

1. The pre-action stage is a critical phase for the trial lawyer as part of developing a winning strategy.

(a) Explain the purpose and technique of carrying out the following activities in connection with civil disputes.

- (i) Client interview
- (ii) Research and Documentation
- (iii) Demand letter
- (iv) Negotiations

(8 marks)

(b) Outline seven factors/steps that are critical in carrying out a comprehensive case analysis as part of pre-trial preparation in both civil and criminal cases.

(7 marks)

2. The trial lawyer presents his client's case primarily through examination of witnesses. There are however, certain rules and warnings that the advocate must always bear in mind when conducting examination-in-chief, cross examination and re-examination of witnesses.

Discuss these rules and warnings showing the questioning techniques suitable in each case.

(15 marks)

3. The trial lawyer owes various duties to the client, the court, the opposing counsel and witnesses. In addition, as an officer of the court, the advocate is obliged to "at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession."

Explain the various duties owed by trial lawyers, indicating how potential conflicts can be resolved.

(15 marks)

4. The opening speech and the closing arguments are unique tools in the hands of the trial advocate which, if properly and expertly executed, will go a long way in telling the client's story and persuading the factfinder to arrive at an opinion favourable to the client.

Present a critical analysis of those two trial processes and suggest useful strategies for executing them effectively.

(15 marks)

5. Trial advocates and judicial officers occasionally find themselves in situations of conflict of interest requiring that they either decline to take up certain cases or disqualify themselves from hearing a particular case.

Citing relevant examples and case law, discuss the concept of conflict of interest as it relates to advocates and judges/magistrates

(15 marks)