

NATIONAL UNIVERSITY OF LESOTHO

FACULTY OF LAW

LLB. SUPPLEMENTARY EXAMINATIONS

L1302- LEGAL METHODS AND SYSTEMS

AUGUST 2023

MARKS: 100

3 HOURS

INSTRUCTIONS:

1. There are **six (6)** questions. Question **one (1)** is compulsory. Answer **four (4)** in all.
2. All questions must be answered on the answer sheet.
3. Your essay must not exceed 2 pages.

QUESTION 1 (compulsory)

‘Mantho is a 40-year-old single mother of 3 boys aged 20, 14, and 8. In 2022 she was convicted of robbery and sentenced to one-year imprisonment. ‘Mantho wants to apply to court to have her sentence suspended on the ground that “her children are young and need primary care giving.” You are a family law expert, using the **IRAC** method, advise X.

[25 Marks]

QUESTION 2

Discuss the hierarchy of the courts of Lesotho, from the lowest court to the highest court and indicate which court deals with appeals and reviews from which courts.

[25 Marks]

Question 3

Explain the following Dispute Resolution mechanisms, and indicate with one example where each of these would be applicable:

- a) Mediation (5 marks)
- b) Negotiation (5 marks)
- c) Arbitration (5 marks)
- d) Litigation (5 marks)
- e) Conciliation (5 marks)

[25 Marks]

Question 4

In the case of *The Erasmus Ferreira and Ackermann Vs. Francis* [2009] 3 All SA 500 (SCA)

- a) Did any of the parties raise deductive arguments? (10 marks)
- b) To what extent did the court courts in this case rely on deductive method of reasoning?
(15 marks)

[25 Marks]

Question 5

- a) What does the Latin term *res ipsa ioquitor* mean? (5 marks)
- b) How does this link with the statement that in law we often use inductive method to solve legal problems (10 marks)
- c) How can lawyers ensure that belief in its validity does not result in unfair legal practice? (10 marks)

Question 6

Legal Research forms an integral component of studying law at the National University of Lesotho. Name any 2 primary and 2 secondary source and 1 tertiary source of law and clearly

outline where each of these sources can be sourced at NUL in order to aid legal research in your academic work. **[25 Marks]**