

NATIONAL UNIVERSITY OF LESOTHO

FACULTY OF LAW

LL. B – EXAMINATIONS

L 4409 – PRACTICAL LEGAL TRAINING

JANUARY 2024

MARKS: 100

TIME: 3 HOURS

INSTRUCTIONS:

1. There are six (6) questions.
2. Answer any **FOUR (4)** questions
3. Write legibly and
4. Support your answers with relevant authorities

QUESTION 1

In a newspaper report on the ongoing case before the Constitutional Court, it was reported that one Attorney appeared in court and stated that he has not instructed the any of the two advocates before court yet his name has been used in the pleadings as an instructing attorney.

With this case in mind, critically discuss the roles of attorneys and advocates in Lesotho as detailed in the Legal Practitioners Act, 1983. With the help of decided cases, discuss whether the Advocates in question can proceed with the case without the attorney's instructions.

[25 Marks]

QUESTION 2

With reference to relevant provisions of the Legal Practitioners Act, discuss the admission requirements for:

- | | |
|--------------------|----------------|
| (a) Notary Publics | 7 Marks |
| (b) Attorneys | 6 Marks |
| (c) Conveyancers | 7 Marks |
| (d) Advocates | 5 Marks |

[25 Marks]

QUESTION 3

Lethabo is a 22-year-old law young man who has recently obtained his LLB from the National University of Lesotho in second class, second division. While studying, Lethabo and his friends were involved in a fight at a bar next to NUL Roma campus and three of them were convicted of contravention of the Penal Code Act. During his fourth year of study, Lethabo was also brought to the disciplinary committee for assaulting his girlfriend.

Lethabo would like to apply for admission as an Advocate of the Courts of Lesotho. With the background provided,

(a) Analyse factors which the Law Society might consider before certifying him as fit and proper for admission. **15 Marks**

(b) Discuss how the Law Society's decision might impact public trust in the legal profession. **10 Marks**

[25 Marks]

QUESTION 4

(a) What are the ethical and professional responsibilities that a lawyer must uphold in their interaction with the court, ensuring the fair and efficient administration of justice? **10 Marks**

(b) Consider a scenario where a lawyer faces a potential conflict between zealous representation of their client and ethical obligations. With the use of relevant examples, discuss the dilemmas involved and propose a course of action that balances the lawyer's duty to the client with broader ethical considerations. **15 Marks**

[25 Marks]

QUESTION 5

Advertisement of a legal insurance has been criticised as disguised touting for legal practitioners who are in the 'pool' of lawyers directly instructed by legal insurance companies.

(a) With the aid of decided cases, define touting and discuss whether advertisement of legal insurance amounts to touting.

10 Marks

(b) Consider the impact of touting on the legal profession's integrity and suggest measures which legal practitioners can take to ensure ethical boundaries in client acquisition.

15 Marks

[25 Marks]

QUESTION 6

Discuss a legal practitioner's duties towards his colleagues.

[25 Marks]