

Academic Curriculum Vitae of Mohamed Paleker
Professor in the Department of Private Law
Attorney of the High Court of South Africa
University of Cape Town
South Africa

LEGAL EDUCATION

Bachelor of Arts – 1990-1992
Bachelor of Laws – 1992 -1994
Master of Laws – 1995-1996
School for Legal Practice – 1996
PhD – 2015-2018

EMPLOYMENT HISTORY

1995-1996 – Constitutional Assembly of South Africa – Researcher
1997 – Candidate attorney at Lionel Murray Schwormstedt and Louw, Cape Town
1998-2001- Practising attorney at Lionel Murray Schwormstedt and Louw, Cape Town.
2000-2002 - Contract lecturer (part-time), UCT law faculty.
2002-2025 – Permanent member of staff, UCT law faculty.

TEACHING PROFILE

Undergraduate

Law of Succession – Course convenor and lecturer (2003-2016)
Civil Procedure – Course convenor and lecturer (2001-2025).
Civil Justice Reform (research elective) – Course convenor and lecturer (2014-2025)
Comparative Legal History – Lecturer (2018)
Tutor in various subjects at various times – Property law, family law, foundations of South African law, criminal law, criminal procedure, contract, comparative legal history, succession and civil procedure.

Postgraduate

I currently supervise several postgraduate students: 1 Master's and 5 PhD students.

Teaching Awards

2005 – Vice Chancellor's Teaching Merit Award
2006 – Distinguished Teachers Award from UCT (can only be awarded once)
2012 – HELTASA award

VISITING LECTURESHIPS, ADJUNCT PROFESSORSHIPS

2006, 2008, 2010, 2012 – Adjunct Professor – University of Florida, United States – Comparative Civil Procedure.
2012 – Visiting lecturer – Georgetown, Washington DC – Comparative Civil Procedure.
2015 – Visiting lecturer – Stockholm, University – Comparative Civil Procedure.

COMPLETED SUPERVISION

Post 2018

- Grace Cheng 'When Parents Die: Locating Children's Right to Economic Security in South Africa's Laws of Succession and Guardianship' – minor LLM dissertation – graduated 2019.
- Rukshana Parker – 'Should South Africa have a jury system for the purposes of transformation' – minor LLM dissertation – graduated 2020
- Jonty Cogger 'Exploring the Constitutional Commitment Towards Redistribution in the Private Law of Succession' – PhD awarded 2020.
- Fatima Essop 'The Intersection between the South African Law of Succession and the Islamic Law of Inheritance' – PhD awarded 2022.
- Maame Efua Addazi-Koom 'The Use of Court-Connected Mediation in Domestic Violence Contexts in Ghana: A Call for Model Screening Protocols' – PhD awarded 2023.
- Kobus Meiring 'A Roadmap for the Implementation of Online Dispute Resolution in South Africa' – LLM dissertation, graduated 2023.
- Wesley Maraire 'Enhancing Access to Justice in Zimbabwe: An Empirical Exploration of Integrating Socially Appropriate Dispute Resolution to Overcome Barriers within the Formal Justice System' – PhD awarded 2024.
- Julian Weldman 'The Relevance of the Doctrine of Collation in the Modern-day South African Law of Succession' – PhD awarded 2025.

Before 2018

- David Wides: 'Reformulation of the Common Law Definition of Marriage'. The student received a distinction. The essay also won the faculty essay prize.
- Craig Cutler: 'The Domestic Violence Act of 1998: A Critical Analysis of Practice and Procedure.' The student received an upper second-class pass.
- Darren Smith: 'A Critical Analysis of the Landlord's Tacit Hypothec.' The student received a distinction.
- Mashumy Narshi: "Mediation in Family Law". The student received a distinction.
- Nicholas Hall: "The Heritability of Cyber Property". The student received an upper second-class pass.
- Laura Markowitz: "Who Constitutes a Spouse for the Intestate Succession Act?" The student received a distinction.
- Tali Reisenberger: "Should the 'Bloedige Hand' rule be applicable in cases of negligence?" The student received a distinction.
- Muaamil Sataar: 'Unconstitutional Conditions in Wills'. The student was awarded an upper second-class pass.
- Abdul Qadir Sayed: 'Rescission of Judgments'. The student received an upper second-class pass.
- Richard Vincent: 'The Application of the Benningfield Exception in the Law of Trusts'. The student was awarded an upper second-class pass.
- Michael Laws: 'The use of ADR in Service Delivery Disputes.' The student achieved a distinction.
- Michael Crystal: 'A Critical Evaluation of the Proposed Court-Annexed Mediation Rules of the Magistrates' Courts'. The student achieved a distinction.
- Richard Maccallum 'Continuing Powers of Attorney and its Impact on the Aged and those with Mental Disability'. The student achieved an upper second-class pass.
- Preshantini Moodley 'Discrimination Against Men in Custody Suits'. The student achieved an upper second-class pass.

- Jennifer Robertson ‘A Critical Evaluation of the Constitution’s Impact on Trust Provisions.’ The student achieved an upper second-class pass.
- Emma Smith ‘Stollen Sperm and Maintenance Obligations’. The student achieved a distinction.

PUBLICATIONS

- Mohamed Paleker ‘Reflections on *Wallage v Williams-Ashman & Others* 2023 (4) SA 113 (SCA): The Optimism Bias, Freedom of Testation, Property Rights and Vesting’ 2025 (142) 4 *South African Law Journal* 659.
- Mohamed Paleker ‘Succession’ *Yearbook of South African Law 2023/2024* (2025) 856-896.
- Mohamed Paleker ‘Initiation of Civil Suits – A Comparative Law Perspective’ in Maragaret Woo and Remco van Rhee (eds) *Comparative Civil Procedure* (2025), Edward Elgar Publishing, United States 187-222.
- Mohamed Paleker ‘The Draft-Lower Courts Bill – A Serious Attempt to Transform the Civil Justice System or Another Window-dressing Exercise 2024 (3) *SALJ* 437-454.
- Jamneck, Rautenbach, Paleker, Van der Linde, Wood-Bodley *Law of Succession in SA*, 4ed, 2024, Oxford University Press.
- Gys Hofmeyr & Mohamed Paleker *Law of Succession in South Africa* (2023) 1-1066, Juta Publishers, Cape Town.
- Mohamed Paleker – Book Review – ‘Herbstein and Van Winsen: The Civil Practice of the Superior Courts of South Africa by Mervyn Dendy and Cheryl Loots’ (2023) 140 *SALJ* 893-202
- Mohamed Paleker ‘Murder and Fraud for Inheritance: Smit v The Master of the High Court, Western Cape’ (2023) 140 *SALJ* 465-481.
- Mohamed Paleker - Book Review – ‘Mediation in Contemporary Chinese Civil Justice: A Proceduralist Diachronic Perspective, by Peter C H Chan’ (2021) 29 *Asia Pacific Law Review* 215-219.
- Mohamed Paleker – Book Review – ‘The Supreme Court of Namibia, by Petrus T Damaseb ‘ (2022) 139 *SALJ* 717-723
- Mohamed Paleker *The South African Sheriffs’ Guide: Practice and Procedure*, 2016, Juta Publishers, Cape Town, Revision Service 1
- Jamneck, Rautenbach, Paleker, Van der Linde, Wood-Bodley *Law of Succession in SA*, 2ed, 2016, Oxford University Press.
- Mohamed Paleker *The South African Sheriffs’ Guide: Practice and Procedure*, 2015, Juta Publishers, Cape Town 1-750.
- Marius de Waal & Mohamed Paleker (eds) *South African Law of Succession and Trusts” – The Past Meeting the Future and Thoughts for the Future*, 2014, Juta Publishers, Cape Town.
- Daniel MacKintosh & Mohamed Paleker ‘The Grandchild’s Claim to Maintenance from a Deceased Grandparent’s Estate’ 2014 *Acta Juridica* 41-77
- Mohamed Paleker “Civil Procedure in the Magistrates Courts of South Africa” (2014) volume 3 *Law of South Africa*, LexisNexis Butterworths, 1-250.
- Mohamed Paleker ‘Fact and Truth-Finding in South African Civil Procedure’ in R Rhee & A Uzelac (ed) *Truth and Efficiency in Civil Proceedings* (2013) Intersentia 189-218
- Mohamed Paleker ‘Civil Procedure in South Africa: The Past, The Present and the Future’ 2011 (16) *ZZPInt* 343-368.
- Jamneck, Rautenbach, Paleker, Van der Linde, Wood-Bodley *Erfreg in Suid Afrika* (2de uitgawe, 2013, Oxford University Press.

- Jamneck, Rautenbach, Paleker, Van der Linde, Wood-Bodley *Law of Succession in SA*, 2ed, 2012, Oxford University Press.
- Jamneck, Rautenbach, Paleker, Van der Linde, Wood-Bodley *Erfreg in Suid Afrika*, 2009, Oxford University Press.
- Mohamed Paleker “Succession” in Francois du Bois (ed) *Wille’s Principles of South African Law*, 9th edition, 2007, Juta Publishers, Cape Town.
- Mohamed Paleker ‘Mediation in South Africa: Here But Not All There’ in N Alexander (ed) *Global Trends in Mediation*, 2nd edition, 2006, Kluwer Publications.
- Mohamed Paleker ‘Letters of Demand (*Interpellatio Extrajudicialis*): Form and Substance’ 30:1 (2005) *Journal for Juridical Science* 68-89, University of the Free State.
- Mohamed Paleker ‘Bekker v Naude & Others: The Supreme Court of Appeal Settles The Meaning of “Drafted” in Section 2(3) of the Wills Act but Creates a Potential Constitutional Problem’ 121 (2004) *SALJ* 27-33, Juta Publishers, Cape Town.
- Mohamed Paleker ‘Court-Connected ADR in Civil Litigation: the Key to Access to Justice in South Africa’ 6:3 (2003) *Australian ADR Bulletin* 48-50, Richmond Publishers, Australia.
- Mohamed Paleker ‘The Changing Face of Mediation in South Africa’ in N Alexander (ed) *Global Trends in Mediation* (2003) 301-340, Centrale für Mediation Gmb & Co. KG, Germany).
- Mohamed Paleker ‘Mediation in the Family Court. Mountains Promised Molehills delivered’ (2002) 10 *Juta’s Business Law* 13-19, Juta Publishers, Cape Town.
- Waheeda Amien & Mohamed Paleker ‘Women’s Rights 1997-1998’ *South African Yearbook of Human Rights (1997-1998)* 321-390, Centre for Socio-Legal Studies, University of Natal, Durban.

Forthcoming publications

Mohamed Paleker ‘Reflections on *Wallage v Williams-Ashman & Others* 2023 (4) SA 113 (SCA): The Optimism Bias, Freedom of Testation, Property Rights and Vesting’ *South African Law Journal*.

Mohamed Paleker ‘The New Small Claims Rules – Finally a Step in the Right Direction’ *PELJ*.

Magdalena Tulibacka, Peter C N Chan, Mohamed Paleker, Eduardo Silva de Freitas ‘European Civil Procedure From a Non-European Perspective’ in Xandra Kramer, Stefaan Voet, Adriani Dori (ed) *European Civil Procedure* Chapter 25 569-621.

INTERNATIONAL RESEARCH AFFILIATIONS

I was a Max Planck scholar until 2024, working on a global comparative study on various aspects of Civil Procedure. Our work was published in a multi-volume encyclopaedia.

PROFESSIONAL TRAINING

To date, I have trained more than 100 mediators in court-annexed mediation.

I provided training to judicial officers (magistrates) on judicial ethics. I trained court officials both in South Africa and across the SADC region.

ADVOCACY WORK

In the past, I assisted the Women's Legal Centre and the Gender Commission with some advocacy work relating to succession and family law.

EDITORIAL WORK AND EXTERNAL EXAMINING

Assistant editor of the South African Law Journal – 2019-2022.

I have acted as the reviewer for several law journals, examined several Master's theses, and been the external examiner for several courses at different South African universities.

LAW COMMISSIONS, LEGISLATIVE DRAFTING AND OTHER LEGAL SERVICES

- 2005-2013 – Ministerial Task Team for Small Claims Courts.
- 2008 – Advisory member to the South African Law Reform Commission for the Revision of the South African Statute Book, Project 25.
- 2012-2017 – Member of the Rules Board for Courts of Law, appointed in terms of the Rules Board for Court of Law Act 107 of 1985. I sat on the High Courts Committee, Magistrates' Courts Committee, the ADR Committee, the Small Claims Courts Committee, and the Editorial Committee. I chaired the ADR Committee, the Small Claims Courts Committee and the Editorial Committee.
- 2016-2018 – Superior Courts Task Team.
- 2015-2017 – Ministerial Advisory Committee for Court-Annexed Mediation.
- 2020-to 2024 – South African Law Reform Commission advisory member, Relocation of Children and Alternative Dispute Resolution in Family Law, Project 100D.
- 2024 to present – Chairperson of the National Ministerial Task Team into Small Claims Courts.

CONFERENCES, WORKSHOPS, LECTURES

- 2024 – Presented professorial inaugural address "The "One-Shotter"– "Repeat-Player" Dichotomy in the South African Civil Justice System: Transformative Steps to Bridge the Gap. I subsequently presented this lecture to the Cape Bar at their invitation.
- 2023 – Presented a comparative law paper on transfer jurisdiction rules at the Max Planck Institute on Procedural Law in Luxembourg.
- 2023 – Presented a comparative law paper at Maastricht University in the Netherlands on the initiation of civil suits in common law and civil law countries.
- 2022 – Presented three seminars for the South African Law Reform Commission on Collaborative Lawyering and Mediation in Family Disputes.
- 2021 – Presented two online papers to Max Planck at the Conference on Comparative Civil Procedure. The first dealt with Jurisdictional Transfer, and the second was on Initiation of Civil Suits.
- 2020 – Attended a conference at the University of Toyoko, Japan, where I presented a paper on Civil Procedure in Africa.
- 2016 - Presented a seminar to the Cape Law Society on the Interpretation of Wills.
- 2013 - Presented a paper at the Law of Succession and Trusts Conference at the University of Pretoria on the Incorporation by reference to the South African Law of Succession 2014-2013- 2017 – Presented conference papers at various Civil Procedure conferences organised by the Department of Justice. I presented on ADR, judicial case flow management, legal costs, and judicial sales in execution.
- 2012 — Convened and Hosted a Law of Succession and Trusts Conference at the University of Cape Town and presented a paper on The Recognition of a Grandchild's Claim for Maintenance from a Deceased Grandparent's Estate. I also gave a paper at the Fiduciary Institute of South Africa Conference, Cape Town, on the Development of Maintenance Claims Against Deceased Estates: South Africa versus Global Trends.

- 2011 — Presented a paper on Truth and Efficiency in South African Civil Procedure at the University of Zagreb, Dubrovnik, Croatia.
- 2010 — Presented a paper at the University of the Western Cape in September 2010 on the doctrine of collation in the law of succession. Also presented a paper at the Ius Commune Conference in Belgium on Access to Civil Justice in South Africa.
- 2008 — Presented a paper at the University of Malaysia on Court-Connected Mediation under the Children's Act 38 of 2005. I was invited to do so by the Asia-Pacific Mediation Forum.
- 2006 — Presented a paper at the University of the South Pacific, Suva, Fiji, on *Court-Connected Models of Alternative Dispute Resolution in Civil Matters*. Also presented a seminar to faculty members and postgraduate students at the University of Aberdeen, Scotland, on challenges to *Freedom of Testation in South Africa*.
- 2005 — Presented a paper at the Commonwealth Legal Education Conference on Customary Inheritance Practices in a Roman-Dutch Legal System Informed by Constitutional Principles.
- Chaired a session at the Research Unit for Legal & Constitutional Interpretation (RULCI) Conference held at the University of Cape Town.
- 2004 — Presented a seminar at the Faculty of Law, University of Aberdeen, Scotland. I discussed the *Impact of the South African Bill of Rights on the Law of Succession*.
- 2003 - Presented a paper in Cape Town at a conference arranged by the Department of Justice and Constitutional Development on the *Reformulation of Small Claims Courts in South Africa*.
- 2002 – Presented a paper and a poster on *ADR in Civil Litigation* at the 16th Congress of the International Academy of Comparative Law held in Brisbane, Australia. I also sat as a moot judge at the 11th African Human Rights Moot Court Competition in Cairo, Egypt.

FACULTY AND UNIVERSITY ADMINISTRATION

Current:

Chair of the Law Faculty Library Committee – 2020 to date

Chair of the UCT Library Working Group – 2024 to date.

Chair of the Specifications Committee for the Restoration of the Jagger – 2025 to date.

Member of the Project Implementation Committee for the Restoration of the Jagger – 2025 to date

Member of the Legal Aid Clinic (UCT) Steering Committee – 2018 to date

Academic Planning Committee 2023 to date.

LLB Final Year co-ordinator – 2011-2016; 2023 to date.

UCT Adjunct Professors Nominations Committee 2024

Ad Hoc Curriculum Review Committee 2023 to date.

UCT Teaching and Learning Committee 2024 to date.

Previous committees and positions held:

Distinguished Teachers Committee (UCT), Teaching Grants Committee (UCT), *Ad hoc* Committee on Promotions (UCT), Moots Committee (faculty), Academic Planning Committee (faculty), Admissions and Concessions Committee (faculty), Faculty Management Committee (faculty), Dean's Advisory Committee (faculty), Community Service Committee (faculty).

Chairperson of the School for Legal Practice, Cape Town – 2010-2018

Co-ordinator of the UCT/Florida Summer School Law Programme

LLB Intermediate year co-ordinator – 2005-2010

LLB Final Year co-ordinator – 2011-2016
Head of Department – 2018-2020

NARRATIVE ON MY CV

Throughout my career, I have sought to make legal education more thoughtful, inclusive, and relevant to the lives of ordinary people. Law should not only teach rules but also encourage students to ask who the law serves, who it excludes, and how it can be improved. As a teacher, researcher, law reformer, and university leader, I have worked to ensure that legal education remains grounded in justice.

I have taught law at UCT for over twenty years, instructing thousands of students and supervising more than twenty graduate dissertations, many of which have contributed meaningfully to legal scholarship. Several of my students have gone on to doctoral and postdoctoral fellowships at institutions such as Harvard and Oxford, while others have become influential lawyers and social justice advocates. I have received teaching awards at both university and national level, but what matters most to me is helping students, especially those from disadvantaged backgrounds, find their voice. I have taught students from Soweto to Llandudno, and I now teach the children of my former students. Regardless of language, class, or schooling, I want all students to feel they belong in our classrooms and within the legal profession.

My postgraduate supervision has supported bold, original research often rooted in empirical work and driven by the desire to bring about social change. Topics have included domestic violence mediation in Ghana, succession law reform, wealth redistribution, children's rights, juries in a post-apartheid context, online dispute resolution, and judgment writing. These projects have helped build the next generation of African legal scholars, many of whom now work in academia, policy, and public interest law.

My own research focuses on civil procedure, family law, succession, and access to justice, areas often overlooked but central to people's experiences of the legal system. I have published extensively on mediation, court procedure, inheritance, and legal transformation. Until 2024, I was a Max Planck Scholar, contributing to a global comparative law project on civil procedure. Our work, published in a multi-volume international encyclopaedia, addresses procedural fairness and access to justice across legal traditions. I also authored *The South African Sheriffs' Guide*, a practical tool that has improved accountability within an often-neglected part of the justice system.

Much of my scholarship is critical in nature. I have written on the limits of formal equality, the risks of unexamined judicial discretion, and how legal rules can reinforce structural inequality. In a recent piece, I examined how freedom of testation conflicts with constitutional values, showing how entrenched property interests and psychological biases hinder reform. Having contributed to the constitutional drafting process in the 1990s, I believe legal scholarship must not only interpret the law but also challenge it.

This critical lens also informs my law reform work. I have served on the Rules Board for Courts of Law in various capacities, including as chair of its Alternative Dispute Resolution and Small Claims Committees. I helped draft court rules, consulted on succession law reform, and trained over 100 mediators nationally. I have worked closely with the South African Law Reform Commission on projects related to family law mediation, relocation of children, and the review of outdated legislation. I have also collaborated with civil society organisations, including the Women's Legal Centre and the Gender Commission, offering strategic legal input on succession and family law matters.

Currently, I co-chair the National Small Claims Courts Committee with the Deputy Minister of Justice. I have long advocated for mediation and alternative dispute resolution and played a leading role in introducing court-annexed mediation in South Africa through Uniform Rule 41A and Chapter 2 of the Magistrates' Courts Rules. I have also contributed to reforms relating to access to information, administrative justice, and judicial sales in execution, particularly concerning vulnerable homeowners. My aim in all of this is to make legal processes fairer, more responsive, and accessible to all.

Internationally, I have presented at conferences on legal reform, civil procedure, and access to justice. These engagements have enabled me to bring African perspectives into global conversations and to draw comparative insights to inform our own legal developments. My work with the Max Planck Institute deepened my appreciation for the diversity of legal systems and their potential to learn from one another.

Within the university, I have served as Head of Department, chaired several faculty and university committees, including the Library Committee, the Legal Aid Clinic Steering Committee, and the Academic Planning Committee. I am currently involved in efforts to restore the Jagger Library. I have coordinated the LLB programme at various levels and chaired the Cape Town School for Legal Practice. My contributions to curriculum development, both formal and informal, aim to enhance student experience, modernise content, and promote inclusive, evidence-based transformation in legal education.

In these roles, I have learned to lead, collaborate, and manage scarce resources. Whether coordinating library restoration, overseeing training programmes, or working with the Department of Justice, I have developed budgets, set priorities, and navigated complex decision-making while keeping people and purpose at the centre.

Administration must support, not stifle, the academic mission. I have been openly critical of management practices that ignore staff needs or discourage innovation. Leadership, for me, means listening, acting with empathy, and making thoughtful decisions. I do not believe in micromanagement, but I do believe in responsibility and honest, principled governance.

While most of my external funding efforts have supported my own research and teaching, I understand the importance of financial sustainability. I maintain strong relationships with alumni, the profession, and public institutions.

I care deeply about my work. I bring energy, commitment, and focus to everything I do. I believe in teamwork, but I also step forward when leadership is needed. Above all, I want our work to matter and to leave behind something better than what we found.