

FACULTY OF LAW
END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB

YEAR/SEM: YEAR 1/SEMESTER 2

COURSE CODE: LLB 1205

NAME: LEGAL METHODS

DATE: 2025-04-17

TIME: 9:00AM-12:00PM

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully
2. The time allowed for this examination is STRICTLY three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

DO NOT WRITE ANYTHING ON THE QUESTION PAPER

Section A The question is compulsory and shall carry 25 Marks.

Question 1:

1. Matsiko is the Managing Partner of Korinda Advocates, a law firm in Uganda. Since 2020, he has been handling the files for all legal matters on behalf of Kombat Bank as counsel in personal conduct. In the course of providing the legal services to Kombat Bank, he has been in close interaction with Mariana, the Managing Director of Kombat Bank. Matsiko has even been involved in a romantic relationship with Mariana.

In January 2024, Kombat Bank fired Mariana from her employment due to fraud related matters. Kombat Bank instructed Korinda Advocates to recover an outstanding salary loan of Ug.shs100,000,000 from Mariana. Matsiko filed a suit in Kasangati Chief Magistrates' Court. On the second hearing date, the case was dismissed by the Chief Magistrate for want of jurisdiction.

Mariana filed a complaint against Kombat Bank for wrongful termination of her employment. When the case was called for hearing, James, a lawyer employed by Korinda Advocates introduced himself as counsel for the complainant.

Kombat Bank is not happy with the situation and feels that Korinda Advocates has acted improperly. Kombat Bank wants to take on the lawyers and would like you advise in the circumstances. (25 Marks)

Section B Answer at least one question from this Section

Question 1:

1. As part of your interview for an internship, you have been requested to prepare brief notes to the committees of the Law Council on the following matters:
 - a) In 2020, Norman, a moneylender, gave instructions to Maulina & Co Advocates to provide debt collection services from a number of borrowers. Norman paid the agreed fees to Maulina & Co Advocates for provision of the services. To date, the said Advocates have never provided the services to Norman. He needs a remedy against Maulina & Co Advocates. (7 Marks)
 - b) Kamau completed her Bachelor of Laws at Makerere University and has just finished her post-graduate bar course at Institute of Legal Practice and Development in Kigali. He has applied to the Law Council for enrolment as an advocate of the High Court of Uganda. Advise on the necessary eligibility requirements for his enrolment as an advocate in Uganda. (9 Marks)
 - c) Pullida & Co Advocates successfully represented Joyce Mwaka in a land matter in which she was awarded Ug.shs75,000,000 as damages by the High Court. The Defendant paid the entire amount of damages into Pullida & Co Advocates' firm account. Pullida & Co Advocates has only paid her Ug.shs45,000,000 and claims that the rest of the sum was retained by the firm as instruction fees. (9 Marks)

Question 2:

Write short notes on the following cases and the contribution made to the regime for regulation of advocates:

- a) Champion Motor Spares Ltd v Phadke 1968 EA (9 Marks)

- b) Namayega v Etot Dennis HCCS No. 939 of 2019 (8 Marks)
c) Kituuma Magala & Co Advocates v Celtel (U) Limited [2001-2005] HCB 72 (8 Marks)

Section C Answer at least two questions from this Section

Question 1:

'Legal Education and Training consists of three stages: the Academic stage, the Professional stage and Continuing Legal Education.' The Odoki Report on Legal Education in Uganda (1995)

Consider the above statement and explain the mandatory phases of legal training and the structures in place to enable the shaping of good quality legal professionals.

Question 2:

“The purposive approach has become the predominant approach employed by the courts in interpretation of statutes. Judges are focussed on assigned the meaning to a statute only after determining the actual intention of parliament when the law was made.” Per Golda, LLB 1 student.

With the aid of authorities and established rules of statutory interpretation, discuss the accuracy of the above statement. (25 Marks)

Question 3:

1. “The development of the law relating to land ownership and creation of interests in land is a good example of the operation of the doctrine of precedent.” Per Maalo LLB2

With the aid of authorities, discuss the veracity of this statement demonstrating the manner in which decisions of the court have contributed to the development of land law in Uganda. (25 Marks)

Question 4:

“Court proceedings were not a lawyer's battleground where either party was free to utilise any tactics in order to win. The adversary system, which we adopted worked best when both counsel felt a responsibility to assist the court in arriving at a fair and just decision. It was the duty of counsel to elicit all relevant information from their clients and to present it before the court.” Holding in **Iga v Agip Ltd 1975 HCB 13**

In light of the above statement, discuss the duties owed by an advocate to the court in the conduct of cases and the potential conflict with their obligation to their client. (25 Marks)