

Legal Profession Admission Board

September 2024

Legal Ethics

Examiner's comments

The exam was comprised of four (4) compulsory questions.

- The number of questions permitted the examiners to cover a wide range of topics covered by the course. The scope of the questions also permitted the examiners to generally cover topic(s) distinct from the earlier compulsory assignment (which was worth 10% of a candidate's overall mark – the 'in-class' test being worth a further 10%).
- The first question required candidates to consider two specific cases and analyse the caselaw arising from them. In addition, having considered the facts and the law, candidates were then required, having regard to appropriate legislation and caselaw, to explain whether the two judgments of the Court of Appeal were contradictory or not - and why.
- The second question covered a number of principles arising from the application of the Bar Rules and caselaw to a fact-based situation. Candidates were required to not only be familiar with the Bar Rules and their application, in order to explain whether the matters raised by the protagonists (in the fact narrative) raised any issue(s) which warranted comment (adverse or otherwise). If so, importantly, why.
- Question three asked candidates to explain, by reference to appropriate caselaw and legislative provisions, the meaning of two major concepts which had been covered during the course, both directly and indirectly. Any explanation would require a relatively detailed understanding of those concepts and their application.
- The final question raised an 'ethical' conundrum in three stages of varying complexity. In the final analysis candidates were required to put their knowledge of the caselaw and legislative provisions to the test when advising three individuals as to how and, importantly, why, they should act in any particular manner.

As always, the examiners had an expectation that in order to properly deal with the examination questions, candidates would have familiarised themselves with the entirety of the coursework – especially the assigned reading. Additional reading was, as always, encouraged.

The vast majority of candidates had a good grasp of the topics covered by the course and, specifically, the subject of the examination questions. A sizeable group of results, however, did reveal that sometimes candidates find it somewhat difficult to put legal ethical knowledge into practical effect - this was evidenced by the fact that less than half of the cohort achieved a mark of PM or PD. Regrettably there was a small number who had difficulty with the course and/or the exam and were not able to successfully deal with course requirements. However, the overall result from this cohort was within an acceptable range of expectation.