

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**SUPPLEMENTARY EXAMINATION**

**L584 CLINICAL LEGAL EDUCATION**

**JULY 2009**

**MARKS: 100**

**TIME: 3HRS**

---

**Instructions**

- (a) Answer any four of the following six questions.**
  - (b) All questions carry equal marks.**
  - (c) Answers must reflect in-depth analysis and scholarship.**
-

### **QUESTION ONE**

You have been retained by the Natal law clinic to prosecute a case on behalf of their client in the High Court of Lesotho. The pleadings are closed and the matter will be heard on the 30<sup>th</sup> October 2009. What are the important things that you have to take into account in preparing for the trial? **[25]**

**TOTAL MARKS [25]**

### **QUESTION TWO**

**(a)** Discuss how inferential reasoning is used by courts of law in both civil and criminal proceedings to reach certain conclusions of law. **[7]**

**(b)** Discuss factors that inhibit effective counseling in practice **[12]**

**(c)** A factual theory must satisfy certain requirements for it to justify a particular legal conclusion. Briefly discuss those requirements. **[6]**

**TOTAL MARKS [25]**

### **QUESTION THREE**

**(a)** What are the important questions that you have to ask yourself before cross-examining a witness in a trial? **[5]**

**(b)** What is the purpose of cross-examination in a trial? **[5]**

**(c)** Under what circumstances is a client entitled to professional privilege in the event that his/her opponent wants to discover certain documents? **[5]**

**(d)** What are the goals of interviewing a client? **[5]**

**(e)** Discuss two functions of law clinics. **[5]**

**TOTAL MARKS [25]**

#### **QUESTION FOUR**

In deciding on the fact gathering plan there are basic and important questions which a lawyer should take into account. Discuss these questions and indicate how they affect fact gathering in practice. **[25]**

**TOTAL MARKS [25]**

#### **QUESTION FIVE**

You are representing Mr Reckless Letaoa in the High Court of Lesotho. The matter is placed before Mahleu J. You learn that Mali is due to appear before the magistrate court in October 2009 charged with reckless driving. The charge indicates that his vehicle collided with that of Mahleu J's girlfriend along the Kingsway Road. Reckless instructs you to apply for the recusal of the judge on the ground that he is likely to be biased against him. Would you apply for the recusal? If so, what are important factors that you have to take into account before applying for the judge's recusal?

**[25]**

**TOTAL MARKS [25]**

#### **QUESTION SIX**

**(a)** What are the advantages of out of court settlement? **[5]**

**(b)** Mention two theories that explain why parties may opt for settlement as opposed to trial. **[7]**

**(c)** Discuss the ethical responsibilities of prosecuting counsel. **[8]**

**(d)** Briefly discuss how zero-sum and integrative negotiation work in practice. **[5]**

**TOTAL MARKS [25]**