



# THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

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

AUGUST – DECEMBER 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 401: PROFESSIONAL ETHICS AND TRIAL ADVOCACY

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. Studio Mafisi filed a suit for breach of contract against Koffi Olomide the celebrity musician after he failed to appear in the Naivasha Concert last month. The studio is being represented by Osama Laden (QC) while the debtor has engaged Sina Deni the hostess of the popular Vurugha talk show.

Sina Deni is a Kenyan citizen who holds an LLB degree from Kigali University. She completed the ATP course at the Kenya School of Law and passed the Kenya Bar exams in December 2014. Due to the lack of legal recognition (not yet been admitted to the Roll of Advocates) Sina Deni has decided not to charge any legal fees on condition that Koffi mentions her name at least fifty times in his next rumba hit song.

Unfortunately her show broadcasted last night, aired footage of the interview held in Kinshasa last week where Koffi released several bleeps (unprintable words) against the plaintiff (Studio Mafisi). This matter has now been referred to the Advocates Complaints Commission for further investigations and corrective action.

Discuss the necessary remedies applicable to this matter based on the Code of Conduct and any other legislation applicable to legal professionals (lawyers) in Kenya.

**Thirty (30 marks)**

- Q2. Discuss the definition and application of any one of the following Concepts and Principles with regard to Professional Ethics for lawyers in Kenya:
- a) Immoral versus Amoral Conduct;
  - b) Undercutting versus Overcharging;
  - c) Allegory of the Charioteer;
  - d) Any one fundamental Cardo for lawyers.
- Twenty (20) marks**
- Q3. Provide analysis of any two(2) functions of Kenyan lawyers (office practice).  
**Twenty (20) marks**
- Q4. Discuss any two(2) strategies that are critical in trial advocacy (court practice).  
**Twenty (20) marks**
- Q5. Discuss the process of recognition and participation of foreign lawyers within the Kenya Bar today (as per the Advocates Act and the Legal Education Act 2015).  
**Twenty (20) marks**

**\*END\***