



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

## A. M. E. C. E. A MAIN EXAMINATION

AUGUST – DECEMBER 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 100: LEGAL RESEARCH AND 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**  
You must think and plan for your answer before you write; precision and concision are of utmost importance.

- Q1. a) The United Medicine Co. made a product called "Mara Fast" and claimed it was preventive drug for malaria and a number of other diseases. Mara Fast was to be taken once a day before meals. The Company published advertisements in the *Peoples Daily* and other newspapers, claiming that it would pay Ksh. 100,000= to anyone who got sick with malaria after using its product, according to the instructions provided with it. They claimed to have deposited Ksh. 1,000,000= with Equity Bank portraying confidence in their medicine. This money was to be used to pay anyone who got sick after using their product. Mrs. Linda Ola saw the advertisement, she bought Mara Fast and used it as instructed for nearly two months until she contracted malaria on November 13, 2018. She claimed the Ksh. 100,000= from United Medicine Company. They have ignored two letters from her claiming that this wasn't a real contract. Draft a legal memorandum using the IRAC method to advice on the merits of her claim. You must employ your knowledge of the law of contracts by citing relevant authorities especially cases in your answer. **(18 marks)**
- b) Legal reasoning is a method of thought and argument used by lawyers and judges when applying legal rules to specific interactions. The philosopher David Hume asserts that our faculty for reasoning can operate only upon given premises and assuming certain premises. With this in mind, explain what deductive and inductive reasoning are; and how

they may assist lawyers in the dictate of reason.  
**marks)**

**(12**

- Q2. Legislation is in written form and it is therefore paramount that it is phrased in succinct clear terms. Interpreting legislation has been described as an art not a science. Bearing this in mind; present the three primary rules of statutory interpretation in line with the importance of good statutory construction.  
**(20 marks)**
- Q3. Using legalese as opposed to plain English in some ways allows for precision because law students and lawyers are required to know the specific and precise meaning of each of these legal terms, and all the things that go with it. However it has been argued that the benefits of using plain English outweighs the use of legalese. Do you agree with this assertion? You must provide solid arguments to back up your answer.  
**(20 marks)**
- Q4. a) Write a professional letter; Notice of Intention to Sue – to Mr. Richard Gona on behalf of your client Mrs. Joyce Gona who intends to takes Mr. Gona to court over his refusal to provide child support for their child; Sally Gona.  
**(8 marks)**
- b) In a precise and concise manner; state your understanding of;
- i) Primary and secondary sources of law **(6marks)**
  - ii) Qualitative and Quantitative methods of research **(6marks)**
- Q5. Present your understanding of the following concepts;
- a) Plagiarism **(10 marks)**
  - b) Validity and Truth in legal reasoning **(10marks)**

**\*END\***