

Conveyancing Ethics Survey

Introduction

Thank you for taking the time to do this survey. It is completely anonymous and we will publish the data in an aggregated form by region only.

Survey Notes

1) Please answer as accurately as possible and as many questions as possible.

2) You may navigate between questions using the "Prev" and "Next" buttons.

3) You are allowed to do the survey once only.

4) Remember once you are complete you have to click the "Finish" button on the last page to save your responses otherwise they will be lost.

Background information

1. Number of partners in your firm

- Sole practitioner
- 2 to 5
- 6 to 10
- 11 to 20
- 21 to 40
- More than 40

2. In which area do you practice?

- Cape Town
- Port Elizabeth/East London
- Kimberley/Bloemfontein
- Durban
- Pietermaritzburg
- Jhb – West
- Jhb – South
- Jhb – East
- Jhb – Sandton
- Pretoria
- Potchefstroom
- Nelspruit/Polokwane

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Financial Institutions and Attorneys

3. You approach a financial institution with the request that your firm be instructed to attend to the conveyancing work as your firm banks with the institution and therefore deserves some support.

	Yes	No
Is this conduct in your opinion ethical?	<input type="radio"/>	<input type="radio"/>
Is your firm involved in an activity of this nature?	<input type="radio"/>	<input type="radio"/>

4. You approach a financial institution with the suggestion that your firm be instructed to do some of its conveyancing work. In return, and as a suitable quid pro quo, you will open a banking account with the institution.

	Yes	No
Is this conduct in your opinion ethical?	<input type="radio"/>	<input type="radio"/>
Is your firm involved in an activity of this nature?	<input type="radio"/>	<input type="radio"/>

5. You approach a financial institution which is an existing client and, in order to obtain more bond instructions, you offer to do its conveyancing work at a rate that is a certain percentage below the guideline tariff recommended by your law society.

	Yes	No
Is this conduct in your opinion ethical?	<input type="radio"/>	<input type="radio"/>
Is your firm involved in an activity of this nature?	<input type="radio"/>	<input type="radio"/>

6. You approach a financial institution which is not your client and, in order to induce them to put your firm on their panel, your offer to do its conveyancing work at a rate that is a certain percentage below the guideline tariff recommended by your law society.

	Yes	No
Is this conduct in your opinion ethical?	<input type="radio"/>	<input type="radio"/>
Is your firm involved in an activity of this nature?	<input type="radio"/>	<input type="radio"/>

7. You appoint a marketing consultant ('runner') whose main duty is to obtain as many loan applications as possible so as to ensure a steady flow of instructions to your firm.

	Is the following conduct in your opinion ethical or not?	Is your firm involved in an activity of this nature?
(a) He or she only approaches existing clients of the firm for this purpose.	<input type="text"/>	<input type="text"/>
(b) He or she has carte blanche in this regard and may approach anybody.	<input type="text"/>	<input type="text"/>
(c) He or she is instructed to specifically target estate agents in order to assist them in obtaining mortgage finance for purchasers. The purpose here is twofold: not only to get the bond instruction but also the transfer instruction.	<input type="text"/>	<input type="text"/>

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Estate Agents and Attorneys

8. You take a manager of a financial institution or an estate agency whom you know well (you have worked with him and his concern over a period of time) on a holiday/hunting trip (2-5 days) on an annual or regular basis. The intention is to maintain goodwill in order to ensure a steady flow of instructions.

	Yes	No
Is this conduct in your opinion ethical?	<input type="radio"/>	<input type="radio"/>
Is your firm involved in an activity of this nature?	<input type="radio"/>	<input type="radio"/>

9. You offer to take the new manager of a financial institution or estate agency on a holiday/hunting trip (2-5 days) on an annual or a regular basis. The intention is to gain his goodwill in order to get more work.

	Yes	No
Is this conduct in your opinion ethical?	<input type="radio"/>	<input type="radio"/>
Is your firm involved in an activity of this nature?	<input type="radio"/>	<input type="radio"/>

Financial Institutions and Attorneys

10. You pay commission on registration but in order to persuade the estate agent to instruct you on a regular basis, you offer to pay him an amount of (say R500) upon receipt of his instruction or upon confirmation that the purchaser's mortgage finance is in order. The amount is paid as an expression of your appreciation for his instruction.

	Is this conduct in your opinion ethical?	Is your firm involved in an activity of this nature?
(a) The amount is paid as an expression of your appreciation for his instruction.	<input type="text"/>	<input type="text"/>
(b) Would a nominal payment of of only say R50 be in order?	<input type="text"/>	<input type="text"/>

Government Agencies and Attorneys

11. In order to induce a deeds office examiner to expedite the examination of deeds, or an Inland Revenue official to expedite the issuing of transfer duty receipts, or a local authority official to expedite the issuing of clearances, you:

	Is the following conduct in your opinion ethical or not?	Is your firm involved in an activity of this nature?
(a) Pay him or her an amount for each end every expedition;	<input type="text"/>	<input type="text"/>
(b) Shower im or her with elaborate gifts to express your appreciation;	<input type="text"/>	<input type="text"/>
(c) Make small gifts (bottle of wine/box of chocolates) on a regular basis as an expression of your appreciation of his or her efforts;	<input type="text"/>	<input type="text"/>
(d) Take him or her to an occasional lunch as a 'thank you' for their efforts.	<input type="text"/>	<input type="text"/>

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Other

12. You are of the opinion that the activities described in questions 3 to 7 are merely a manifestation of the right to engage freely in economic activity and any effort to curb these activities would constitute a violation of your right to economic freedom as protected in s22 of the Constitution.

For a quick recap of the questions in answering this question and question 13 [view survey](#).

- Yes
- No

13. You are of the opinion that an affirmative answer to questions 8 to 11 would be incorrect due to the provisions of the limitation clause i.e. s36 of the Constitution.

- Yes
- No

Law Societies and Attorneys

14. I am reluctant to report conduct which I consider to be unethical to my law society, because -

	True	False
(a) I may lose support from either the financial institution or estate agent with whom my colleague is involved as I will be perceived by them to be obstructive.	<input type="checkbox"/>	<input type="checkbox"/>
(b) Even if I were to make the effort and take the time to do so, the law society will probably fail to take appropriate steps to curb such conduct.	<input type="checkbox"/>	<input type="checkbox"/>
(c) The law society will probably be unable to curb such conduct notwithstanding every effort on its part.	<input type="checkbox"/>	<input type="checkbox"/>