

NATIONAL UNIVERSITY OF LESOTHO

FACULTY OF LAW

LL B FINAL EXAMINATIONS

L5307 – CLINICAL LEGAL EDUCATION 1

JANUARY 2024

MARKS: 100

TIME: 3 HOURS

INSTRUCTIONS:

1. Answer any **FOUR (4)** questions.
2. Begin each answer on a new page.
3. Ensure that you have written your student number on the answer sheet.

QUESTION 1

Mokhanni's Lesotho made Pondoki motor car was damaged beyond economic repair following a head on collision with another motor vehicle driven by Mahleu. The collision occurred along the Maseru – Roma public road near the main gate of the Roma Campus of the National University of Lesotho. Mokhanni instructs you to sue Mahleu for damages arising from the collision; and he contends that the collision was as a result of the sole negligence of Mahleu in that he drove on the righthand side of the road instead of keeping left.

Develop and discuss a fact investigation plan that you would use in order to pursue Mokhanni's instructions.

[25 MARKS]

QUESTION 2

'Maliberoane sets an appointment with you in order to instruct you to sue her neighbour, Heletoane, for defamation. Discuss the goals of your interview with 'Maliberoane and what you would need to do in preparation for that interview.

[25 MARKS]

QUESTION 3

Critically discuss a view expressed anonymously that "the teaching of ethics to prospective lawyers is a waste of time because ethical conduct is ingrained in people by the environment they grow and work in."

[25 MARKS]

QUESTION 4

Briefly discuss the following:

- (a) Fact investigation. **5 Marks**
- (b) The two cardinal rules of logic expounded by Watermeyer JA in *R v Blom 1939 AD 188*. **10 Marks**
- (c) The theory of a case. **5 Marks**
- (d) The funnel technique. **5 Marks**

[25 MARKS]

QUESTION 5

- (a) Briefly discuss five purposes served by a letter of demand. **15 Marks**
- (b) Thabo Motšoaruoa (Thabo) was arrested by the Mafikeng police on 30 November, 2023 and released on 6 December, 2023 on suspicion of involvement in a spate of house breaking incidents that happened in the Mafikeng area where Thabo lives.
- Thabo alleges that during his detention he was subjected to different kinds of torture including suffocation with a piece of rubber that was used to cover his face so as to deprive him of oxygen. Thabo says he was also beaten up severely in a bid to extract a confession from him.

Draft Thabo's letter of demand in which Thabo seeks damages for his unlawful treatment at the hands of the police.

10 Marks

[25 MARKS]

QUESTION 6

Discuss four factors that affect the persuasiveness of a client's story.

[25 MARKS]