



HERBERT CHITEPO LAW SCHOOL
DEPARTMENT OF LAW
BACHELOR OF LAW HONOURS DEGREE
EXAMINATION QUESTION PAPER

MODULE CODE	LLB121
MODULE	LEGAL RESEARCH, WRITING AND REASONING
DATE	2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES

- 1. READ ALL QUESTIONS AND FOLLOW INSTRUCTIONS.**
- 2. THE EXAMINATION IS OUT OF 70 MARKS.**
- 3. SECTION A IS COMPULSORY**
- 4. ANSWER ANY 2 QUESTIONS FROM SECTION B**
- 5. THIS IS A CLOSED BOOK EXAMINATION; STUDENTS SHALL NOT USE ANY MATERIAL.**
- 6. THIS PAPER CONSISTS OF FOUR PAGES, INCLUDING THE COVER PAGE**

SECTION A (COMPULSORY)

QUESTION 1

Talent and Horatio have been married for over 20 years. They have three 'children' who include three girls (all of whom are over the age of 18 years) and a boy aged 8 years. While driving from their farm to Harare, where Horatio (the Husband) works, the couple is involved in a fatal car accident that leaves the wife severely injured and fighting for her life. By the grace of God, Talent eventually survives the car crash and is able to lead a relatively normal life again. During the subsistence of the marriage, the husband was the sole breadwinner and the wife never took any sort of formal employment. It turns out that they had built a mansion in Borrowdale Brook, Harare, where they and their children lived for a better part of their lives ie over 15 years. They also acquired a farm and numerous businesses in mining, manufacturing and agriculture. At Horatio's burial, two other women with one boy each emerge and allege that the two boys are Horatio's children. The two even had birth certificates indicating that Horatio is their father. A serious legal dispute emerges relating to whether these children should inherit and if so, how much. In the meantime, there are also disputes relating to whether the deceased's estate was appropriately valued and the surviving spouse thinks she and her 'children' only are entitled to inherit. Six years after her husband's death, Talent decides to remarry in community of property, even as the inheritance dispute rages on, and unfortunately dies in the third year of her second marriage, leaving one infant from the second marriage and the other 'children' from the first marriage.

You are a judge of the High Court of Zimbabwe and have been tasked with determining the issues involved, the relevant law and the final determination of the legal question.

(a) Identify the legal issues involved. In your answer, explain the steps that must be considered in issue identification. **[10]**

(b) Identify the applicable law and apply the relevant provisions thereof to the issues before you. Explain whether the premises stipulated in the applicable law have been met. **[20]**

[Total Mark 30]

Section B

Answer any two questions

Question Two

Describe the following methods of legal analysis:

- (a) Policy-based analysis; [5]
- (b) Tradition-based analysis [5]
- (c) Textual analysis and legislative intent [10]

[Subtotal 20 Marks]

NB in your answers to the questions stipulated above, explain the different contexts in which the different forms of legal analysis are often used.

Question Three

The ability to use methods of reasoning is one of the most essential cognitive skills that lawyers can acquire. Discuss and distinguish the various reasoning methods listed below and give relevant legal examples and or case law to demonstrate relevance.

- a) Deductive Reasoning (4)
- b) Inductive Reasoning (4)
- c) Conductive Reasoning (4)
- d) Analogical reasoning (4)
- e) Some of the most often-encountered fallacies are cases irrelevant to the premises. For such during a road traffic accident matter the prosecutor asked the following questions:

Prosecutor: "Did you have bottles of Castle Light under the driver's car seats at the time of the accident?"

Accused: "Look, If I had been drunk at the time of the accident I would not have been able to stop the car as quickly as I did".

Define what is a fallacy and further identify the type of fallacy in the above scenario. (4)

Question 4

- a) Explain what is meant by the word non sequitur. (2)
- b) Discuss the hierarchy of courts and the implications of this on the precedent system. In your discussion also mention the strengths and weaknesses of the precedent system. (8)
- c) Explain what is meant when a case is said to be "on point". What is the significance of having a case on point? (10) [subtotal 20 Marks]

Question 5

As a response to the corona virus pandemic, the Government of Zimbabwe placed the nation under lockdown. According to the Minister of Health, this was done to slow down the rate of infection. Discuss how the nationwide lockdowns affected the enjoyment of rights and give an opinion as to whether this limitation of rights was in line with the requirements of section 86 of the 2013 Zimbabwean Constitution. [20]

TOTAL MARK OUT OF 70