



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

DEPARTMENT OF PUBLIC LAW

EXAMINATION PAPER

COURSE CODE : LLB 504
COURSE TITLE : Professional Legal Ethics
SPECIAL REQUIREMENTS : Relevant pieces of legislation
DURATION : 3 Hours
LEVEL : 5.1&5.2
DATE : 05 JUL 2022

INSTRUCTIONS TO CANDIDATES:

1. Answer FOUR questions. Question ONE in section A is compulsory. Answer any THREE questions from section B. Each question carries 25 marks.
2. This is an open book examination and students may bring into the exam own handwritten note into the examination room. No student is allowed to share his/her notes with another.
3. Students are NOT allowed to carry and use electronic gadgets such as laptops and cellular phones, among other things
4. Write legibly
5. Number your answers accordingly
6. Good luck...and remember...*all is fair in love and war*

Section A: Compulsory question

Question 1

Robbie Frank's father purchased the old building in downtown Harare in 1982, while Robbie was still in High School and just before the city was about to tear it down. Mr. Frank Sr. had made some money suing mining companies and needed to spend a little of it. He and his partners renovated the building and re-established themselves there, and for the next twenty years prospered nicely. They certainly weren't rich, not by Harare standards anyway, but they were successful lawyers and the small firm was well regarded in the city.

Then along came Robbie. He began working at the firm when he was a teenager, and it was soon evident to the other lawyers there that he was different. He showed little interest in profits but was consumed with social injustice. He urged his father to take on civil-rights cases, age- and sex-discrimination cases, unfair-housing cases, police-brutality cases, politically motivated violence cases and the type of work that can get one ostracized in the country. Brilliant and brash, Robbie finished High School at Hartso in Manicaland, in six years, and sailed through law school at the Zimbabwe Ezekiel Guti University in Bindura. He never interviewed for a job, never thought about working anywhere but the law firm in downtown Harare. There were so many people there he wanted to sue, so many mistreated and downtrodden clients who needed him.

He and his father fought from day one. The other lawyers either retired or moved on. In 1990, at the age of thirty-five, Robbie sued the City of Harare, for housing discrimination. The trial, in Harare, lasted for a month, and at one point Robbie was forced to hire bodyguards when the death threats became too credible. When the court returned a verdict for ZWL \$One trillion, Robbie Frank became a legend, a wealthy man, and an unrestrained radical lawyer now with the money to raise more hell than he could ever imagine. To get out of his way, his father retired to farming. Robbie's first wife took a small cut and hurried back to her family town of Bindura.

The Frank Law Firm became the destination for those who considered themselves even remotely slighted by society. The abused, the accused, the mistreated, the injured, they eventually sought out Mr. Frank. To screen the cases, Robbie hired young associates and paralegals by the boatload. He picked through the net each day, took the good catches, and tossed the rest away. The firm grew, then it imploded. It grew again, then it broke up in another meltdown. Lawyers came and

went. He sued them, they sued him. The money evaporated, then Robbie won big in another case. The lowest point of his colourful career happened when he caught his bookkeeper embezzling and beat him with a briefcase. He escaped serious punishment by negotiating a thirty-day misdemeanour jail sentence. It was a front-page story, and HMetro newspaper hung on every word. Robbie, who, not surprisingly, craved publicity, was bothered more by the bad press than by the incarceration. The Law Society of Zimbabwe issued a public reprimand and a ninety-day suspension of his Practising Certificate. It was his third entanglement with the ethics panel. He vowed it would not be his last. Wife No. 2 eventually left, with a nice cheque. His life, like his personality, was chaotic, outrageous, and in constant conflict with itself and those around him, but it was never dull. Behind his back, he was often referred to as "Robbie Franke." And as his drinking grew worse, "Robbie Flask" was born. But regardless of the turmoil, of the hangovers and crazy women and feuding partners and shaky finances and lost causes and scorn of those in power, Robbie Frank arrived at the law firm early each morning with a fierce determination to spend the day fighting for the little people. And he did not always wait for them to find him. If Robbie got wind of an injustice, he often jumped in his car and went searching for it. This relentless zeal led him to the most notorious case of his career. Robbie Frank and Detective Orrey had a history that had almost been violent. They had clashed several times in criminal cases over the years. Orrey loathed the lawyer as much as he loathed the other lowlifes who represented criminals. Frank considered Orrey an abusive thug, a rogue cop, a dangerous man with a badge and gun who would do anything to get a conviction. In one memorable exchange, in front of a Judge, Frank caught Orrey in an outright lie and, to underscore the obvious, yelled at the witness, "You're just a lying son of a bitch, aren't you, Orrey?" Robbie was admonished, held in contempt, required to apologize to Orrey and the Judge, and fined \$500. But his client was found not guilty, and nothing else mattered. In the history of the Law Society of Zimbabwe, no lawyer had ever been held in contempt as often as Robbie Frank. It was a record he was quite proud of.

The law society is worried about the ethical behaviour of Robbie Frank and has approached you to write an opinion that would be used to chart the way forward in terms of disciplinary action against Robbie. (Names, characters, places and incidents used here are fictitious. Any resemblance to actual events or locales or persons, living or dead, is entirely coincidental.) [25 marks]

Section B Answer THREE Questions

Question 2

'...There are no ethics anymore... Ethics are only for people like you to teach to students who will never use them...' J Grisham, *The Summons*, Arrow Books 2002