



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

FIRST YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2023/2024
(JANUARY-APRIL, 2024)

LLBK 124: LEGAL RESEARCH AND WRITING

STREAM: Y1 S2

TIME: 2 HOURS

DAY: TUESDAY, 9:00 – 11:00 A.M.

DATE: 09/04/2024

INSTRUCTIONS

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

QUESTION ONE

a) You are a legal intern in a law firm of Wakili Shupavu & Company Advocates of P.O. Box 1534-20100 Nairobi, that offers pro bono services. You secured the intern position because you convinced the managing partner of the firm that you were among the top students in Legal Research and Writing. One of the firm's clients, Mwenda Pole has been served with the demand letter below from a law firm acting for his estranged wife Liz Mpoa. The letter is pasted below;

Our ref: WSC/GA2024

Your Ref: TBA

Date: 15th July 2024.

Mwenda Pole
P.O. Box 39867-009000
Nairobi

Dear Sir,

Re: Maintenance of Master Mtoto Mzuri

We have been promised to be paid by our client, to write to you and address you in the following terms: -

You sired the above-named child with Liz Mpoa. After his birth you pretended to be broke and have not been providing for the minor. To make it tragic, you blackmailed our client that unless she sends you money for maintenance, you shall expose her on social media for being a "miscreant" Your actions are so unconstitutional, Gosh!! Fortunately, the law has reliefs towards pretenders like yourself.

The purpose of this letter is to demand from you, which we hereby do, a sum of Kenya Shillings Two Million (Kshs. 2,000,000) as alimony towards maintenance of the child, Also, stop hovering around our client as you are a witchcraft. The legal battle that will follow should you not respond to our Letter within (ninety) 60 days from the day of this letter will make you know why lions do not eat grass. We look forward to hearing from you.

Yours faithfully,
For: MM LLP Advocates

Joe Gregory

- i Identify any Four (4) errors and omissions in the demand letter. **(5 marks)**
 - ii Assuming that your client, Mwenda Pole has actually been maintaining the minor even though he is unsure if the minor is his biological son, draft an appropriate response to the letter. **(5 marks)**
 - iii You are a pupil in the firm of MM LLP Advocates draft a properly written letter to convey their client's grievance. **(5 marks)**
- b) Explain the difference between qualitative and quantitative research. **(5 marks)**
 - c) Discuss the difference between doctrinal and non-doctrinal research and the advantages of non-doctrinal research **(10 marks)**

QUESTION TWO

- a) Discuss reasons why students practice plagiarism and give solutions to the reasons you identify. **(10 marks)**
- b) Identify the verbs in each of the sentences and identify each verb as either active voice or passive voice. **(10 marks)**
 - i Benson failed to renew his commercial driver's license for five years after it expired. Therefore, he was required to retake the exam to obtain a new license.
 - ii For more than three months after obtaining a new license, Benson

sought a position as a driver. Then he caused an accident in his personal vehicle and was charged with reckless driving. He was convicted of a misdemeanor last June.

- iii Last July, a new statute went into effect. It requires Benson to disclose the traffic conviction to any employer who hires him as a commercial driver.
- iv Benson mistakenly believed the statute did not apply to him. He reasoned that he was not required to disclose the conviction because the vehicle involved in the accident was his personal car, not a commercial vehicle.
- v Benson was hired as a commercial driver last August. Two weeks later, he was fired by his employer and cited by the police for failing to disclose the prior traffic conviction. Benson now challenges the disclosure statute's validity.

QUESTION THREE

- a) Discuss the basic rules of writing in plain English. **(10 marks)**
- b) Discuss strategies for effective editing and proofreading. **(10 marks)**

QUESTION FOUR

- a) Discuss the rationale and framework for referencing practice within all referencing styles. **(10 marks)**
- b) Discuss the problems of using legal language in research. **(10 marks)**

QUESTION FIVE

Write explanatory notes on any four of the following. **(20 marks)**

- a) The jurisdiction of the Supreme Court.
- b) Obiter dicta.
- c) Characteristics of legalese.
- d) Research methods.
- e) Objectives of research