

COUNCIL OF LEGAL EDUCATION  
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE  
SECOND YEAR EXAMINATIONS 2026

ETHICS, RIGHTS AND OBLIGATIONS OF THE LEGAL PROFESSION

(TUESDAY, MAY 12, 2026)

Instructions to Students

- (a) Time: **3½ hours**
- (b) Answer **ALL** questions.
- (c) In answering any question, a candidate may reply in accordance with the law of a Commonwealth Caribbean territory zoned for this school, **but must state at the beginning of the answer the name of the relevant territory.**
- (d) It is unnecessary to transcribe the questions you attempt.
- (e) Answers should be written in black or dark blue ink. Erasable pens are not allowed.

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**PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.**

## QUESTION 1

Mr. Denton is accused of an armed robbery at a local gas station. The primary evidence is a grainy CCTV image and the testimony of the cashier.

Prosecution counsel has finished her examination-in-chief of the cashier. Mr. Denton's counsel begins to cross-examine the cashier, Mr. Jarvis, focusing on the fact that he was not wearing his glasses at the time of the robbery.

**Defence counsel:** "Mr. Jarvis, you've told the court it was 'quite dark' in the gas station, and you weren't wearing your prescription lenses, correct?"

**The Judge:** (Interrupting) "Does it really matter if it was dark? A man knows when there's a knife in his face, doesn't he, Mr. Jarvis?"

**Jarvis:** "Yes, your Honour."

**Defence counsel:** "With respect, My Lord, the issue is the identification of the face, not the knife. Mr. Jarvis, how far away—"

**The Judge:** (Interrupting) "Oh, come on. He's already said he's sure. Let's move on to something that isn't a waste of the jury's time."

When Mr. Denton takes the stand to give his own evidence, the judge interrupts the examination-in-chief by defence counsel a total of 30 times, overriding defence counsel's polite hints that perhaps the judge could wait until a more convenient time to do so. During these interruptions, Mr. Denton remains composed but has to be reminded several times of what defence counsel's original question was, so that he can complete his answer. Meantime, defence counsel exhibits some difficulty maintaining his own train of thought.

Before prosecution counsel can even begin her cross-examination, the Judge takes over the questioning.

**The Judge:** "Mr. Denton, you say you were at home, watching television. Which channel?"

**Denton:** "I think it was CNN, sir."

**The Judge:** "You *think*? If I were facing a robbery charge, I'd remember exactly what I was watching to save my skin. Wouldn't you?"

**Denton:** "I... I suppose so."

**The Judge:** "And this 'friend' who was with you—the one who mysteriously moved to the United States of America yesterday and can't testify—is he as imaginary as the programme you were watching?"

Ultimately the jury returns a guilty verdict after an hour of deliberations. Defence counsel wishes to appeal, based on the judge's conduct in the trial.

Advise him on the likelihood of success of such an appeal.

- (a) Pine & Partner is a law firm in your jurisdiction. There are two partners, Neil Major and Helen Pine. Six months ago, Pine & Partner represented John Green, who operates a small grocery chain under the name "The Green Grocer". The matter concerned a sensitive employment dispute with a former manager of one of the groceries. Neil Major, an employment law specialist, was the partner with exclusive conduct of it.

To defend the case, Pine & Partner required full access to the financial health of the business, including its profit margins, outstanding debts, and a confidential plan to close an underperforming location. The case was ultimately settled out of court.

Helen Pine has been approached by Vertex Limited (Vertex), which owns a large supermarket. Vertex wishes to expand and wants to acquire the grocery business from John Green. They have already approached Mr. Green and want Ms. Pine to represent them in the negotiations, and the purchase of the business, at a "bottom-dollar" price.

From the information gleaned in the prior representation of Mr. Green, Neil Major knows that his former client is desperate and must sell or lose it all.

As soon as Vertex tells Mr. Green who is representing them, he advises the attorney representing him in the proposed sale and expresses concern. Mr. Green's attorney has written to Pine & Partner, objecting to their representation of Vertex in light of the "clear conflict of interest" arising from the previous representation by Pine & Partner of Mr. Green.

You have been consulted by Pine & Partner on the matter. They maintain that Mr. Green's employment matter was handled solely by Mr. Major and that the firm is no longer acting for him. Furthermore, they say that Mr. Major never discussed the employment matter with Ms. Pine, and that she will undertake not to look at the papers which have been "put away" with other closed files.

Ms. Pine is desperate to keep the Vertex matter. Vertex would be a good client to have and this matter promises to be very lucrative for the firm. Accordingly, you have been asked to advise whether there is a basis for Mr. Green's objection to Pine & Partner's representation of Vertex and, if so, whether there is anything they can do to overcome it.

Write a letter to the firm, providing the advice requested and giving reasons for your advice.

## **QUESTION 2**

- (a) You are an associate at the law firm of Barnett & Morgan.

One of the firm's clients, Daniel, operates a restaurant and food catering business as a sole trader.

In June 2025, several customers complained of food poisoning after consuming food supplied by Daniel at a food fair. Up to July 2025, no legal proceedings had yet been commenced. Some customers had, however, sent emails to Daniel, alleging negligence and requesting compensation.

Daniel became concerned about potential civil claims, possible investigation by the public health authorities and the impact of the incident on his business reputation. He consulted your supervising attorney, Ms. Barnett, who advised that personal injury claims were a real possibility, and there was some discussion about Daniel getting an independent report in respect of the incident.

Shortly afterwards, Daniel engaged an independent food safety consultant to prepare a written report into the cause of the contamination. The consultant was instructed that the report should identify any breaches of food-safety standards, and assist Daniel in strengthening his compliance procedures and demonstrating responsible conduct, if questioned by regulators. The report was also to be sent to Ms. Barnett, having regard to the possible customer claims. In due course, it was completed and a copy sent to Ms. Barnett.

Six months later, a group of customers commenced proceedings against Daniel for personal injury. Ms. Barnett is representing him in defending the claims. The question has arisen as to whether the consultant's report need be disclosed, and Ms. Barnett has asked that you send her a memorandum with your opinion on the matter, giving reasons.

Prepare the memorandum to Ms. Barnett.

- (b) Sancia Bird was scheduled to appear in the Supreme/High Court in a complex civil trial.

On the day of the trial, Ms. Bird failed to appear. She had not provided any prior notice to the court or the opposing counsel, and her office was unable to provide a reason for her absence.

The judge, after waiting for a reasonable period, was forced to delay the trial, resulting in significant costs and inconvenience for all parties involved.

It transpired that Ms. Bird simply forgot about the court hearing, and had made arrangements to attend a professional development seminar on that day.

On the first day of the rescheduled trial, the judge cited Ms. Bird for contempt of court in respect of her absence and, without more, ordered that she pay a fine. Ms. Bird requested an adjournment in order to consult counsel, and the opportunity to properly explain what had happened. The judge's caustic response was that, as an attorney-at-law, she should have expected the citation for contempt and taken steps to consult counsel beforehand. In addition, he expressed astonishment at her temerity in requesting an adjournment, she having already caused delay in the matter.

Ms. Bird wishes to appeal her conviction. She has sought your advice on whether she has grounds to do so and the likelihood of success.

Advise Ms. Bird.

- (c) The following three events occur during a high-pressure month of the commercial practice of Cyrus King, an attorney-at-law:
- (i) One Friday afternoon, the firm's office account is empty, and a bill for the practice's professional indemnity insurance premium is due. To avoid a lapse in coverage, Cyrus transfers the amount of the premium from the general client account to the firm's office account. He records this in his practice's books as a "temporary internal bridge loan" and replaces the funds the following Tuesday, after receiving fees in a billed client matter.
  - (ii) Cyrus is representing Mr. Young in an urgent cross-border acquisition. Vital original documents must be couriered overnight, to the United States of America, to meet a hard completion deadline. The courier fee is US\$250. Mr. Young has not yet provided funds for any costs related to the matter. Cyrus pays the courier using the "pool" of money sitting in the general client account. He reasons that the "deal must be saved" and the US\$250 is a negligible amount compared to the total balance in the account.

- (iii) A new client, Mr. Smith, pays Cyrus US\$3,000, in advance, for a "fixed-fee" engagement to do document review. No work has been performed yet, and no bill has been issued. Instead of placing the funds into the firm's general client account, Cyrus deposits it into his personal savings account. His view is that because the sum was paid in respect of fees and, moreover, as the fee is "fixed," it is effectively his property from the moment of payment.

The accountant whom Cyrus contracts to check on the management of the practice's finances at regular intervals has asked to speak to Cyrus immediately. He only ever does that if there is a problem, and Cyrus suspects that it relates to these events but intends to push back on any "unnecessary hysteria" from the accountant.

Do you agree with Cyrus' viewpoint? Explain.

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### **QUESTION 3**

- (a) Kevin Hunter, an attorney-at-law, acts for Advance Health Limited (AHL), a company that has agreed to purchase specialised medical equipment, for the sum of US\$300,000, from another company, Sun Distributors Limited (SDL). SDL is represented by their in-house counsel, Ann Fraser. Delivery of the equipment is to be made within seven days of the date of the sale agreement, and the purchase price is to be paid within five days of delivery.

To protect her client, Ms. Fraser seeks written confirmation from Mr. Hunter that the US\$300,000 will be paid within five days of delivery. Mr. Hunter responds by email, referencing the terms of the agreement and saying:

"I will send you, on behalf of your client, the purchase price of US\$300,000 within 5 days of the delivery of the equipment to my client."

On the date this email is sent, Mr. Hunter is relying on the liquidation of certain securities

being held by his client with a local financial institution, and the remittance of the proceeds to him by the following day.

In due course, in accordance with the agreement, the equipment is delivered by SDL to AHL.

Mr. Hunter has not received the promised funds from the financial institution. It is subsequently revealed that AHL's money was, in fact, stolen by fraudulent employees of the institution and was never invested in the securities.

The five-day period for payment of the purchase price by AHL having expired, Ms. Fraser demands payment of the sum of US\$300,000 from Mr. Hunter in reliance on his "professional undertaking" given in his email to her mentioned above. Mr. Hunter responds, saying that what he said in the email did not amount to a professional undertaking. Furthermore, he asserts that he is unable to pay, due to the situation with the financial institution which was neither his nor his client's fault. He indicates that his client is willing to return the equipment to SDL in the circumstances, but this offer is rejected by Ms. Fraser, on the instructions of her client.

Ms. Fraser maintains that Mr. Hunter is professionally bound by the commitment given by him in his email and makes demand for the money once again. Mr. Hunter feels that her position is quite unreasonable and has sought your advice on his obligations in respect of this matter, and any legal exposure he might have if he fails to pay.

Write a letter of advice to Mr. Hunter.

- (b) Claire is a young attorney, in an equally young firm, who has recently been recruited from a government agency. She has been placed in the newly established real estate department of the firm. Claire is contacted by Julian Thorne, a national of your jurisdiction, who wants to purchase a luxury penthouse in the jurisdiction for US\$750,000. He claims the purchase is a "gift for a close friend".

From the start, Julian refuses to meet in person or via video call. He claims to be "constantly travelling for business" and insists on communicating only through a non-traceable, encrypted messaging app. When Claire sends the standard Know Your Customer (KYC) forms for completion, Julian leaves certain sections blank. He tells Claire, "My private life is exactly that - private. You have what you need to complete the purchase and that should be sufficient."

The penthouse Julian is targeting was recently appraised at US\$400,000 due to pending litigation regarding the building's structural integrity. However, Julian insists on making an offer of US\$750,000. He refuses to negotiate downward, stating that he wants to "ensure the seller is motivated to close quickly".

When Claire asks how the purchase will be funded, Julian provides a vague explanation involving a "recent inheritance from an uncle in Ghana". However, he cannot provide a copy of the will or any probate documents.

Julian calls Claire's office multiple times a day, rushing her to complete the transaction. He offers Claire an "additional US\$10,000 expedition fee" if she gets it done in record time.

Shortly after the purchase price of US\$750,000 is wired to the firm's client account, Julian calls to say he has cut ties with the "close friend" and that he no longer wishes to purchase the penthouse. He asks Claire to "refund" the total amount via a wire transfer to a different individual's account overseas, claiming that it is for the "settlement of a private debt".

Claire expresses her disappointment at the deal falling through to an intellectual property attorney in the firm. His response is that the "whole thing seems terribly suspicious". He recommends that Claire speak with you, the firm's nominated/compliance officer, about the matter, and she does. Claire wants to know whether you also think that the whole

matter with Julian is “suspicious” and, if so, the basis for your opinion. You have promised to put your view of the matter in writing.

Write a memorandum to Claire with your answer to her enquiry.

- (c) Carla, an attorney-at-law, is a newly appointed member of the disciplinary tribunal for the legal profession in your jurisdiction. In preparation for her tenure on the tribunal, she wants an understanding of disciplinary proceedings and any legal principles that apply to such proceedings.

In thinking about whom she could ask for an introduction to the area, you came to mind as someone who would have recently been exposed to it at law school.

Carla has indicated that, at your first meeting for this purpose, she would appreciate hearing from you regarding:

- (i) who may file a complaint against an attorney;
- (ii) the type of conduct that may be the subject of a complaint;
- (iii) the general format of disciplinary hearings; and
- (iv) the applicable burden and standard of proof in these hearings.

Prepare a note on these matters from which you can speak at your lunch meeting with Carla, and which you will leave with her for future reference.

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**END OF PAPER**