

ZIMBABWE EZEKIEL GUTI UNIVERSITY (ZEGU)  
LL.B (HONS) PART I

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LB 104

INTRODUCTION TO LEGAL ETHICS

SEMESTER 1 - 2017

3 hours

Students may bring into the Examination the Legal Practitioners Act, Regulations and relevant General Notices

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ANSWER ANY FOUR QUESTIONS

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QUESTION 1

- 1.1. Can Legal Aid Societies offer *LEGAL SERVICES* to their paid up clients? (15)
- 1.2. What are the requirements for one to be registered as a legal practitioner in Zimbabwe (10)

QUESTION 2

- 2.1. Discuss General Notice 45 of 2013 and its implications to the legal profession in Zimbabwe. (10)
- 2.2. Discuss what Continuous Professional Development (CPD) is, its importance to the Legal Profession and the law relating to CPD in Zimbabwe. (15)

QUESTION 3

The case of *Mavaza v Law Society of Zimbabwe* (HH 80-2003) [2003] ZWHHC 80 (14 May 2003) is a *locus classicus* of procedural issue to be complied with during the registration and admission of one into the legal profession.

Summarise this case and give its significance in the procedure to be followed by aspiring legal practitioners for their registration. (25)

#### QUESTION 4

Kudakwashe Samakande is a registered legal practitioner in Zimbabwe. He is also registered as a legal practitioner in Swaziland where he stayed for 7 years. Whilst in Swaziland, Mr Samakande was found guilty of theft. He paid a fine.

Upon his return to Zimbabwe, he resumed practice without advising the Law Society of Zimbabwe of his conviction in Swaziland.

Discuss any ethical issues arising out of this situation (25)

#### QUESTION 5

5.1. In the case of *Sahawi International (Pty) Ltd and Another v Bredenkamp and Another* (HC 4221/08) [2010] ZWHHC 24 (10 February 2010), Makarau JP (as she then was) clearly outlined the distinction between Sections 5(1) and 6(2) and (3) of the Legal Practitioners Act.

Thoroughly explain this distinction. (15)

5.2. Thoroughly explain the meaning of Section 86 of the Legal Practitioners Act (10)

#### QUESTION 6

Discuss a legal practitioner's duty towards the court indicating the circumstances in which they duty may conflict with the practitioner's duty towards his client and how such conflict should be resolved. (25)

**END OF EXAMINATION**