

# Legal Profession Admission Board

March 2024

Legal Ethics

Examiner's comments

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## General observations:

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

The number of questions permitted the examiners to cover many of the topics in the course without necessarily retracing the substantive issues covered by the compulsory assignment (which was worth 10% of a candidate's overall subject mark – the 'in-class' test being worth a further 10%).

The first question was on a specific topic and required candidates to not only be familiar with that topic but, critically, to explain it having regard to appropriate legislation and caselaw.

The second question covered a further aspect of the course. Students were required to deal with both the common law and statutory provisions which covered same so as to indicate a well-grounded understanding of it.

Question three dealt with a short fact situation involving litigation, the relevant principles of which had been covered in the course. Students were required to have a good grounding of both the common law and the relevant Rules and apply them to the facts so as to explore the practitioner's behavior and how the practitioner might best react to external factors.

The final question raised a more 'ethical' fact situation where a practitioner was required to deal with a client's instructions to, effectively, conduct him/herself in possibly both an illegal and unethical manner. A further 'layer' to the question was the introduction of 'ethnic duties' which may well impinge on legal/ethical requirements. The practitioner the subject of the question was 'torn' between these two competing factors and students were being asked, using appropriate legal principles, to determine how the practitioner should react.

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

It was pleasing to note that the great majority of candidates had a very good grasp of the topics covered by the course and, specifically, the subject of the examination questions – this was reflected in the fact that approximately 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.