



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

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

LLBK 221: ALTERNATIVE DISPUTE RESOLUTION

STREAM: Y2 S2

TIME: 2 HOURS

DAY: TUESDAY, 12:00 – 2:00 P.M.

DATE: 02/04/2024

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

The government of Kweya recently issued an executive order imposing additional taxes from all its citizens to build affordable housing for them. A number of citizens did not like this new compulsory tax proposal that was being introduced. They file a suit to challenge the order and run to court to have it quashed. The court process has been instituted and one of the concerned citizens has come to you to ask you for an opinion on the matter.

a) Advise your client on their rights and give reasons thereof.

(15 marks)

b) Giving examples, suggest two other alternatives to the one you have given above.

(15 marks)

QUESTION TWO

Ono and Usindi are two competing laundry soap companies in Isii county. Seven years ago, Ono sued Usindi accusing them of libel. The legal battle is proving to be an expensive court affair for Usindi. Not only that, Usindi does not seem to enjoy the negative media publicity the matter is giving them, and is afraid they may actually lose the case and be forced to pay damages to Ono. Usindi's in-house lawyer has referred the CEO to you – an internationally accredited mediator for advice.

- a) Assuming you are willing and available to mediate over the matter, describe how you will handle the matter giving justifications for each step. (10 marks)
- b) Draft a winning opening statement that you will set the tone and give direction to the matter. (10 marks)

QUESTION THREE

Miya and John have heard that you are an expert at peace and conflict resolution. They have decided to get married despite having serious differences in their personalities and background. Advise them on the various skills they need to develop to prevent, manage and resolve conflict amicably in their future family.

(20 marks)

QUESTION FOUR

Kadogo is a second year law student who is on a long semester break. She intends to using her holiday time well and has approached you, a leading ADR specialist for advice on whether or not she should pursue ADR further. Describe at least three different types of ADR she should consider pursuing. Support your answer by giving reasons, citing advantages and disadvantages of each type.

(20 marks)

QUESTION FIVE

Critically analyze the arbitration process in Kenya.

(20 marks)