

NATIONAL UNIVERSITY OF LESOTHO

FACULTY OF LAW

LLB. FINAL EXAMINATIONS

L1302- LEGAL METHODS AND SYSTEMS

JUNE 2023

MARKS: 100

3 HOURS

INSTRUCTIONS:

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

QUESTION 1

Boitumelo 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. Boitumelo 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 Boitumelo.

[25 Marks]

QUESTION 2

Draw a diagram to outline Courts structure in Lesotho, from the lowest court to the highest court.

[25 Marks]

QUESTION 3

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 in this case rely on deductive method of reasoning? Discuss.

(15 marks)

[25 Marks]

QUESTION 4

- a) What does the Latin term *res ipsa loquitur* mean? (5 marks)
- b) How does this term referred in (a) 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 the term referred in (a) does not result in unfair legal practice? (10 marks)

QUESTION 5

Legal Research forms an integral component of studying law at the National University of Lesotho (NUL) . Name any primary and secondary 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]

QUESTION 6

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]