

THE INDEPENDENT EXAMINATION BOARD

GHANA SCHOOL OF LAW

NEW PROFESSIONAL LAW COURSE

SUPPLEMENTARY EXAMINATION 2017

ADVOCACY AND LEGAL ETHICS

27 MARCH 2017

TIME ALLOWED: THREE (3) HOURS

10:00am – 1:00pm

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully before beginning your answers.
2. Answer any **FOUR (4) QUESTIONS**.
3. Credit will be given for legible handwriting, clarity of expression and orderly presentation of answers.
4. Do not write or sign your name on the answer booklet. Only write your index number.
5. Adhere strictly to the instructions on the front cover of your Answer Booklet.

QUESTION 1

Dadzie's ambition during his school days was to be the first lawyer in Abora village. This ambition he made known to all his friends and citizens of the village at large. When Dadzie passed the Preliminary Entrance Examination to the Makola Law School to read law, the realization of his dream seemed possible to everyone.

After 4 years of hectic academic and professional exercise, Dadzie passed his final law examination and was enrolled to the Ghana Bar in October 2004.

Dadzie's father, Opanyin Amofa, was so impressed at the honour his family had gained that, a week after the enrolment to the Bar; he organized a party for Dadzie. Invitation to the party was announced on the local Beauty F.M. Radio. In addition, Opanyin Amofa, with Dadzie's permission, had the invitation published in the National Daily Konkonsa Tribune. The publication had Dadzie's picture and credentials and called on the citizens of Abora village to recognize the capability of Dadzie to resolve their disputes in court.

Dadzie started work at Bentil Chambers, where he did his pupillage for six months. Dadzie's hard work enabled his seniors enter his name on the Chambers' name plate outside the building. Dadzie practiced law successfully for 2 years. Following a disagreement with Abeeku, one of the senior partners at Bentil Chambers, Dadzie was thrown out of the legal firm and his name removed from the firm's name plate. Dadzie had won many clients from Abora village and other communities. As a temporary measure, Dadzie directed his numerous clients to see him at the Chief Registrar's Office where Dadzie engaged the services of the Chief Registrar's Secretary on part-time basis to type his pleadings.

Six months later, Dadzie converted the three room out-house attached to his residence into his Chambers which he named after his father – Amofa Law Firm.

Joseph and Jacob, who were part of the April 2009 mini enrollment from the Makola Law School, joined Amofa Law Firm for their pupillage. The firm's name plate erected in front of the out-house bore the names of the three lawyers and their Secretary, Koka and court clerk, Agoe.

Hammond and Desmond, businessmen in the village, were among the reputable clients who flocked into Amofa Law Firm. Dadzie claimed compensation in the sum of One Hundred & Twenty Thousand Cedis as damages for breach of contract on behalf of Hammond and sent a bill for the sum of Fifteen Thousand Cedis. Shortly after the bill was sent, Dadzie saw an advert in the National Daily Konkonsa Tribune by the General Legal Council (GLC), calling on lawyers without a

practising certificate to apply immediately or face consequences. Dadzie having forgotten earlier to apply after establishing his Chambers submitted his application. A week later, he received a reply stating that his application was receiving attention.

After waiting for a month without payment from Hammond, Dadzie sent one month demand notice reminding Hammond of his obligation to pay or face the law. Hammond wrote back to say Opanyin Amofa was his cousin and ought not to be charged legal fees by Dadzie. The latter became furious and instituted legal action against Hammond, at the expiration of one month, for the recovery of the sum of Fifteen Thousand Cedis with interest and cost. A week after the writ was filed against Hammond, Dadzie received his Practising Certificate from the General Legal Council.

In the case of Desmond, his case was a life and death issue. The outcome may affect the future operation of his company. He, therefore, promised Dadzie twice the fees charged if Dadzie won the case for him. Through toil and hard work Dadzie obtained judgment in favour of Desmond to recover Five Hundred Thousand Cedis being cost of goods supplied Gallant & Co. Ltd. Dadzie sent Desmond his bill as per the earlier promise of One Hundred Thousand Cedis being 20% and not the approved scale of 10%. Desmond felt he was one of the citizens who encouraged Dadzie to read law so did not see the sense in Dadzie sending him a bill. Dadzie could not wait to give Desmond one month's notice but instead, he applied to the High Court for leave to issue a Writ forthwith against Desmond. The reason he gave for his inability to serve Desmond with the notice was that the latter was going to organize an ostentatious wedding and if the Writ was not issued forthwith, he might spend all his money on his new wife and become insolvent. The High Court granted leave wherein Dadzie issued a Writ against Desmond the same day.

Identify and discuss EIGHT issues raised in this problem with particular reference to the Code of Ethics of the Ghana Bar Association and relevant Legislations regulating the Legal Profession in Ghana.

QUESTION 2 :

“Cross-Examination is a powerful and valuable weapon for the purpose of testing the veracity of a witness and the accuracy and completeness of his story” per Lord Hanworth MR – Mechanical Co. Ltd v Austin [1935].

Discuss.

QUESTION 3:

What is the importance of ethics in the Legal Profession? In what ways have the Parliament of Ghana, the Regulators of the Legal Profession and the General Council of the Bar given credence to the importance of ethics.

QUESTION 4:

Discuss **FOUR** of the effective principles of communication for lawyers known to you.

QUESTION 5:

Examine the special types of witnesses that counsel may encounter during cross-examination and discuss the techniques that may be employed in dealing with such witnesses.

QUESTION 6:

Discuss the duties a lawyer owes to the court.