

**NATIONAL UNIVERSITY OF LESOTHO**  
**FACULTY OF LAW**  
**LL. B SUPPLEMENTARY EXAMINATIONS**  
**L4410 – PRACTICAL LEGAL TRAINING**

**AUGUST 2023**

**100 MARKS**

**3 HOURS**

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**Instructions:**

1. Read the instructions carefully.
  2. There are Six questions
  3. Answer any **FOUR (4)** questions.
  4. All answers must be numbered.
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### QUESTION 1

Taydo and Jill have a dispute over demarcations of their sites situated in Linokeng in the district of Maseru. Tado has sought intervention of the Land Authorities but has failed. She has lodged a case in the Land Court. The matter has been set down for trial but she is told that before it proceeds, they have to go through Court Annexed Mediation. She does not understand what good the mediation will serve when she had tried such through the Land Authorities and failed. She has thus come to you for advice.

Advise Taydo and Jill about what Court Annexed Mediation entails and what they should expect when such is conducted.

**[25 MARKS]**

### QUESTION 2

Thandi and Lindiwe completed their Bachelor of Laws Degree (LL.B) in 2018. They both worked as candidate attorneys at Winsdor Attorneys, wrote their attorneys' examinations and passed. They now want to open their own law firm. They have already been approached by one Sipho who alleges that he has lost his eyesight as a result of working at Thota-sia Company, a diamond mine in the highlands of Lesotho. They want to take Sipho as their first client.

As a seasoned practitioner, they have approached you for advice with regard to the following:

(a) Law firm management **15 Marks**

(b) Case management **10 Marks**

**[25 MARKS]**

### QUESTION 3

There has been a controversy as to whether an Advocate can take brief from client

and appear in Court on behalf of the same client. One school of thought argues that an Advocate should be briefed by an Attorney at all times and that no client should set foot at an Advocate's Chambers. Another school of thought is that while the Legal Practitioners' Act, 1983 separates the two professions, in practice the roles have always been merged and therefore the status should be left as it is.

Taking into account the above arguments, write a legal opinion on legal practice in Lesotho.

**[25 MARKS]**

#### **QUESTION 4**

Laylo and Tiboz got married on 14 February 2021. Two years into their marriage, Tiboz started having an affair with one Jezzy who was Joe's secretary. Laylo found out. They sought counselling but the affair never stopped. When Laylo realised that Tiboz had continued this illicit relationship, she decided to end the relationship.

She wants to have custody of their minor children, Nonny, a girl born on 18 November 2021 and Bobby, a boy born on 4 April 2022. She is adamant that Tiboz should not get any benefits of the marriage, including the site they bought in Motheo Ville (Lease No.14312-999) and a Honda fit (registration AY150BBL) and all household property.

(a) Draft Summons on behalf of Laylo.

**15 Marks**

(b) Draft a Declaration in support of the Summons in (a) above.

**10 Marks**

**[25 MARKS]**

## QUESTION 5

On 31 December 2022, during a New Year celebration in City Malaika, Chika and his friends Tomy and Laitis took a walk to a local pub. Before they could get to the pub, they met a green Toyota Land Cruiser full of armed men who seemed very angry. One of them shouted “Why did you kill a soldier, who did you think you are?” Before they could respond, they heard a gunshot and saw Chika fall down. Tomy and Laitis rushed him to a nearby clinic but it was closed and he died while they were trying to call a cab to take him to the closest hospital. The following day Tomy heard that a soldier had been killed at a party in the village to which the three of them had not attended. The person suspected of murdering the soldier was arrested the following day.

The commander of the armed forces went to Chika’s family to convey his condolences and told Chika’s wife that it was a case of mistaken identity and therefore he regrets that Chika was killed. Chika was buried and his family took care of the expenses with no help from the army. His wife is devastated as Chika was the sole breadwinner, taking care of their two minor children and his elderly and sick mother.

Amanda Zobusa, Chika’s wife has come to you and requests that you demand payment from the army. Draft a letter of demand on behalf of Amanda.

**[25 MARKS]**

## QUESTION 6

Lilly Thebe and Joe Tah met at university and fell in love. On 14 February, 2020, Joe proposed to Lilly at a restaurant during a dinner date. On 20 February, 2020 Joe’s parents went to Lilly’s home in Tajane to ask for her hand in marriage. The parents agreed on *bohali* in monetary terms to the tune of Twenty Thousand

Maloti (M20,000.00). On 31 March, 2020 Joe's parents paid to Lilly's parents the amount of Two Thousand, Five Hundred Maloti (M2,500.00) and three donkeys valued at Five Thousand Maloti (M5,000.00) each, as part payment of the *bohali*. The parents agreed that the marriage will be officiated at Santa Maria Maggiore Church on 31 July 2020. The ceremony took place as planned and in the evening, after a meeting between the two families, Lilly was escorted by her aunts, cousins and friends to Joe's home in Mahlanyeng Roma.

(a) With the aid of decided cases, discuss whether this marriage is a civil rites marriage under the Marriage Act, 1974 or a Sesotho customary marriage.

**10 Marks**

(b) In the event of divorce, which court would have jurisdiction and why?

**15 Marks**

**[25 MARKS]**