

# THE INDEPENDENT EXAMINATION BOARD

## GHANA SCHOOL OF LAW

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### OLD PART II PROFESSIONAL LAW (RESIT) EXAMINATION

ACADEMIC YEAR 2016/2017

#### ADVOCACY AND LEGAL ETHICS

**DATE: TUESDAY 27<sup>TH</sup> JUNE 2017**

**TIME: 10:00am – 1:00pm; ALLOWED: THREE (3) HOURS**

#### **INSTRUCTIONS TO CANDIDATES:**

1. Read the instructions very carefully before writing down your answers.
  2. The total marks in the written Advocacy & Ethics paper is 70.
  3. **Answer Two (2) Questions EACH from SECTIONS A and B including Questions One (1) and Four (4) which are compulsory making a total of Four Questions. Answer all parts of each question.**
  4. Answer All Questions in the Answer Booklet.
  5. Please indicate your **Index Number ONLY** on the Answer Booklet
  6. Do **NOT** Write or sign Your Name anywhere on the Answer Booklet
  7. Credit will be given for legible handwriting, clarity of expression and orderly presentation of answers.
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#### **SECTION A**

#### **ADVOCACY**

#### **QUESTION ONE (1).**

**“Dispassionate Politeness is the bedrock of an adversarial legal system. One foundation for demonstrating that you can communicate as an advocate is to keep your cool in the face of pressure, provocation and your feelings”.**

Indicate the general principles of communication for lawyers.

(20 Marks)

## **QUESTION TWO (2)**

With the amendment of order 38 of C.I.47. Civil Procedure Rules, (2004) by C.I. 87, cross examination has become an effective tool in the hands of an able advocate.

- (a) What are the aims and objectives of cross examination?
- (b) What are the techniques for successful cross examination?

(15 Marks)

## **QUESTION THREE (3)**

- (a). What is the Probative Value of Opening Address in dispute resolution.
- (b). Differentiate between Closing Address and Opening Address in dispute resolution.

(15 Marks)

## **SECTION B**

### **LEGAL ETHICS**

## **QUESTION FOUR (4)**

“But I think it of the utmost importance that the court should not assist Barristers to recover their fees. If they do so, the whole relation between a Barrister and his professional client will be altered and a door will be opened which will lead to very important consequences as regards Counsel.” Per Lindley L.J in *Re Le Brasserie & Oakley*

Does this quotation represent the current Ghana Law on suits brought against clients by lawyers?

[20 MARKS]



### **QUESTION FIVE (5)**

With aid of case law and Statute, write short notes on the following:

- a. SOLICITOR'S LICENCE, Section 8 of Act 32.
- b. Lawyers practicing without chambers, Regulation 4(4) of L.I. 613.
- c. Conflict of Interest Regulation 4(10) of L.I. 613.

(15 Marks)

### **QUESTION SIX (6)**

"The quality of Legal profession depends on strict discipline among members of the Legal Fraternity".

With the aid of Statute or Case Law, under what conditions can a lawyer be disciplined for misconduct under the law.

(15 Marks)