

THE KENYA SCHOOL OF LAW



EXAMINATION FOR ADMISSION TO
THE ROLL OF ADVOCATES

LEGAL WRITING AND DRAFTING - ATP 103

24TH NOVEMBER, 2014

DURATION: 3 HOURS

Instructions to Candidates

- (a) Answer **one** question from each section and a fourth one from any of the three sections
- (b) All Questions carry fifteen (15) marks each
- (c) Marks may be lost for illegibility

SECTION A

Question 1

(a) With relevant examples, explain the meaning, types and purpose of transitions. **(5mks)**

(b) Identify the transitions in the following sentences:

- (i) The question of damages will be more difficult to predict. The court will probably enjoin those activities that constitute a private nuisance, but awarding damages for Peter's lost profits is less likely. **(2mks)**
- (ii) The prosecution's second allegation, that Mr. Mahoya's original advocate thwarted the discovery process, should be directed at Mr. Mahoya's original advocate, not at Mr. Mahoya. Mr. Mahoya was unaware that his original advocate shredded the requested document. He cannot be held responsible for the unsanctioned actions of his lawyer. **(2mks)**
- (iii) In the 1970's, the court narrowed the scope of the "discretionary" category by emphasizing that the State must show that "a policy decision, consciously balancing the risks and advantages, took place..." **(2mks)**
- (iv) The suspect was with his daughter at an amusement park till 11.00 p.m. that night. Therefore, he could not have committed the robbery. **(2mks)**
- (v) In the instant case, the son was not the executor of the will. While In the case at hand, there is no indication that the defendant intended to deceive the plaintiff about her rights under the contract. **(2mks)**