



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

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**FACULTY OF LAW**

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**EXAMINATION PAPER**

**COURSE CODE** : LLB104  
**COURSE TITLE** : INTRODUCTION TO LEGAL ETHICS  
**DURATION** : 3 Hours  
**LEVEL** : 1.1  
**DATE** : 28 May 2019

**INSTRUCTIONS TO CANDIDATES:**

- 1. Answer TWO questions from section A and ONE question from Section B.**
  - 2. Each question carries 25 marks**
  - 3. Students can bring the Legal Practitioners Act, its Regulations and other notices made thereunder.**
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## Section A

### Question 1

In the case of *Chiutsi vs Sheriff of the High Court and Others* HH604/18, Mathonsi J stated as follows:

“It is a searing indictment to the legal profession of this country as a whole and the Law Society in particular, which is the administrative authority reposed with the authority of regulating the legal practitioners in this country, in light of the undisputed allegations levelled against Chiutsi, that he is still practising law.”

In light of this case, identify and discuss the main ethical problems that arise from this case. (12)

Discuss the mechanisms put in place by the Law Society in order to enhance its regulation of the legal profession in Zimbabwe (13)  
(25)

### Question 2

Giving examples, identify and discuss at least six duties a legal practitioner owes to the client, and the justifications for each duty identified. (25)

### Question 3

Assess the importance of the Continuous Professional Development (CPD) and its contribution to the integrity of the legal profession in Zimbabwe. Your answer should illustrate the main challenges faced by this system. (25)

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## SECTION B

### ANSWER ANY ONE QUESTION IN THIS SECTION

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### Question 4

1.1. The President of the Law Society instructs you as its lawyer to write a letter to a group of unregistered lawyers demanding that the group stops offering ‘legal services’ forthwith until the persons involved comply with the law. What points can you make in your letter to the University. (12 marks)

1.2. Discuss the legal framework that applies in relation to conviction of legal practitioners for violating both the Legal Practitioners Act and the criminal laws of Zimbabwe (13 marks)

### Question 5

Mary is the Director of a civil society organisation, or non-governmental organisation (NGO) that has been granted a limited practising certificate by the Law Society of Zimbabwe. The NGO however does not take cases to court but gives legal advice to communities in relation to domestic violence, maintenance cases and other family and succession law matters. One day, a certain community member has been arrested for domestic violence. The community member had approached Mary's organisation. According to Mary, the member was seeking counselling services for anger management leading to him committing acts of violence. Mary states that she had recommended that the member approaches a counselling centre. She is subpoenaed to court to testify against the member in the domestic violence case.

- (a) Discuss the applicability of the lawyer-client privilege in the context of this case **(13 marks)**
- (b) Imagine that it later comes out that the member had divulged to Mary that he had beaten his wife viciously and was now regretting the actions. It further comes out that Mary had consequently given the member legal advice on the law relating to domestic violence, previous decided cases of like nature and all the legal procedures involved in the prosecution of domestic violence cases, and finally on defences available to persons facing charges of domestic violence.  
Discuss the application of the privilege above in relation to these new facts. **(12 marks)**

### Question 6

Chipochangu was a registered second year law student in Zimbabwe, undertaking a five year law degree programme. With rising economic challenges, he migrates to Guinea where he is admitted into their law school, exempted first and second year and starts studies in third year. Guinea is not a designated country. Two years later and after graduating, Chipochangu begins working for a law firm in South Africa. The laws of South Africa identify Guinea as a designated country. In early 2019, Chipo was asked to represent a client in Zimbabwe as the case involved a contract originally signed in South Africa. He applied for a special exemption certificate to be able to conduct the case in Zimbabwe. The Minister of Justice refused to issue the exemption certificate.

Using case law, discuss

- (i) The correctness of the Minister's decision to issue Mr Chipochangu with an exemption Certificate **(10)**
- (ii) Any other course of action that can be taken by Chipochangu in the situation **(15)**

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