

**ZIMBABWE EZEKIEL GUTI UNIVERSITY  
(ZEGU)**

**FACULTY OF LAW**

**Supplementary Exam: Introduction to Legal Ethics (LLB104)**

**EXAMINATION – JULY 2018**

DATE 23 JULY 2018

**3 HOURS**

**Instructions**

- 1. Answer THREE questions. 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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**NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.**

## ANSWER TWO QUESTIONS FROM SECTION A

### Section A

#### Question 1

Discuss the main problems and challenges of regulating the legal profession in Zimbabwe, suggesting regulatory mechanisms that can improve the regulatory framework.

(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

It is a requirement that legal practitioners should have at least twelve points of Continuous Professional Development (CPD) to be eligible to receive a Practising Certificate.

Clearly discuss the significance of Continuous Professional Development in improving the quality of the legal profession, and 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

A certain university in Zimbabwe introduced a certificate known as 'Certificate in Legal Practice.' It issues this Certificate to twenty students following three weeks of intensive study of Zimbabwe's substantive and procedural law. Three holders of the certificate decide to begin practising as legal practitioners, even though they lack any practising certificate. One of the gentlemen, Chikwapuro, appears before a magistrate in Zvishavane, and is asked to produce his certificate. Upon admitting that he didn't have one, he is immediately arrested, taken to court, tried and gets convicted for contravening the Legal Practitioners Act. She pays a fine. After that she then decides to commence procedures to get registered as legal practitioner.

- a) You are the Secretary of the Law Society approached by Chikwapuro for assistance in his bid for registration and acquiring a practising certificate. Illustrate the response you would give to Chikwapuro and justifications for such your response. (12 marks)
- b) The President of the Law Society instructs you to write to the university demanding that the University stops offering forthwith the Certificate as it is promoting 'bogus lawyers'. What points can you make in your letter to the University. (8 marks)

- c) Discuss the applicable rules in relation to conviction of legal practitioners for violating both the Legal Practitioners Act and other legislation in Zimbabwe (5 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)

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