



“Investing in Africa’s future”

SCHOOL OF LAW

NLLB309: LEGAL ETHICS & PROFESSIONAL TRAINING

END OF SECOND SEMESTER EXAMINATIONS

APRIL 2026

LECTURER: MR V NKIWANE

DURATION: 3 HOURS

INSTRUCTIONS

Answer **THREE** Questions. **Section A is COMPULSORY**

Answer **any TWO** Questions from Section B

This exam carries a total of **100 Marks**

You are encouraged to provide appropriate references where necessary in
your work

SECTION A

Question 1

- a) Noma wishes to sue Peter for damages arising out of breach of contract. She approaches Sam, a legal practitioner and instructs him to initiate proceedings. This initial meeting is followed by two further meetings where they discuss the nature of the evidence and the claims. Sam proceeds to draft the pleadings, serve them on Peter and files them with the appropriate court. Sam does not give a chance for Noma to look at the pleadings and make her input before filing. When Noma complains about this Sam tells her not to worry as he was the “best lawyer in town”. Subsequently, Sam, without informing Noma, proceeds to enter into extensive negotiations with the defendant’s legal practitioner, resulting in a compromise agreement, which Sam signs on behalf of Noma. Sam calls Noma to his office and presents the agreement to her and a bill of USD 4 000.00 for his services. Noma is unhappy with the agreement, the fees charged and Sam’s conduct in not informing her about the progress of her case.

Discuss Sam’s conduct in the context of the common law rules of professional ethics, the Legal Practitioners Act (Chapter 27:07) and the Law Society of Zimbabwe By-Laws and Regulations made thereunder.

[20 marks]

- b) Energy is a prosecutor with the National Prosecuting Authority. He is assigned a high profile criminal case in which a former Minister, Mrs Tiki is accused of criminal abuse of office and corruption. His supervisor, Timid is exerting pressure on him to secure a conviction because he is receiving calls from senior Government officials telling him that Mrs Tiki must be convicted, otherwise “heads will roll”. While preparing for trial Energy realises that there are discrepancies between what the star witnesses told the police, as contained in the docket and what they are now telling him during pre-trial preparation interviews.

When Energy brings these discrepancies to the attention of his supervisor Timid, he is advised not to tell anyone and not to disclose the witness statements to the defence team. Energy further comes across evidence which, exonerates Mrs Tiki for the crimes she is charged with, but he does not disclose this because of the instruction from his supervisor and his ambition to get a promotion after securing a conviction.

With reference to case law and statutory provisions consider Energy's conduct *vis-à-vis* the ethics of someone in his position.

[20 marks]

(c) Distinguish between champerty and a contingency fee agreement and explain why the former is not allowed and the latter is allowed in our legal profession.

[10 marks]

[Sub-Total: 50 marks]

SECTION B

Answer any TWO questions from this section.

Question 2

- (a) "I deal now with the duty of an attorney in regard to trust money. Where trust money is paid to an attorney it is his duty to keep it in his possession and to use it for no other purpose than that of the trust. It is inherent in such a trust that the attorney should at all times have available liquid funds in an equivalent amount. The very essence of a trust is the absence of risk. It is imperative that trust money in the possession of an attorney should be available to his client the instant it becomes payable." ***Law Society, Transvaal v Matthews 1989 (4) SA 389 (T) at 394.*** Discuss.

[10 Marks]

- (a) You are a legal practitioner representing a wife who is suing her husband for divorce, and the case is due to be heard in the High Court before Justice Mulenga. When you tell your client this, she says: “Wonderful! I’ve been having an intimate relationship with him for two years, and I’m sure he’ll be very favourable to our case – he’ll want to marry me after I’ve got my divorce. Of course, my husband doesn’t know about our affair, so don’t tell him.” When the case begins, Justice Mulenga makes no move to recuse himself.

With reference to the above scenario, discuss the law on recusal of a judicial officer.

[15 Marks]

[Sub-Total: 25 marks]

Question 3

- (a) Analyse the rationale against advertising by the legal profession. To what extent can members of the legal profession legitimately market their services?

[15 marks]

- (b) “Advocates and attorneys are officials of the court and should always give the courts their utmost respect and promote the dignity of the court”.

Discuss this statement using appropriate examples.

[10 marks]

[Sub-Total: 25 marks]

Question 4

- (a) Explain the concept of abuse of court process. In your answer, give five examples of abuse of court process.

[10 marks]

- (b) Law is practised as a profession and is not merely a job. What distinguishes a profession from other jobs, businesses or trade?

[10 Marks]

- (c) Briefly discuss the legal practitioner's duty of confidentiality towards his or her client.

[5 Marks]

[Sub-Total: 25 marks]

TOTAL MARKS: 100

END OF EXAMINATION