



"Investing in Africa's Future"

SCHOOL OF LAW

**NLLB 305 CLINICAL LEGAL EDUCATION
END OF FIRST SEMESTER EXAMINATIONS**

NOVEMBER/DECEMBER 2024

LECTURER: MR V NKIWANE

DURATION: 2 HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet.**
2. Write legibly.
3. Students **MAY NOT** take any material into the examination.
- 4. Answer ALL questions.**
5. You are advised to read all questions carefully before attempting to answer any.
- 6. Begin your answer for each question on a new page.**
- 7. This examination paper consists of four pages.**

QUESTION 1

“A lawyer is as good as his/her pleadings.”

Discuss the above statement in light of the skills required in drafting pleadings and legal documents. **[10 Marks]**

QUESTION 2

Sam is a chef at Nice Times Restaurant, an eatery specialising in traditional dishes. On the 1st of September, his employer, Madzibaba, instructs Sam to prepare a special oxtail dish because his girlfriend Palesa is going to celebrate her birthday at the restaurant with her friends. Sam is very unhappy about this because he knows it will take several hours to prepare, and he is in a hurry to knock off to go and watch his favourite English team, Liverpool, play. He is planning to go to the nearest local pub to join his friends in watching soccer.

Sam quickly puts the oxtail on the fire. He is in such a hurry that he does not properly cream some rust that has accumulated at the bottom of the pot. To expedite the cooking of the oxtail, Sam adds bicarbonate soda to the pot, and the oxtail is tender in less than an hour. He expertly adds other ingredients to disguise the taste of bicarbonate soda. Palesa and five of her friends come and enjoy the oxtail dish so much that they generously tip Sam before they leave.

However, two hours after leaving the restaurant, Palesa developed a severe runny stomach. She is rushed to a private clinic, where after running some tests, it is discovered that the food Palesa had traces of bicarbonate of soda and rust. She was admitted to the clinic and put on expensive treatment and only released after three days. She has incurred a bill of \$ 2,000.00 in medical expenses.

Palesa was supposed to fly to South Africa on the 1st of October for a business trip. As a result of her illness, she missed her flight, which she had already paid for, and her business meeting, which would have generated a lot of money for her IT company.

Palesa has come to you for advice and wishes to take legal action based on the above facts.

(a) Advise her on the possible defendants, giving reasons why they should be defendants in the action and the nature of the claim against them. **[10 Marks]**

(b) Draft detailed pleadings for her claims against any one of the possible defendants. **[20 Marks]**

QUESTION 3

What is the role of cross-examination in a trial? How does it differ from re-examination? **[10 Marks]**

QUESTION 4

On the 1st of January 2021, Ruth borrowed \$500.00 from her cousin Sharon. They agreed that Sharon would pay back the money in two weeks. However, Ruth only paid \$ 100.00 after six months. Sharon has made several demands for payment to no avail. Ruth is now saying that she does not owe Sharon anything because they never wrote their agreement, and Sharon cannot prove her claim. Sharon has been advised by her best friend Nomsa that she must approach a lawyer who must write a letter of demand to Ruth.

You are the lawyer. Advise Sharon on the purpose served by a letter of demand and draft the letter of demand for her. **[10 Marks]**

QUESTION 5

Ngoni has been offered employment as an internal auditor at Inclusive University. The terms of his contract include the following:

1. He shall be on duty from 8.00 am to 4.30 pm on weekdays.
2. He shall be off duty on weekends and public holidays.
3. His starting salary shall be \$ 1,000.00 per month and subject to tax in accordance with Zimbabwe's tax laws.
4. He shall be on probation for 6 months.

5. You shall be entitled to a monthly housing allowance of \$ 200.00.
6. You will be on compulsory medical aid, with the employer contributing 50% of your premiums.
7. Either party may terminate employment on one month's notice during the probationary period and after that on six months' notice.
8. He shall be entitled to a performance-based bonus of 10% of his annual salary, payable at the discretion of the Vice Chancellor.

You are the university's lawyer. Draft a contract of employment for Ngoni capturing the above terms. Include any other provisions that you think will contribute to the contract's smooth running.

[20 Marks]

TOTAL MARKS:

80

END OF EXAMINATION PAPER