

Wollo University
School of Law
Legal Writing (Laws-3051) (LLB-Regular, 2012)
Questions for I Exam Preparation

I. CHOOSE THE BEST ANSWER

- 1. What is the strategy used that has to be used for all purposes of legal writing?**
 - a) Predict the out come
 - b) Knowing your audience
 - c) Persuade the audience
 - d) Identify client's need
 - e) All of the above
- 2. Which one of the following is not true about conclusive statements? It is -----**
 - a. Effective to persuade
 - b. Forceful than opinion
 - c. It shows belief
 - d. Convincing than opinion
 - e. None of the above
- 3. In order to persuade a judge, you should always**
 - a. Use active voice
 - b. Use conclusive statements
 - c. Hide an information that hurts your client's position
 - d. Focus on simple denial of opponent's position than affirmation of your position
 - e. All of the above
 - f. Only b and c
- 4. Which of the following is incorrect about the skill of interviewing?**
 - a) It is better to conduct preliminary research before conducting interview.
 - b) You can ask any type of questions as you wish so long as it helps you to get information.
 - c) It helps to gather facts
 - d) It is good to save your time and to do so it is advisable to ask questions as soon as the interviewee takes a sit.
 - e) All except A and C
- 5. Both ----- and ----- help us to rebut the position of our opponent.**
 - a) Juxtaposition and de-emphasis of negative information
 - b) Affirmative statements and Juxtaposition
 - c) negative statements and subtlety
 - d) de-emphasis of negative information and negative statements
 - e) negative statements and Juxtaposition

6. **which of the following is false about devil's advocate?**
- a) Helps to understand the weakness of your argument
 - b) Helps to address counterarguments after they arise
 - c) Helps to build strong legal position
 - d) None of the above
7. **-----doesn't constitute techniques to achieve persuasive writing.**
- a) Put your strong argument in the middle of your writing.
 - b) Putting yourself in the shoe of a judge.
 - c) Oppose the opposing party arrogantly.
 - d) Focus on logic since in emotion doesn't matter.
 - e) All except b and d
 - f) All except b
8. **The purpose of legal brief is (1 mark)**
- A. Education function and persuasion function
 - B. Provide income for legal writing
 - C. Equip smart writing style
 - D. All
 - E. None
9. **Which of the following is always true? (2 Marks)**
- A. pleading not disclosing a cause of action must be rejected.
 - B. statement of claim containing legal provisions must be rejected.
 - C. Statement of claim which is longer than 10 pages must always be amended.
 - D. All are true.
 - E. A & B
10. **Which one is not an important technique that you should not employ when revising argument for persuasion (1 Mark)**
- A. Isolate specific segments of your argument from the ground up.
 - B. First do not copy and paste only your heading to a new document
 - C. Read your entire brief out loud to yourself
 - D. Have your peers or colleagues revise your work.
 - E. None
11. **Drafting of pleading shall not include (1 Mark)**
- A. The statement of claim and defense
 - B. Memo random of appeal
 - C. Regulations and directive
 - D. Country claim
 - E. All

12. The preliminary consideration for oral argument is (1 Mark)
- A. Looking at the audience
 - B. The purpose of oral argument
 - C. Legal knowledge
 - D. Identifying relevant laws
 - E. All
13. One is not the predictive technique in drafting a client letter (1 Mark)
- A. Ignoring the introductory paragraph
 - B. The opinion
 - C. The statements of facts
 - D. The explanation
 - E. All
14. The memo to the file of the client interview summary shall not include
- A. The identity of the client
 - B. The client's goal
 - C. Probable outcome of the case
 - D. The task of the client and the attorney
 - E. All
15. If you are an appellate advocate, and the client request you to file an appeal, which of the following will automatically make you file the appeal? (2 Marks)
- A. The existence of any kind of error that can be observed from the records of the trial court
 - B. The absence of any remedy in the trial court.
 - C. The fact that the case is finalized in the trial court
 - D. All
 - E. None

II. True or False Type

1. Persuasive documents are confidential and end by forecasting the outcome of a case.
2. In both letters to client and letters to adversaries, you have to indicate your representative capacity.
3. Letter to adversaries has a purpose of convincing the reader.
4. A lawyer should use whatever means of writing if that means helps to persuade a judge.
5. A lawyer should not introduce new issues during rebutting.
6. Both pleading and internal memorandum are public documents.
7. In order to persuade it is sufficient to focus on denying your opponent's position.
8. The purpose of letter to a client is the same with legal memorandum.

III. GIVE SHORT ANSWERS TO THE FOLLOWING QUESTIONS

1. The most suitable and common paradigm of predictive writing is referred as the IRAC rule. What does IRAC stand for? (1 Mark)
2. What are the things that can be included in the statement of claim while you are writing it? (1 Mark)
3. What is the difference between subtlety and juxtaposition or parallelism? (4 marks)
4. What is the role of a Devil's Advocate? (3 marks)
5. Explain the purpose of Demand Letters and Settlement Letters? (4 marks)
6. Explain about the distinguishing features of legal writing as compared to other forms of writing? (6 marks)
7. Explain the difference and similarity between Predictive Writing and Persuasive Writing? (6 marks)
8. How can you strike the balance between Fervent Advocacy and Straightforward Objectivity in preparing Persuasive Writing? (7 marks)

IV. WRITE SHORT ESSAYS FOR THE FOLLOWING QUESTIONS

1. Explain the different sections of a legal brief. (3 Marks)
2. If a court gives a judgment which does not contain any reasoning, a brief account of facts or issues, but simply goes:
The court, after thorough examination of the arguments and evidences presented by parties hereby decides that a defendant is liable to pay 50,000 birr to the plaintiff.
Can the defendant resort to those provision given under Arts 207-212 of the Civil Procedure to challenge this judgment in the very court it is rendered? (4 Marks)
3. Discuss the prescribed format of oral argument. (3 Marks)
4. Can we say that memorandum of appeal and appellate brief are one and the same thing? (5 Marks)

V. HYPOTHETICAL CASE QUESTIONS

1. Assume you are the court clerk or assistance of a judge in high court. If you are ordered by a high court president to prepare a draft form for securing bond. Hence please would you prepare securing bond form and show it us. (5 Marks)
2. In a suit in a federal first instance court between Mr. Sami, a victim, and Mr. Dani, a car owner, your boss, Mr. Aleka, is the lawyer of the defendant, the car owner. After the first hearing is conducted, your boss comes to learn that there is a compromise concluded between the victim and the defendant regarding the dispute before the suit is initiated in the court and that the claim of the victim is more than 600,000 Birr. Now Mr. Aleka wants you, his assistant, to present him with a legal memorandum as to whether he can raise the facts he has just learnt as a defence in any way. Can you do that? (15 marks)

On Oct 10th 2000, night officer X who works at the Federal Anticorruption commission received anonymous tip that A and Z, employees of Addis Ababa City Administration, are involved in skewing a land auction in favour of *Bibas construction* in return of which they received half a million each as a 'commission'- people engaged in the practice preferred to call it. The Anticorruption Commission established a task force comprising two police officers and one public prosecutor to investigate the matter. Fearing the suspects' flee, however, police applied for an arrest warrant and obtained it to immediately take A and Z in to custody. Accordingly, the arrest was safely carried out on the 12th of October 2000. Following their arrest, A and Z filed Bail application but it was objected by the prosecutor on ground that the crime of corruption which A and Z are suspected of committing is, ipso facto, non-bailable. The court before which the bail application was filed dismissed the suspects claim and ordered that they remain in custody until the trial court hands down a final judgment over the merit of the case. A and Z, dissatisfied with the court's decision, filed an appeal before the Federal Supreme Court.

On the other side of the story, the investigation continued to uncover material evidence. While investigating the matter, the task force approached 12 witnesses and interviewed 6 of them; interrogated the suspects after duly warning them of their right to remain silent. Despite successive interrogations, the suspects insisted that they have committed no offence. But at a later stage in the investigation, following X's soft advice that confession rewards in terms of sentence as well as in their heavenly life; and prosecutor's promise not to include earlier records, if any, while charging, Z admits he has committed the alleged offence- corruption. Yet, A insisted on his innocence. To consolidate its case, police obtained search warrant and thoroughly searched the suspects' belongings and found some evidence including their pass book (bank) with a staggering sum of money.

Relying on the above findings the commission decided to prosecute A and Z of the crime of corruption. Consequently, prosecutor M who took charge of the prosecution instituted charge before Lideta high court.

BASED ON THE ABOVE FACTS, ANSWER THE FOLLOWING QUESTION.

3. A and Z, assisted by their lawyers, argue before the Federal Supreme court that they have a constitutionally guaranteed right to bail. And this right can only be limited in a manner consistent with Article 19(6) of the Constitution i.e. in exceptional circumstances provided by law. The phrase 'exceptional circumstances' does not allow the law maker to make an offence non- bailable ipso facto and thereby erode the constitutional protection. Rather, it limits the role of the law maker to defining the

conditions and facts under which bail may be denied. Thus, they conclude, since the Anti corruption law which denies bail apriori is unconstitutional; the petition to be released on bail should be sustained. On the other hand, prosecutor M rejects the above argument and contends that the constitution authorizes denial of bail in exceptional circumstances provided by law. What the Anti corruption law does in the crime of corruption squarely fits in to this exception. Assess the validity of A and Z's argument. (15 Marks)

