



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

**FACULTY OF LAW**

**EXAMINATION PAPER**

**COURSE CODE** : LLB 503

**COURSE TITLE** : Clinical and Practical Skills Training 2

**DURATION** : 3 Hours

**LEVEL** : 5.2

**DATE** :

11.4 FEB 2022

**INSTRUCTIONS TO CANDIDATES:**

1. Answer all questions. Marks allocated for each question are shown in brackets.
2. You may take into the examination room the following: -
  - iv. Constitution of Zimbabwe Number of 20 of 2013
  - v. High Court Rules S.I. 202 of 2021
  - vi. Constitutional Court Rules S.I. 61 of 2016NB The above must not be annotated in any way.
3. Use Blue or black ink only but not interchangeably.

### **Question 1**

Section 5(1)(f) of the Legal Practitioners Act Chapter 27:07 provides *inter alia* that an Applicant for registration as a Legal Practitioner must be 'a fit and proper person'. In light of the case of **In re Chikweche 1995 (4) SA 234 (ZC)** outline this requirement.

**[20 Marks]**

### **Question 2**

Define with the aid of decided cases and/or statutes, Legal Practitioner's to the court and to the client.

**[20 Marks]**

### **Question 3**

You went to the same University with Ashley Kapumha and you were friends throughout your university days. You studied the same modules and graduated on the same day, and you were registered and admitted again on the same date.

You commenced practice together, though at different firms. One day whilst in your office, Ashley Kapumha visits you. He advises you that he wants to change his job, and the potential employer wants certified copies of his degree transcript, degree certificate and that of his certificate of registration as a legal practitioner.

He produces copies of documents, and requests you to certify them. Regrettably, he tells you, there was a fire at his home, and all the originals were destroyed, and thus they are unavailable.

What will you do and why?

**[10 Marks]**

#### Question 4

Identify and discuss at least four ethical problems with this letter which was written by one legal practitioner to another. [20 marks]

Zakeyo and Zakeyo  
Legal Practitioners  
HARARE

25th October 2018  
Tafara and Jimu  
Legal Practitioners  
HARARE

Dear Sirs,  
RE: MOYO vs SIMBA

We refer to the above matter, more particularly to the meeting held at our offices on 4<sup>th</sup> September 2016, which meeting failed to achieve a settlement.

We write to advise you that, we feel pity for your client because at trial, he is going to come unstuck. Armageddon will befall him, since he is a celebrated liar. Please encourage him to be truthful.

Our client has just handed to us its bundle of documents, a perusal of which also brings out the fact that your client has criminal tendencies. We are presently exercising serious restraint, as we have the option to report this matter to the Police. This can obviously be avoided should your client settle this matter on our terms.

We also wish to advise you that the facts of this matter would make very interesting reading in local newspapers. Because of the dim view which we take of your client's conduct, we are giving serious consideration to giving this matter extensive publicity.

On another note, speaking for ourselves, we would also wish to encourage you to advise your client properly. All the letters which have emanated from your office show that you have a limited understanding of the law. If you revisit your law lecture notes, we believe that you will come up with better advice which you can offer your client.

Lastly, we are of the considered view that your client is flogging a dead horse. If your client does not withdraw this case in the course of the next 48 hours, we shall approach the court and pray for an order of costs *de bonis propriis*, on a higher scale.

Please be guided accordingly.

Yours faithfully,

**ZAKEYO AND ZAKEYO**