

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAW

BLAW 115: LEGAL RESEARCH AND WRITING

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: FRIDAY 23/07/2021

2.30 P.M. – 4.30 P.M.

**INSTRUCTIONS:**

- Answer question one and any other two questions
- Duration is 2 hours

**Questions 1 (a)**

We lawyers do not write in plain English. We use eight words to say what could be said in two. We use arcane phrases to express commonplace ideas. Seeking to be precise, we become redundant. Seeking to be cautious we become verbose. Our sentences twist on, phrases within clause, glazing the eyes and numbing the minds of our readers. The result is a writing style that has according to one critic, four outstanding characteristics. It is “(1) wordy, (2) unclear (3) pompous and (4) dull.” The movement of plain English is changing legal profession and education. Most law schools now teach the plain language style in their legal writing course. Please analyse the rules of plain legal English and their advantages. (20 marks)

**Question 1 (b)**

In legal writing, it is not enough for an argument to “make sense” or “get the point across.” A legal argument must exhibit what your Coursepack refers to as “pristine logic.” In order to exhibit “pristine logic,” a legal argument should adhere to the form of the logic syllogism. Using logical syllogism write conclusion for the following passage.

1. To qualify as a “governor” of Nyambene for purposes of an election, a party must (1) currently reside in that state and (2) hold a degree qualification. Here, the petitioner does not currently reside in Nyambene. Therefore.....
2. All human beings are mammals. Aristotle is a human being. Therefore....
3. No doctors are children. Some immature people are doctors. Therefore....
4. All elephants have big ears. Some animals are elephants. Therefore.....
5. No mammals are frogs. All elephants are mammals. Therefore..... (10 marks)

## **Question 2**

### **Question 2 (a)**

Rewrite the following sentences using plain legal English

- (a) The trial by jury was requested by the Plaintiff.
- (b) The ruling by the trial judge was prejudicial error for the reason that it cut off cross-examination with respect to issues that were vital.
- (c) In many instances, insofar as the jurors are concerned, the jury instructions are not understandable because they are too poorly written.
- (d) It is not necessary that an investment adviser’s compensation be paid directly by the person receiving investment advisory services, but only that the investment adviser receive compensation from some source for his other services. (8 marks)

### **Question 2 (b)**

Legal reasoning differs from the ordinary reasoning. Discuss the elements that distinguish legal reasoning from ordinary reasoning. (12 marks)

## **Question 3**

### **Question 3 a**

People research for different reasons. This has given rise to a number of research types. Explain 8 research types that are generally available to researchers. (12 marks)

### **Question 3 b**

The proliferation of internet as the major mode of legal research has made sources of law readily available. Explain the sources of law that are important for a legal researcher and which research sites to find them. (8 marks)

**Question 4**

A researcher must among others identify issues with clarity. However, research does not end with the identification of issues. This is because research is a process as opposed to an event. This process of research is often represented as linear. Outline the process and strategies of research and comment on whether it is linear? (20 marks)

**Question 5**

Plagiarism has been described as the worst academic crime. Define what is plagiarism, explain the types of plagiarism and how to avoid plagiarism. (20 marks)

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