



HERBERT CHITEPO LAW SCHOOL

BACHELOR OF LAWS HONOURS DEGREE

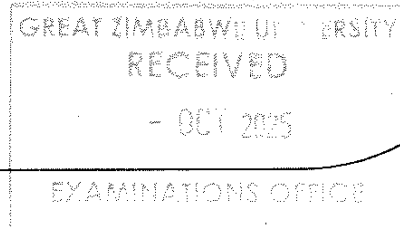
LEVEL 3 SEMESTER

EXAMINATION QUESTION PAPER

MODULE CODE	LLB 322
MODULE NARRATION	LEGAL ETHICS AND PROFESSIONAL TRAINING
DATE	2025
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES:

1. Answer THREE questions in all. **Section A is compulsory. Answer any two questions from section B.**
2. You are advised to read all questions carefully before attempting to answer any.
3. You are advised to cite relevant authorities to support your answers.
4. Write legibly.
5. Candidates may bring into the examination room clean copies of the following:
 - a. **Legal Practitioners Act [Chapter 27:07] and any By-Laws and Regulations made thereunder.**
6. This examination contains 4 pages including the cover page.



SECTION A

THIS SECTION IS COMPULSORY ANSWER ALL QUESTIONS.

QUESTION 1

- (a) Mr Bean sought the services of a registered legal practitioner Barrister Kasongo to represent him in a case for adultery damages where Mr bean is the plaintiff. Following the initial consultation and the subsequent meeting to analyse the evidence in the matter as well as review of the nature of the claim, barrister Kasongo drafted and issued the summons at Masvingo High Court and served them to the defendant. Barrister Kasongo did not allow Mr Bean an opportunity to have sight of the summons before issuing them, even afterwards. Mr Bean expressed his concern that he did not have sight of the pleadings which are now before the court, neither was he given a chance to review same and make additions if any, given that the matter was his and Kasongo was engaged on his behalf. After filing the pleadings, Barrister Kasongo did not inform Mr Bean about the progress of the matter. He only called his client over the phone asking for payment of US \$ 500.00 without stating what the money was for. Barrister Kasongo also proceeded to enter into an out of court negotiation with counsel for the defendant and its client and they eventually came up with a draft deed of settlement which Barrister Kasongo signed on behalf of Mr Bean without his knowledge.

Discuss Barrister Kasongo's ethical conduct in context of the Legal Practitioner's Act, [Chapter 27:07], the Law Society of Zimbabwe By-Laws and Regulations made thereto, as well as the common law rules of professional ethics. **[20 Marks]**

- (b) Explain **any three** of the following legal ethics principles;

- (i) Champerty;
- (ii) Contingency fee arrangements;
- (iii) Confidentiality;
- (iv) Trust Bank Account;
- (v) Duty not to mislead court.

[10 Marks]

[Total :30 Marks]

SECTION B

ANSWER ANY TWO QUESTIONS FROM THIS SECTION.

QUESTION 2

Analyze the concept of a closed profession in the context of the legal field. Discuss the rationale for giving lawyers a monopoly and the implications of such a structure. In your answer, include an analysis of the threats posed to the work of lawyers by individuals and entities encroaching on traditional legal roles.

[20 Marks]

QUESTION 3

Discuss the establishment and maintenance of the trust accounts by legal practitioners, and the law society's supervisory role of such accounts. In your answer, make reference to relevant legislation applicable and any decided case law.

[20 Marks]

QUESTION 4

You are approached by Zigi Mafia who lives abroad. He advises you that he is in Zimbabwe for a very short period and he is pressed for time.

He has a transaction which requires an affidavit that should be filed on his behalf and that certified copies of his degree and transcript be certified. He shows you the original, he signs the affidavit before you but asks that you get one of your friends to "commission" the affidavit since you cannot do it. He also asks you to request the same friend to certify the degree certificate and transcript.

Discuss the propriety of the request and what you would do in such a situation. In your answer, make reference to relevant legislation and ethical duties involved.

[20 Marks]

QUESTION 5

"It is also trite that a prosecutor tasked with the prosecution of a criminal offence owes a duty to the court to conduct the trial in a manner which embraces the concept of providing a fair trial to the accused person. This duty includes the duty to disclose to the court any facts or documents that are in favour of the accused person. In situations where a witness has made statements which are contradictory or are inconsistent with the evidence presented to court, it is incumbent upon the representative of the State to make known these inconsistencies or furnish the defence with the statements concerned."

Critically analyse this statement in the context of the ethical duties of prosecutors in Zimbabwe. Discuss how these duties ensure a fair trial and the administration of justice. Provide examples from case law and statutory provisions to support your analysis. **[20 Marks]**

TOTAL EXAM MARKS [70]

END OF QUESTION PAPER