



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

P.O. Box 62157
00200 Nairobi - KENYA
Telephone: 891601-6
Fax: 254-20-891084
E-mail: academics@cuea.edu

MAIN EXAMINATION

JANUARY – APRIL 2014 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 316: RESEARCH METHODS

Date: APRIL 2014

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. You are about to start writing your final year thesis. You have identified your topic as being 'Separation of Powers in Kenya: Should the Senate be Subservient to the National Assembly?'

- a) What probable research questions would you frame? **(5 marks)**
- b) What would be the justification for such a study? **(5 marks)**
- c) What do you understand by the phrase 'statement of problem' and what would be your problem statement for such a study?
(10 marks)
- d) What would be the probable hypothesis for this study? **(5 marks)**
- e) What are some of the ethical issues that you would consider as you conduct research and present your findings? **(5 marks)**

Q2. 'Problems occur in gross. The unit which appears to be a single problem at first glance is usually a complex of related difficulties, a confluence of more specific problems often, the initial urge is to dismiss the whole

difficulty with some ease, impulsive solution. We tend to substitute unexacting habitual responses for the work of reflective thought whenever possible. But when problems will not yield to such summary treatment, and when we become aware that they will not, we begin a process of analysis. We break the problem into parts and then draw on our intellectual resources for help in dealing with sub-difficulties. As attention is focused on these fractional difficulties, past experience with similar problems becomes a source of suggestions for solutions. The solutions of the fraction are drawn together by a process of synthesis in which we try to construct an answer to the whole problem out of the tentative solutions of its parts. These attempts at synthesis often indicate inadequacies of analysis, there may be a stage during which synthesis aids in the discovery of more satisfactory analysis, which in turn becomes a more adequate basis for synthesis which in turn, becomes a more adequate basis for synthesis. Eventually the solution of the problem as a whole is recognized and acted on. Sometimes the process does to carry through'. Anonymous.

- a) In the light of the above, and using practical legal problem examples, rationalize the proposition that resolving a sub problem does not necessarily lead to resolution of a problem. **(10 marks)**
- b) What in the light of above, is the significance of framing a problem accurately. **(10 marks)**

Q3. A client with a problem consults a lawyer rather than say a psychologist, social worker, or a business advisor because he believes that his problem has a significant legal dimension. But real-world problems seldom conform to the boundaries that define and decide different disciplines, and it is a rare client who wants his lawyer to confine herself strictly to 'the law'. Rather, most clients expect their lawyers to integrate legal considerations with other aspects of their problem. Solutions are often constrained or facilitated by the law, but finding, the best solution – that is, a solution that addresses the entire clients concern – often require more than technical legal skills. Indeed, it often turns out that no solution is ideal in all

respects, and that analyzing trade-offs is itself an important non-legal skill".
(Anonymous)

Rationalize the above proposition. **(20 marks)**

- Q4. Legal research a fundamental skill in the legal profession. Although all areas of law do not require the same level of research, competence in legal research is essential to almost any lawyer, regardless of area of law or type of practice. (Anonymous)

Citing both Kenyan and foreign decisions on the need to for a lawyer to conduct research, do you disagree with the above statement? **(20 marks)**

- Q5. Under what circumstances would one employ closed ended questions rather than closed ended questions while collecting primary data?
(20 marks)

END