



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

THIRD YEAR EXAMINATION FOR THE AWARD OF
THE DEGREE OF BACHELOR OF LAWS
FIRST SEMESTER, 2023/2024
(AUGUST-DECEMBER, 2023)

LLBK 314: PROFESSIONAL ETHICS

STREAM: Y3 S1

TIME: 2 HOURS

DAY: TUESDAY, 12:00 – 2:00 PM

DATE: 21/11/2023

INSTRUCTIONS

- 1. Do not write anything on this question paper.**
- 2. Answer Question ONE (COMPULSORY) and any other TWO questions.**
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.**

QUESTION ONE

- a. A known individual was exposed on social media as not being qualified to practice as an advocate. Advise Cesna who is facing criminal charges and is out on a bond of her options considering that she gave this individual money and he has paid her cash bail in his name. Consider that the individual was paid a deposit on fees and Cesna gave the individual a motor vehicle registration book as security for the balance of professional fees. The individual had assured Cesna ‘...I guarantee you will be acquitted...’

(15 marks)

- b. In the whirl of social media, Cesna has been told that some email he shared with the said individual has been screen- shot and widely circulated. Explain to Cesna whether he can take any action against the individual for the leak of their communication.

(15 Marks)

QUESTION TWO

Lord Brougham is quoted as having once said:

“An advocate, by the sacred duty which he owes his client, knows in the discharge of that office but one person in the world – the client and none other. To save the client by all expedient means, to protect the client at all hazards and costs to all others and among others to himself, is the highest and most unquestioned of his duties; and he must not regard the alarm, the suffering, the torment, the destruction which he may bring on any other. Nay, separating even the duties of a patriot from those of an advocate and casting them if need be to the wind, he must go on reckless of the consequences, if his fate it should unhappily be to involve his country in confusion for his client’s protection.”

- a. As a facilitator to an international conference on Artificial Intelligence align the expectations of a client from her advocate.

(12 Marks)

- b. Advise your newly admitted advocate who finds himself in conflict with a client regarding an inadvertent social media post that the client considers a blight of the advocate- client relationship.

(8 Marks)

QUESTION THREE

- a) You have been asked to make a presentation to a group of newly admitted first year law students on the core functions of an advocate. Develop a memo summarising the core functions you have identified, noting to explain and illustrate your choices.

(14 marks)

- b) Having listened to a client’s story, structure a response to the instructions given, and emphasise the need for court action instead of alternative dispute resolution mechanism.

(6 Marks)

QUESTION 4

Smithy had instructed the firm of GMB LLP to act for her generally. In the course of the engagement, GMB LLP acted for Fored Investments who were selling land that Smithy eventually paid for but did not get ownership of.

- a) Advise Smithy on whether it is feasible to engage GMB LLP to sue Fored Investment to recover her money paid for the land. What are the circumstances that GMB LLP has to consider before taking up the instructions?

(13 Marks)

- b) As a consultant to the advocate for Fored Investments, give an outline of how to handle the Land Valuer to be called by Fored Investments, and the cross examination of the valuer brought by Smithy

(7 Marks)

QUESTION FIVE

- a. Give Khoiland an exposition on how to deliver an effective opening statement and point out the legal basis for such a statement. **(12 Marks)**
- b. Khoiland seeks your written opinion on the options an advocate⁴ has in charging legal fees. Further explain to Khoiland the viability of fee agreements and factors that would invalidate such agreements.

(8 Marks)