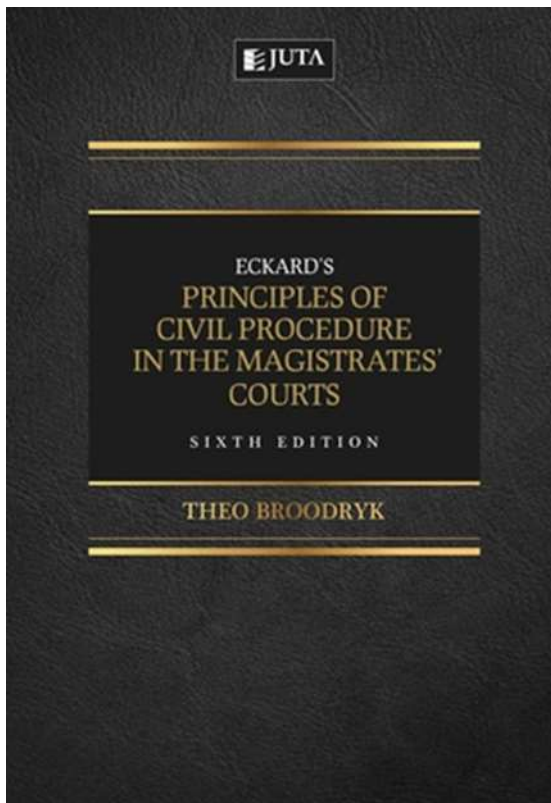


Book Review



ECKARD'S PRINCIPLES OF CIVIL PROCEDURE IN THE MAGISTRATES' COURTS

(Sixth Edition)
by Theo Broodryk

(437 pages)

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"Knowledge is more than equivalent to force "

– Samuel Johnson (1709-1784)

In recent years, many traditional areas of legal practice for attorneys have been eroded as non-attorneys offer services not reserved to lawyers – tax advice, winding-up deceased estates, labour law services, mediation, and corporate and commercial services provided by accountants and others. In addition, customised precedents with the growth in technology has made available a wide range of off the shelf self-catering standardised, systemitised, packaged and commoditised legal transaction document options which are seen as quick and inexpensive, if risky, alternatives to professional legal assistance.

But litigation in the Magistrates' Court remains the preserve of attorneys around the country and core to almost every legal practice. Despite an increase in the jurisdiction of the Small Claims Courts at one level, where legal representation for litigants is not permitted, the upper level of jurisdiction of the Magistrates' Courts in civil matters is currently R200,000, and in the Regional Courts R400,000. Where the parties have consented to the jurisdiction of the Magistrates' Court, disputes beyond these levels may also be heard in the Magistrates' Court.

This compact book is the ideal go-to-source for any advocate, attorney, candidate attorney, magistrate, court official, law student and academic teacher who wishes to grasp and master not only the principles underpinning civil procedure in these courts, but also have access to a readily available and practical guide to the processes, rules, forms and procedures that seek to give effect to these principles.

This is the sixth edition of a volume that first appeared in 1984. It has proved its utility and popularity over 25 years by providing a comprehensive overview and explanation of the nuts and bolts of civil procedure in well-organised chapters. The reader is guided systematically through applications and actions, arrests and attachments, service of summons by sheriffs, exceptions and execution. Trial procedure, pleadings, appeals and administration orders are all set out in detail. Many prescribed forms are reproduced, and footnotes provide references to the legislation in question and relevant case law with helpful commentary.

In addition to the text, there are separate lists of relevant sections of the Magistrates' Court Act, its rules, its forms, examples given, and a table of cases. Separate chapters deal with key subjects such as costs, offers and tenders to settle, and the debt-collecting procedure.

A good working knowledge of the structures, procedures and legal requirements of the Magistrates' Courts is a pre-requisite for conducting an effective, efficient and economical practice in this forum. But of course much more is needed to successfully represent the interest of a client. Drafting and

advocacy skills, strategic and tactical acumen, professional integrity, communication and negotiating abilities, diligent research and preparation all play a role for any legal representative to use the civil procedure structure as a tool to gain traction in litigation, rather than to view it as an irksome, bureaucratic obstacle to achieving the outcome that the client wants.

The author of this edition Dr Theo Broodryk BA, LLB, LLD lectures in civil procedure and legal skills at Stellenbosch University where he is currently the managing attorney at the Stellenbosch University Law Clinic. His extensive academic, practical, educational and professional expertise and experience is evident in the logical, clear and concise text.

When the road ahead has potholes, it is wise to carry a jack, spare wheel, puncture kit, and compressor. When embarking upon litigation in the Magistrates' Court, it would be prudent for any legal practitioner to keep this handbook front and centre from the outset. The author and publisher Juta have produced a welcome and updated practical tool-kit that ticks all the boxes.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.