



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

MODULE CODE : LLB 504

MODULE TITLE : PROFESSIONAL LEGAL ETHICS

SPECIAL REQUIREMENTS:

DURATION : 3 HOURS

LEVEL : 5.2

DATE : 06 DEC 2023

INSTRUCTIONS TO CANDIDATES:

- i. Answer any 4 Questions.
- ii. The paper carries 100 MARKS

QUESTION 1

“By knowing the conduct required of him or her as a member of the profession and acting according to it, the legal practitioner begins to know himself or herself as a member of the honourable profession proud to espouse its values in all his or her dealings with the public, courts, colleagues and staff”

Per Mr Justice L. Malaba, DCJ (as he then was) : Foreword to ‘Ethics, The Legal Profession and Practice Management’ by P.T. Gambe

Discuss the statement in relation to ethics and values of the legal profession.

25 marks

QUESTION 2

- a) Define “legal ethics”. 10 marks
- b) Explain the rationale for recusal by a judicial officer. 6 marks
- c) What is a courtesy call? 5 marks
- d) How would a legal practitioner address:
 - i. A female judge during court proceedings? 1 mark
 - ii. A judge he/she has met in a supermarket? 1 mark
 - iii. A fellow legal practitioner during court proceedings? 1 mark
- e) What is the dress code for counsel appearing before a judge at a pre-trial conference? 1 mark

QUESTION 3

Discuss the essential characteristics of the code of ethics for legal practitioners.

25 marks

QUESTION 4

Discuss the following in the context of the ethics of the legal profession:-

- a) Professional negligence; 5 marks
- b) The sub-judice rule; 5 marks
- c) Fiduciary duty; 5 marks
- d) Abuse of court process; and 5 marks
- e) Scandalising the court. 5 marks

QUESTION 5

- a) Identify and outline any three provisions of the Legal Practitioners Act [Chapter 27:07], and any three provisions of the Law Society of Zimbabwe By-Laws, 1982, that are designed to safeguard trust funds.
15 marks

- b) Outline the circumstances in which the Master of the High Court may appoint a *curator bonis* upon an application by a person having an interest in a trust account. 10 marks

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