



جامعة السلطان الشريف علي الإسلامية
UNIVERSITI ISLAM SULTAN SHARIF ALI
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

Faculty of Shariah and Law
Semester I, 2016/2017 Academic Session

Examination Question Paper

Course Code : LB 5303
Course Name : Professional Practice I
Course Level : Bachelor of Laws (LL.B) and Bachelor of Shariah Law (BSL)
Time : 3 hours

Reference allowed:

The Legal Profession Act (Cap.132) (“LPA”)
Legal Profession (Practice and Etiquette) Rules 2013
Legal Profession (Law Society of Brunei Darussalam) Order
Legal Profession (Practising Certificates) Rules
Legal Profession (Accountant’s Reports) Rules
Advocates and Solicitors (Remuneration) Rules
Legal Profession (Contingency Fees) Rules
Legal Profession (Alternative Qualification) Rules
Legal Profession (Pupillage) Rules

Note:

1. Answer **all** questions in Part A.
2. Answer **any two** questions in Part B.

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Part A

QUESTION 1 (15 Marks)

Adam has graduated from Sultan Sharif Ali Islamic University in 2015 and has completed his pupillage with Amal & Associates where you are his master. Adam has approached you to submit his Petition for Admission as an Advocate and Solicitor to the Supreme Court of Brunei Darussalam. Advise Adam as to:-

- (a) The law relating to the admission as Advocate and Solicitor as provided under the Legal Profession Act (Cap.132). (5 marks)
- (b) Draft the Petition of Admission and the Affidavit in Support. (5 marks)
- (c) (i) Define an Ad Hoc Admission
(ii) In what circumstances can an Ad Hoc Admission be applied in reference to the law provided under the Legal Professional Act (Cap.132). (5 marks)

(15 marks)

QUESTION 2 (15 Marks)

- (a) The roles and duties of an Advocate and Solicitor to the courts and the society has been considered to be very challenging in the course of the administration of justice. The hallmarks of the duty are often term as “Without fear or favour” and “Justice is not only be done it must be seen to be done”. Explain the role and duties of an advocate and solicitor by referring to the decided cases. (10 marks)
- (b) What are the main duties of a Syariah lawyer? (5 marks)

(15 marks)

Part B

Answer any **TWO** of the following questions.

QUESTION 1 (15 Marks)

Discuss the following in respect of the ethics of advocate and solicitor by referring to the laws and decided cases:-

- (a) A lawyer should not accept a brief when such acceptance will cause embarrassment. (3 marks)
- (a) A lawyer should not accept a brief if conflict of interest have arisen. (3 marks)
- (b) A lawyer should not accept a brief if his professional independence is being questioned. (3 marks)
- (c) A lawyer should make every effort to ensure appearance at day of hearing. (3 marks)
- (d) A lawyer should not accept a brief if he is called as a witness. (3 marks)

(15 marks)

QUESTION 2 (15 Marks)

Contempt of Court may be said to be constituted by any conduct that tends to be the authority and the administration of law into disrespect or disregard or to interfere with or prejudice parties, litigants and their witnesses during the litigation.

- (a) Discuss the purpose of Contempt of Court. (5 marks)
- (b) Outline two broad categories of Contempt of Court. (5 marks)

- (c) In respect of the advocates in their professional capacity, please state TRUE or FALSE to the following questions below which misbehavior will be considered as contempt of court during court proceedings:
- (i) Every act of discourtesy to the court by counsel amounts to contempt of court. (1 mark)
 - (ii) An advocate is given considerable freedom and wide latitude to conduct a case in the best interest of his client. (1 mark)
 - (iii) Advocates enjoy immunity for all misconducts in Court as they are officers of the Court. (1 mark)
 - (iv) In conducting a case, an advocate may clash with a judge but his considerable freedom to act for his client may insulate him against the risk of contempt. (1 mark)
 - (v) The Court has power to punish as contempt any misuse of the Court's process i.e. forging or altering of court documents or deceiving the court by deliberately suppressing a fact or giving false evidence. (1 mark)
- (15 marks)

QUESTION 3 (15 Marks)

- (a) Explain the procedures on the disciplinary proceedings against a lawyer for misbehavior in court under the Legal Professional Act (Cap. 132). (10 marks)
 - (b) Discuss the disciplinary proceedings taken against the solicitor in Zamri Taha's case and Siva Sankaran's case respectively. (5 marks)
- (15 marks)

QUESTION 4 (15 Marks)

Robert was convicted for the offence of trafficking drugs under Section 5 of the Misuse of Drugs Act and was sentenced to 20 years and 15 strokes. He was dissatisfied with the conviction and sentence. He has retained you as his lawyer on the Appeal both against Conviction and Sentence to the Court of Appeal. Advise Robert on:

- (a) The Procedures of Appeal against conviction. (5 marks)
- (b) The Procedures of Appeal against sentence. (5 marks)
- (c) What are the duties of an advocate conducting the appeal? (5 marks)

(15 marks)

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