

**CHUKA**



**UNIVERSITY**

**UNIVERSITY EXAMINATION**

**RESIT/SPECIAL EXAMINATION**

**EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAW**

**BLAW 115: LEGAL RESEARCH AND WRITING**

**STREAMS:**

**TIME: 2 HOURS**

**DAY/DATE: TUESDAY 02/11/2021**

**2.30 P.M – 4.30 P.M**

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**INSTRUCTIONS**

**Answer question one and any other two**

**QUESTION ONE**

(a) Briefly explain the meaning of the following terms as used in legal research

(i) Case brief (3 Marks)

(ii) Ratio decidendi (3 Marks)

(iii) Substantive law (2 Marks)

(b) Bubu works as a cab driver in Beba Safari Company. Beba Company operates strictly between Moi Avenue in Mombasa and Moi International Airport at Port Reiz. One of the terms of employment that all employees are informed by the company upon their employment is to strictly offer their services between Moi Avenue and Port Reiz. On Friday evening, after Bubu dropped a client at the airport, he went to see his girlfriend Joy in Nyali Beach, a beach located 8 kilometers outside Mombasa town. As Bubu was heading towards Nyali Mamba Hotel, he was involved in an accident where he knocked a pedestrian who was crossing road on a zebra crossing.

Relying on your knowledge in legal research;

- (i) Identify the brief facts arising from the case (4 marks)
- (ii) Identify 2 legal issues that need to be determined (4 marks)
- (c) With use of illustrations, explain how you can conduct case search from two law reports applicable in Kenya (6 marks)
- (d) With aid of authorities, explain four main primary authorities and their ranking in legal research (8 marks)

### **QUESTION TWO**

- (a) As a legal researcher in the firm of Sheria Yote Advocates, discuss six referencing requirements of legal authorities you are expected to observe under OSCOLA style. (12 Marks)
- (b) Discuss on a standard legal research process that is followed in dealing with a legal problem (8 marks)

### **QUESTION THREE**

- (a) James has been appointed as a legal researcher in-charge of updating the firm of Wakili Mshauri Advocates on currency of rules and principles. He is however, ignorant about the means he can employ in getting legal updates and information. Explain to him six tools that he can employ in getting such information (12 marks)
- (b) Explain the use of plain language in legal writing (8 marks)

### **QUESTION FOUR**

- (a) Discuss on the statement that, “do judges make law, and if so to what extent?” (8 marks)

(b) What is legalese language? (2 marks)

(c) Explain five key parts in drafting of a demand letter? (10 marks)

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