



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 503
COURSE TITLE : Clinical and Practical Skills Training 2
DURATION : 3 Hours
DATE : 29 DEC 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:-
 - 1.1. Constitution of Zimbabwe Act (No. of 20) 2013
 - 1.2. High Court Rules, S.I. 202 of 2021
 - 1.3. Marriages Act Chapter 5:15
 - 1.4. Matrimonial Causes Act [Chapter 5:13]
- NB The above must not be annotated in any way.
2. Use Blue or black ink only but not interchangeably.

Question 1

Rejoice Marumbe (nee Makwande) is married to Charles Marumbe in terms of the Marriages Act Chapter 5:15. The two are blessed with two minor children namely Chantell and Michael. Rejoice has been suspecting that Charles has been cheating on her for some time and on 1st September, 2022 her suspicion came to pass as she caught Charles *in flagrante delicto* with Charmaine his high School girlfriend.

Rejoice is no longer interested in the marriage relationship and vacate their matrimonial home in Borrowdale Brooke for her parents' home in Chinhoyi. He took with her the two minor children, one of the family's three vehicles but leaves behind all the other matrimonial property.

Advise Rejoice of the legal routes available for her and draft the requisite document(s) in pursuing the chosen route(s).

[20 Marks]

Question 2

Benjamin Paradza is a Judge of the High Court of Zimbabwe stationed at Harare. He is accused of trying to influence two of his colleagues stationed at Bulawayo to facilitate the release of his friend's passport held by the Registrar of the High Court as part of bail conditions.

The Secretary of the Judicial Service Commission (JSC) is of the view that Paradza's conduct is in breach of the JSC's Code of Conduct and intent investigate and take remedial action against Paradza.

Outline the procedure and or steps to be adopted in removing a Judge from Office. In your answer address the issue of independence of the judiciary vis-à-vis appointment and removal from office of Judges in Zimbabwe.

[20 Marks]

Question 3

In the discharge of their legal duties Legal Practitioners normally commence with receiving instructions from client(s) before taking any course of action. Outline five major aspects which a proper consultation should cover and the relevance of each. [20 Marks]

Question 4

Wiwa Sikhara is a registered Legal Practitioner, Human Rights Activist, Member of Parliament for St Mary's Constituency, member of a Political outfit named Chatsva, Chauya-Chauya (CCC). One of CCC's members Marble Ali was kidnapped and later murdered in cold blood by suspected supporters of ZAMU KF Party. Wiwa is engaged by the Ali family as Counsel cum-Spokesperson. While attending the funeral of Ali, Wiwa makes utterances bordering on political vigilantism, incitement to public violence and out right threats of violence against the suspected murders of Ali.

In light of the above, explain in detail a Legal Practitioner's duty to the court and to client in light of the provisions of the Law Society of Zimbabwe By-laws and the Legal Practitioners Act Chapter 27:07. [10 Marks]

END OF QUESTION PAPER

50PM