

Publications

1. Authored: Journals

- 1.1 2024. Van Eck, M “Overcoming language barriers in contracts – A South African perspective” *BRICS Law Journal*, 2024 11(1): 103-130.
- 1.2 2024. Van Eck, M “The application of the subsidiarity principle in contracts” *THRHR (Journal of Contemporary Roman-Dutch Law)*, 2023 87(2): 223-231.
- 1.3 2023. Van Eck, M “Covid-19: A breeding ground for academic dishonesty?” *Stell Law Review* 2023 34(1): 122-136.
- 1.4 2023. Van Eck, M “Augmenting ethics and the normative value system in the regulation of emerging technologies” *TSAR* 2023 (3), 476-492.
- 1.5 2023. Van Eck, M “The evolution of the non-oral modification clause” *International Journal of Private Law*, 2023 11 (1), 1-14. (Scopus, DOI: 10.1504/IJPL.2023.10054943).
- 1.6 2023. Van Eck, M “The virtues and vices of legal practitioners in the use of contingency fee agreements” *THRHR (Journal of Contemporary Roman-Dutch Law)*, 2023 88(2) 200-212.
- 1.7 2022. Van Eck, M “Good faith is not dead: it still lives after *Beadica 231 CC v Trustees, Oregon Trust*” *SA Merc LJ* 34(2) 29-51.
- 1.8 2022. Van Eck, M “A cautionary tale of litigation, liability and ethical responsibilities in the legal profession” *TSAR* 2022 (4), 798 – 808. (Case discussion)
- 1.9 2022. Van Eck, M “The use of electronic signatures in property transactions: has the law changed?” *THRHR (Journal of Contemporary Roman-Dutch Law)* 2022 (85), 422-429. (Case discussion)
- 1.10 2022. Van Eck, M “Duties of the contract drafter” *Journal for Juridical Science* 2022 47(1), 1-26.
- 1.11 2022. Van Eck, M “Achieving gender neutrality in contracts” *Obiter* 2022 43(1), 104-123.
- 1.12 2021. Van Eck, M “Ethical and professional duties of legal practitioners: another casualty of Covid-19?” *TSAR* 2021 (2) 396-408. (Case discussion)
- 1.13 2021. Van Eck, M “The third branch of the legal profession.” *TSAR* 2021 (2), 256-278.
- 1.14 2020. Van Eck, M “A framework for professional duties and the liability of legal practitioners in the payment of trust monies” *TSAR* 2020 (4), 846-860. (Case discussion)

- 1.15 2020. Van Eck, M “Decolonising legal education in South Africa: Is it time to press the reset button?” *Journal of Decolonising Disciplines* 2020 (2)(1) 1-26 (eISSN: 2664-3405), (DOI: <https://doi.org/10.35293/jdd.v2i1.45>).
- 1.16 2020. Van Eck, M “Ethical and professional duties in the use of recycled legal instruments – a trio of cases” *TSAR* 2020 (2), 354-368. (*Case discussion*)
- 1.17 2019. Van Eck, M “Limitation of liability in private security contracts : national interest or private contractual engagement?” *SA Mercantile Law Journal* 2019 31(2), 321 –340.
- 1.18 2019. Van Eck, M ‘Ignore this heading. It will not influence your interpretation of this article ... or will it?’ *De Jure Law Journal* 2019, 447-457(<http://dx.doi.org/10.17159/2225-7160/2019/v52a23>).

2. Authored, Co-Authored & Contributions: Book, Textbook and Monograph Chapters

- 2.1 2022. Van Eck, M “Shifting of the academic landscape during Covid-19 and beyond” (221-243) In: Watney, MM (ed). *The Impact of Covid-19 on the Future of Law* (2022) UJ Press (ISBN 978-1-7764056-4-0).
- 2.2 2021. Van Eck, M “The consequences of the tenant’s failure to fulfil their payment obligations during Covid-19 and the national lockdown” (141-164) In: Boggenpoel ZT, Van Der Sijde E, Tlale, MT & Mahomed, S (eds). *Property and Pandemics Property Law Responses to Covid-19* (2021) Juta (ISBN 978-1-48513-869-3).
- 2.3 2021. Lutman, K & Van Eck, M “Restitution after failed contracts” (221-249) In: Fourie, E & Skerl, JK (eds). *Universality of the Rule of Law Slovenian and South African Perspectives* (2021) Sun Press (ISBN 978-1-991201-60-7).
- 2.4 2020. Konyn, I, Baqwa, D & Van Eck, M “The Law of Lease” (241-280) In: Scott J & Cornelius S (eds). *The Law of Commerce in South Africa* (2020) 3rd ed Oxford University Press South Africa (ISBN 978-0-19-075348-1).
- 2.5 2020. Van Eck, M “Institutional legal education amidst a whirlwind of change” (41-58) In: Njotini M & Mpedi LG (eds), *Law and Industry 4.0 - Selected Perspectives on a New Scholarship of Teaching and Learning* (2020) LexisNexis (ISBN 978-0-63901-371-8).
- 2.6 2020. Van Eck, M “The disruptive force of smart contracts” (21-45) In: Doorsamy W., Paul B., Marwala T. (eds), *The Disruptive Fourth Industrial Revolution. Lecture Notes in Electrical Engineering*, Vol 674. Springer, Cham (2020) (ISBN (e) 978-3-030-48230-5).

3. Co-Authored: Journals

- 3.1 2023. Van Eck, M & Agbeko, F “Electronic persons in contracts” *Obiter* 2023 4(8): 808-827. (DHET)
- 3.2 2023. Van Eck, M & Huneberg, S “Big data in insurance contracts – a tool for good, or bad?” *De Jure* 2023 (56): 445-467. (DHET)

- 3.3 2023. Van Eck, M & Rosenberg, W “The fight for the child in “smart” surrogate motherhood agreements” *TSAR* 2023(4): 735-745.
- 3.4 2023. Van Eck, M & Van Staden, M “Workplace bullying in the legal profession” *SALJ* 2023 140(3): 647-677. (IBSS).
- 3.5 2023. Van Eck, M & Huneberg, S “The Dismantling Force of Smart Contracts in South African Policyholder Protection” *TSAR* 2023: 3, 521-532.
- 3.6 2021. Van Staden, M & Van Eck, M “Is Retirement Age a Moving Target? A Review of Recent Jurisprudence” *ILJ* 2021 (42), 2099-2115.
- 3.7 2021. Van Staden, M & Van Eck, M “A compensation framework for (procedurally) unfair dismissals in employment contracts” *TSAR* 2021 (4), 843-858. (*Case discussion*)
- 3.8 2020. Van Eck, M & Van Staden, M “The contract of employment in the time of the Coronavirus” *TSAR* 2020 (4), 807-824.
- 3.9 2009. Malherbe, R & Van Eck, M “State non-compliance with legal duties: the Constitutional Court finally cracks the whip” *TSAR* 2009 (1), 191-198.
- 3.10 2009. Malherbe, R & Van Eck, M “The state’s failure to comply with its constitutional duties and its impact on democracy” *TSAR* 2009 (2), 209-223.

4. Media engagements and opinion pieces

- 4.1 2024. Van Eck, M “Be warned: WhatsApp text can be legally binding agreement” (13 March 2024) Sowetan Live.
- 4.2 2024. Domingo, W and Van Eck, M “The benefit of ChatGPT beats the risk” (2 February 2024) Citizen Newspaper (ThinkPiece).
- 4.3 2024. Van Eck, M “Education key to combat bad ethical habits from destroying our democracy” (25 January 2024) Sowetan Live.
- 4.4 2023. Van Eck, M “Chatbot GPT signals the end of education as we know it” (11 February 2023) Saturday Star.
- 4.5 2023. Van Eck, M “Buying a property? Beware of scammers intercepting the payment” (8 February 2023) News24 Business.
- 4.6 2022. Van Eck, M & Huneberg, S “Massive reform needed to protect our personal information” (30 June 2022) African News Agency.
- 4.7 2022. Van Eck, M “Ryanair’s Afrikaans language test debacle is both a social justice and consumer issue” (20 June 2022) Daily Maverick.
- 4.8 2022. Van Eck, M & Boniface, A “Haven’t been to school? Off to prison your parents go!” (15 May 2022) Saturday Star.
- 4.9 2022. Radio Interview by John Maytham (08 April 2022 at 17h05) on the Cape Talk’s Afternoon Drive regarding the Daily Maverick opinion piece “Education

can be the much needed booster shot in the fight against South Africa's moral decay"

4.10 2022. Van Eck, M "Education can be the much needed booster shot in the fight against South Africa's moral decay" (6 April 2022) *Daily Maverick*.

5. Other publications and contributions

- 5.1 2023. Van Eck, M "Pitfalls and traps for legal practitioners when using ChatGPT" *De Rebus* September 2023, 11.
- 5.2 2023. Van Eck, M "Chatting with ChatGPT: Will attorneys be able to use AI to draft contracts?" *De Rebus* April 2023, 12-14.
- 5.3 2022. Van Eck, M "The lack of contractual capacity – a fatal blow to contingency fee agreements. *Vallaro obo BR v Road Accident Fund* 2021 (4) SA 302 (GJ) and *Bouwer obo MG v Road Accident Fund* 2021 (5) SA 233 (GP)" *De Rebus* May 2022, 31.
- 5.4 2022. Van Eck, M "Citing spouses married in community of property in contracts" *Without Prejudice* March 2022, 34-35.
- 5.5 2022. Van Eck, M "Duties of practitioners to court? *Mzayiya v Road Accident Fund* [2021] 1 All SA 517 (ECL)" *De Rebus* January / February 2022, 32-33.
- 5.6 2021. Van Eck, M "Product Generated Knowledge Maps for Online Learning Platforms" (51-56) In: *Teaching Innovation for the 21st Century: A collection of UJ teaching and learning vignettes* (June 2021) University of Johannesburg (ISBN 978-0-620-94229-4).
- 5.7 2020. Van Eck, M "Merry Christmas! Terms and Conditions Apply" (34-38) In: Mpedi, LG (ed) *Santa Claus: Law, Fourth Industrial Revolution, Decolonisation and Covid-19* (2020) Sun Media under the SUN OA imprint.
- 5.8 2018. Van Eck, M "Non-variation clause: Shifren to the electronic age" *Without Prejudice* June 2018, 16.
- 5.9 2018. Van Eck, M "What does a comma have to do with it?" *De Rebus* June 2018, 4.
- 5.10 2016. Van Eck, M "Updating *domicilium* provisions" *Without Prejudice* December 2016, 28.
- 5.11 2016. Van Eck, M "Drafting and interpreting of *domicilium* provisions" *De Rebus* December 2016, 4.
- 5.12 2013. Van Eck, M "The efforts standards: how hard should you try?" *De Rebus* September 2013, 19.
- 5.13 2012. Van Eck, M "Guidelines for plain language" *De Rebus* June 2012, 21.
- 5.14 2012. Van Eck, M "The State Liability Act – clarity on satisfaction of court orders against the State" *De Rebus* March 2012, 17.

5.15 2011. Van Eck, M “Impact of UK Bribery Act on South Africa” *De Rebus* September 2011, 23.

5.16 2010. Van Eck, M “The Protection of Personal Information Bill: an overview” *De Rebus* October 2010, 24.
