



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

**A. M. E. C. E. A**

**MAIN EXAMINATION**

**AUGUST – DECEMBER 2018 TRIMESTER**

**FACULTY OF ARTS AND SOCIAL SCIENCES**

**DEPARTMENT OF LANGUAGE, LITERATURE AND COMMUNICATION**

**PART TIME PROGRAMME**

**LIT 314: CREATIVE WRITING**

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

**Date: DECEMBER 2018**

**Duration: 2 Hours**

**INSTRUCTIONS: Answer Question ONE and any other TWO Questions**

Q1. Read the following passage and answer the questions that follow:

## **DEBATE**

A motion is usually a procedural device for decision in United States America state law. It is a request to the judge (or judges) to make a decision about the case. Motions may be made at any point in administrative, criminal or civil proceedings, although that right is regulated by court rules which vary from place to place. The party requesting the motion may be called the *movant*, or may simply be the *moving party*. The party opposing the motion is the *non-movant* or *non-moving party*. In the United States, as a general rule, courts do not have self-executing powers. In other words, in order for the court to rule on a contested issue in a case before it, one of the parties or a third party must raise an appropriate motion asking for a particular order. Some motions may be made in the form of an oral request in open court, which is then either summarily granted or denied orally by the court. Today, however, most motions (especially on important or dispositive issues that could decide the entire case) are decided after oral argument preceded by the filing and service of legal papers. That is, the movant is usually required to serve advance written notice along with some kind of written legal argument justifying the motion. The legal argument may come in the form of a memorandum of points and authorities supported by affidavits or declarations. Some northeastern U.S. states have a tradition in which the legal argument comes in the form of an affidavit from the attorney, speaking personally as himself on behalf of his client. In contrast, in most U.S. states, the

memorandum is written impersonally or as if the client were speaking directly to the court, and the attorney reserves declarations of his own personal knowledge to a separate declaration or affidavit (which are then cited to in the memorandum). One U.S. state, Missouri, uses the term "suggestions" for the memorandum of points and authorities. Either way, the nonmovant usually has the opportunity to file and serve papers opposing the motion. In addition, most jurisdictions allow for time for the movant to file reply papers rebutting the arguments made in the opposition. Customs vary widely as to whether oral argument is optional or mandatory once briefing in writing is complete. Some courts issue tentative rulings (after which the loser may demand oral argument) while others do not. Depending upon the type of motion and the jurisdiction, the court may simply issue an oral decision from the bench (possibly accompanied by a request to the winner to draft an order for its signature reducing the salient points to writing), take the matter under submission and draft a lengthy written decision and order, or simply fill out a standard court form with check boxes for different outcomes. The court may serve all parties directly with its decision or may serve only the winner and order the winner to serve everyone else in the case.

***From American Bill of Rights of 1791***

- a) Critically distinguish the following terms as communicated in the passage : **(10 Marks)**
- i) Movant vis-a-vis nonmovant
  - ii) criminal vis-a-vis civil proceeding
  - iii) Summarily granted vis-a-vis orally denied
  - iv) optional vis-à-vis- mandatory
  - v) file reply papers Vis-a- Vis serve papers opposing the motion
- b) Think about the passage you have just read and work out the meaning in context to the following terms/phrases as : **(10 Marks)**
- i) tentative rulings
  - ii) An affidavit
  - iii) The attorney
  - vi) A memorandum of points
  - v) courts do not have self-executing powers
  - vi) Jurisdictions
  - vii) Written impersonally
  - viii) The bench
  - ix) Salient
  - x) Service of legal papers
- c) Identify the thesis statement and type of writing used in the passage Quote a statement from passage to illustrate your answer. **(3 Marks)**

- d) Suggest the most suitable title for the passage. **(1Mark)**
- e) Having been informed by the reading on the proceedings of an orderly motion in the U. S Write a **200 word** speech as a movant or non-movant of any motion of concern on any issue disturbing your own country. Observe the rules of paragraphing. **(6 Marks)**
- Q2. Creative writing is literary intervention and aims at promoting any virtue that supports the harmonious existence of humanity. With clear examples of your choice critically discuss any five steps that enhance its success **(20 Marks)**
- Q3. a) Elaborate your scholarly understanding of the term Polishing in creative writing **(3 Marks)**
- b) what are the procedures of the above mentioned in creative writing and how do they contribute towards the achievement of social order **(17 Marks)**
- Q4. **Either**
- a) Using your knowledge on this course demonstrate in not more than 400 words your understanding of oral skills and public speaking and explain how they could be employed in curbing HIV and Aids pandemic in your country of origin . **(20 Marks)**
- or**
- b) Evaluate how the following aspects of creative writing techniques stimulate the thought processes to enhance creativity before and after the writing process. Use clear examples of your choice.
- a) Elements of translation **(10 Marks)**
- b) Travel writing **(10 Marks)**
- Q5. Using any set text in this course or any other best preferred text of your choice, discuss how effective the author brings into life the elements of creativity to enhance achievement of his or her intended message. **(20 Marks)**

**\*END\***