INTERNATIONAL UNIVERSITY OF EAST AFRICA
'Learning to Succeed'

FACULTY OF LAW

END OF SEMESTER EXAMINATIONS - APRIL 2025

PROGRAMME: LLB
YEAR/SEM: YEAR 4/SEMESTER 2
COURSE CODE: LLB 4207
NAME: LAWYERS: PRACTICE AND ETHICS

DATE:
TIME:

INSTRUCTIONS TO CANDIDATES:

SECTION A

This Question is Compulsory

Question 1:

Ssendi is an advocate of Eight (8) years standing. Ssendi failed to apply for a Practicing Certificate for the years 2022 and 2023. He nevertheless continued to take instructions from clients, draw and execute the necessary pleadings and represent his clients in court. Since his admission, she has been practicing under her own firm known as Ssendi Associates. One of his clients, Zakayo wishes to file a complaint against him with the Disciplinary Committee. Zakayo alleges that Ssendi successfully concluded a case in which he was the Plaintiff, judgement was awarded against the defendant and payment of the decretal sum had in fact been deposited in Ssendi's personal fixed deposit account from which Ssendi has been earning interest at the rate of 10% per annum. Ssendi is yet to release the decretal sum to Zakayo despite many requests in writing.

Zakayo has shown you a retainer which prescribes the legal fees payable to Ssendi and a receipt for full payment of the same. The last time Zakayo heard from Ssendi about the case was the day Zakayo attended court for hearing. That was Two years ago.

Zakayo got to know about the payment by the defendant only recently and even through a third party. When Zakayo visited Ssendi's office with a view to discuss his case, Ssendi threw him out with blows and insults, thereby physically assaulting him in the process.

[Figure from the original paper could not be retrieved]

v:shapes="Picture_x0020_4395">Furthermore, Zakayo withdrew the case **(Civil Application No. 1 of 2025)** without informing Zakayo. Ssendi then proceeded to settle the claim at UGx.

100,000,000/= all-inclusive without informing Zakayo.

Prepare a Legal Opinion to Samantha on the following matters:

(a) What ethical issues arise from the scenario presented above? (**10 marks**)

(b) Zakayo wishes to make a formal complaint against Ssendi. Advise Zakayo on the process and procedure before the Disciplinary Committee. **(10 Marks)**

(c) Advise Zakayo on the possible sanctions against the advocate in the disciplinary proceedings at the tribunal **(5 Marks)**

Question 2:

May Nalumansi, a Uganda National, who holds a Bachelor of Laws Degree from Success University in Uganda, a post-graduate diploma in legal practice from Kenya School of law, and has practiced as an Advocate of the High Court of Kenya for a period of three (3) years, requests for your advice on the qualifications and process she needs to follow so as to successfully practice law in Uganda. **[25 Marks]**

SECTION B

Choose One Question from the Two Questions in this Section.

Question 1:

With reference to relevant authorities, write short notes on the following 25 Marks):

a) Differences between Ethics and Legal Ethics

b) b) Circumstances under which the duty of confidentiality to a client may be waived

c) c) Forms of Professional misconduct of advocates in Uganda

d) d) Meaning, Rationale and Exceptions to the “Cabrank” rule

e) How the Advocate-Client Relationship Arises

Question 2:

Write short notes on the following Cases (25 Marks):

a) a) Masalu Musene & 3 Others v Attorney General, Constitutional Petition No. 5 of 2004

b) b) Nocton v Lord Ashburton [1914] AC 932

c) c) *Larb (U) Limited & others vs. Greenland Bank (Liquidation) & Anor* High Court, Miscellaneous Application No. 420 of 2010

d) d) Namayega Barbra v Etot Denis & 2 Others (Civil Suit 939 of 2019) [2024] UGCommC 2

e) e) Rondel V Worsley (1967) 1 QB 443

Question 3:

With reference to relevant authorities, write short notes on the following:

a) Meaning and effect of the phrase " an Advocate is an officer of Court"

b) Duties of Advocate to opposing Counsel

c) The Objectives of legal education

d) Modes of avoiding a possible Conflict of interest between an Advocate and client

e) Remedies of a Client in case of breach of the Advocate-Client Relationship

Question 4:

Write short notes on the following Cases (25 Marks):

a) Uganda v Patricia Ojangole, Criminal Case No. 1 of 2014

b) Katungi Tony v Attorney General [2019] UGHCCD 1.

c) Pius Nuwagaba v Law Development Centre, Misc. Cause No. 3 of 2006

d) Asiimwe Byaruhanga & Others v Law Development Center &

Another, Misc. Case No. 269 of 2017

e) Muwanga & 3 Others v Mohan Musisi Kiwanuja, Misc. Application No. 937 of 2023

SECTION C

Choose Two Questions from the Four Questions in this Section.

Question 1:

With reference to relevant authorities, discuss the tenets of the principle of independence of the judiciary, whether the principle of independence of the judiciary a reality or myth in Uganda. 25 Marks

Question 2:

'An advocate, in the discharge of his duty, **knows but one person in all the world, and that person is his client**. To save that client by all means and expedients, and at all hazards and costs to other persons, and, amongst them, to himself, is his first and only duty; **and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others**. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences, though it should be his unhappy fate to involve his country in confusion.' **Per Lord Brougham in Trial of Queen Caroline 8 (1821). Discuss the veracity of the above statement.**

Question 3:

"The Practice of law is not a matter of grace, but of right for one who is qualified by learning and his moral character." **Per the case of United States Supreme Court, Baird v State Bar of Arizona, 401 U.S 1(1971).** With reference to the above statement, discuss the procedure of how one becomes an Advocate in Uganda. 25 Marks

Question 4:

Critically analyse the manner in which advocates that conduct

themselves unprofessionally are disciplined in Uganda. 25 Marks

Question 5:

You have been recently acquired an internship placement at Success & Co. Advocates, a middle sized law frim in Kampala. Prepare a legal opinion to the Managing Partner of Success & Co. Advocates, on the meaning and scope of the term "Contempt of Court", while reference to relevant authorities from the Ugandan context. **25 Marks**