

NATIONAL UNIVERSITY OF LESOTHO  
FACULTY OF LAW  
LL.B SUPPLEMENTARY EXAMINATIONS  
  
**L4409 - PRACTICAL LEGAL TRAINING**

JANUARY 2023

MARKS: 100

TIME: 3 HOURS

---

**INSTRUCTIONS:**

1. Answer any **FOUR (4)** questions.
2. All questions carry equal marks.

### QUESTION 1

Paul and Pat have completed their LL.B from Fort Hare University in the Republic of South Africa and would like to join the legal practice in Lesotho. They have come to you for advice on the two streams of legal practice in Lesotho.

Discuss the two streams and what is required for one to be admitted into each one of them.

**[25 MARKS]**

### QUESTION 2

On 24 May 2022, Lesotho Times Newspaper published an article in which one of the lawyers in Lesotho lodged a constitutional case claiming that the provisions on conferment of title of King's Counsel under the Legal Practitioners Act, 1983 are discriminatory and unconstitutional as they deny younger, yet brilliant lawyers to be conferred with such a titled.

- a) Discuss the requirements which one has to meet in order to receive the title of King's Counsel. In your response, address the merits and demerits of the claim in the above case.

**15 Marks**

- b) In the case cited above, one of the arguments is that the conferment should be done by the King on the recommendation of the Law Society. Discuss the current legal position, its challenges if any, whether you agree that it should be changed.

**10 Marks**

**[25 MARKS]**

### QUESTION 3

Thato is was admitted as an Advocate of the Courts of Lesotho in August 2020. After three years of practice, she realizes that there is a gap as many clients need services, which can only be provided by Notary Publics yet there are very few of them in Lesotho. She would thus want to be admitted and enrolled as a Notary Public.

Taking into account the provisions of the Legal Practitioners Act, what steps should Thabo follow in order for her to be admitted as a Notary Public?

**[25 MARKS]**

#### **QUESTION 4**

Basing itself on section 27(2) of the Legal Practitioners' Act, the Law Society of Lesotho has decided to inspect all Law Firms in order to ascertain that practice is conducted in terms of the Act. Advocate Bankimoon has come to you complaining that his chambers are exempt from this inspection and therefore the Law Society is violating his rights.

Advise him with reference to the Legal Practitioners' Act and relevant case law.

**[25 MARKS]**

#### **QUESTION 5**

Discuss the duties of a Legal Practitioner towards

(a) the Courts of law

**15 Marks**

(b) His clients

**10 Marks**

**[25 MARKS]**

#### **QUESTION 6**

(a) Discuss the acts which in terms of section 30 of the Legal Practitioner's Act, constitute misconduct by legal practitioners in Lesotho.

**10 Marks**

(b) On 14 December 2002, Mr. Thabo had a car accident. He sought services of TinTan Attorneys to lodge a motor accident claim with Lesotho National Insurance Group (LNIG). The claim was honoured and he was paid a sum of Five Hundred Thousand Maloti (M500 000.00) which was paid into the TinTan Attorneys Trust Account. However, upon enquiry, Mr Thabo was told that LNIG paid Two Hundred Thousand Maloti (M200 000.00) from which legal fees and collection commission shall be deducted. He happily received the amount of One Hundred and Fifty Maloti (M150 000.00). Two months later, he received from the post office, a statement

reflecting a payment of Five Hundred Thousand Maloti (M500 000.00) for his claim.

He has approached TinTan Attorneys and he was told that his file is closed and therefore he cannot be attended. Mr Thabo has approached you for advice as to where he can lodge the complaint of dishonesty against TinTan Attorneys.

With reference to relevant provisions of the Legal Practitioners Act and case law, advise him.

**15 Marks**

**[25 MARKS]**