



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

**Faculty of Shariah and Law
Semester I, 2020/2021 Academic Session**

**Final Examination
Question Paper**

Course Code : LB5303
Course Name : Professional Practice I
Course Level : Bachelor's Degree
Time : 3 hours

Reference(s) allowed:

THE LEGAL PROFESSIONAL ACT (CAP. 132);
LEGAL PROFESSION ADVOCATES AND SOLICITORS (PRACTICE AND
ETIQUETTE) RULES 2015;
LEGAL PROFESSION (LAW SOCIETY OF BRUNEI DARUSSALAM) ORDER;
LEGAL PROFESSION (ALTERNATIVE QUALIFICATIONS) RULES;
LEGAL PROFESSION ACT (PUPILLAGE) RULES;
SYARIAH COURTS ACT (CAP. 184);
SYARIAH COURTS (SYARIE LAWYER) RULES 2002

Instructions:

1. Answer **ALL** questions in **part I** and any **two** questions in **part II**
2. All answers, wherever relevant, must be supported by statutory provisions and case law.

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PART I

QUESTION 1 (15 Marks)

Adam has graduated from Sultan Sharif Ali Islamic University in 2018 and has been interested in practicing as an advocate and solicitor in the Supreme Court of Brunei Darussalam and in the Syariah Court of Brunei Darussalam.

Adam has approached Musa, a senior lawyer who is practicing in both the Civil Court as well as the Syariah Court for advice pertaining to the procedures of applying to be admitted to the Supreme Court as well as the Syariah Court pursuant to the Legal Profession Act and the Syariah Courts Act and Syariah Courts (Syarie Lawyers) Rules 2002.

Advise Adam on the following:

- (a) Procedures for the Petition for Admission as an Advocate and Solicitor of the Supreme Court of Brunei Darussalam, setting out all the specific legal requirements for the admission together with all the necessary supporting documents.

(10 Marks)

- (b) Procedures of Application for admission to be a Syariah lawyer at the Syariah Court together with all the necessary supporting documents.

(5 Marks)

QUESTION 2 (15 Marks)

Abdullah Ahmad has been practicing in the firm of Messrs Abdullah Ahmad & Associates for the last fifteen years and is one of the finest litigation lawyers in trial.

Jasnah has completed her 9-month pupillage with Abdullah being the pupil master and is very interested to practice in her own legal firm once she has been admitted as an Advocate and Solicitor and has met the necessary experience to practice. In order to be a successful lawyer like Abdullah, one of the areas that Jasnah has to observe is the professional ethics and etiquette as set out in the Legal Profession Advocates and Solicitors (Practice and Etiquette) Rules 2015.

Advise her on the following:

(a) The importance of Ethics and Etiquette to an Advocate and Solicitor. (5 Marks)

(b) The Ethical Rules which govern the following:

i. The relationship between lawyer and client. (5 Marks)

ii. The relationship between the lawyer and Court (Judge) (5 Marks)

PART II

QUESTION 3 (15 Marks)

Karim is a well-known civil litigation lawyer in his firm Messrs Karim & Company. Karim has employed 2 legal assistants and 2 paralegals in his practice. Karim's firm has also been placed as panel lawyers for ABC Bank Bhd. Karim has received a letter from ABC Bank Bhd to conduct a bankruptcy search at the Bankruptcy Office as well as land search at the Land Office for the purpose of advancing loan facilities to Mr. Zaini Ali.

Karim has instructed his paralegal to conduct both the bankruptcy search and the land search. However, due to a mistake made by the paralegal, the bankruptcy search did not reveal that Zaini Ali was a bankrupt and at the same time the land search was not properly done whereby someone else land have been searched with the same name.

Having been satisfied with the searches, ABC Bank duly granted the loan facilities to Zaini Ali for the sum of \$200,000.00. One month later after the release of the money to Zaini Ali, ABC Bank Bhd has discovered that Zaini Ali was in fact a bankrupt and that ABC Bank Bhd will no longer be able to recover the money advanced to Zaini Ali.

ABC Bank Bhd has approached you to consider legal action for professional negligence in contract and tort against Karim.

Discuss the principles of Professional Negligence against Karim in Contract and court with reference to decided cases.

QUESTION 4 (15 Marks)

In a professional legal practice, an Advocate and Solicitor must be on guard to ensure that his professional conduct in court will not be subject to be censure under the concept of Contempt of Court.

Discuss with reference to decided cases the concept of Contempt of Court and the consequences and impact on the legal profession of the Advocate and Solicitors.

QUESTION 5 (15 Marks)

Any advocate starting a trial should have an idea of what he or she is going to attempt to achieve in the trial. The better advocates are those who have analysed the evidence in a case and have a clear strategy for achieving a verdict or result in their favour. These objectives are used in the pre-trial preparation area.

Discuss the following stages of pre-trial preparation:

- (a) Stage one – Arriving at your preliminary theory (3 Marks)
- (b) Stage two – testing the theory with facts (3 Marks)
- (c) Stage three – Review the source and quality of facts (3 Marks)
- (d) Stage four – Reviewing the case theory (3 Marks)
- (e) Stage five – Checking your theory against the law and your instructions. (3 Marks)

QUESTION 6 (15 Marks)

Advocacy skills of any advocate and solicitor are very challenging in particular at a trial stage in order to convince the trial court to decide in their favour. The Advocacy skills must be developed in the handling of witnesses during Examination-in-Chief, Cross-examination, and Re-examination.

Discuss the aims and objectives of Examination-in-Chief, Cross-examination, and Re-examination of witnesses in a trial before the Court.

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