus B1-150 to 163
7. <u>Advice on evidence</u>	Morris: <i>Technique in Litigation</i> , 6 <sup>th</sup> Ed Chapter 7
8. <u>Notice of appeal</u>	Uniform Rules 49, 49A, 50, 51 and 52 Section 309B of the CPA Du Toit <i>Commentary</i> Ch 30-27/28 Erasmus B1-352 to 372A B1-373 to 380

- Jones & Buckle, *The Civil Practice of the Magistrates' Courts in SA* 10<sup>th</sup> ed Vol II  
 Rule 51-(1) to (15)  
 Rule 67-(1) to (3)  
 Rule 7 of the Rules of the Supreme Court of Appeal  
 Erasmus C1-6 to 6B
9. Interpleader Uniform Rule 58  
 Erasmus B1-397 to 401
10. Heads of Argument Uniform Rules 49(15), 50(9)  
 Rule 10 of the Rules of the SCA  
 Erasmus C1-12 to 14; B1-372 to 372A
11. Applications (Including notice of motion and affidavits) Uniform Rule 6  
 Erasmus B1-33 to 58
12. Application to the Supreme Court of Appeal for Leave to Appeal Section 21(3) of the Supreme Court Act, 59 of 1959, read with Section 1 of the Petition Proceedings Replacement Act, 35 of 1976  
 Rule 6 of the Rules of the SCA  
 Erasmus A1-52B to 54  
 C1-4 to 6  
 Section 17(2) and (3) of the Superior Courts Act, 10 of 2013

Recommended reading: C Marnewick, *Litigation Skills for South African Lawyers*  
 P van Blerk, *Civil Proceedings and Legal Drafting*  
 C F Eckhard, *High Court Practice*  
 Morris, *Technique in Litigation* 6<sup>th</sup> Edition Chapter 7

**N.B.:** None of the above works may be consulted by candidates during the Legal Writing examination.