



**Project Work – Legal Writing and Drafting
(20 Marks)**

Term 1 – 2016

(Classes A, C and D)

Date of Submission: 2nd June 2016, 3:00pm in both hard copy (to Academics Departments – Gate C) and soft copy (to mlaibuta@gmail.com)

Instructions:

- Answer all questions
 - Observe page limits
 - Use Times New Roman Font (12)
 - Spacing 1.5
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Question 1 (8 Marks)

You are the Chief Legal Officer of Bora Bora Bank. Since June 2015, the Bank has been experiencing negative publicity on social media blogs, Facebook and Twitter. The social media blogs has been alleging that the Bank has non-performing loans running to tens of billions of shillings and that 90% of those loans had been advanced to top management of the Bank. In January 2016 the CEO and Chairperson of the Bank issued press statements denying the allegation going around on social media. However, as the Bank is listed on the Nairobi Securities Exchange, it issued a profit warning just ten days to release of the first quarter results. An unknown whistleblower from the Bank leaked the financial results that indicated that the top management of the Bank had advanced themselves loans totalling to KES. 17B. These loans were non performing. Following these revelations, in early March, social media was awash with the leaked information causing a ‘Bank Run’ on 2nd March 2016. Since this affected the liquidity of the Bank, the Central Bank of Kenya (CBK) put Bora Bora Bank under receivership. The receiver manager is Kenya Deposit Insurance Corporation (KDIC) for period of twelve months starting 4th March 2016. The management of Bora Bora Bank blames social media for the ‘Bank Run’ and the closure of the

bank by CBK. The Bank has identified three blogs, five Twitter accounts and four Facebook accounts as the originators of what they call the rumour mongers that brought the Bank down. They wish to pursue all legal avenues to bring the owners of the various social media accounts to 'justice'. The Board of Directors has requested you as the Chief Legal Officer to provide them with a comprehensive advice on how they may pursue to social media account owners.

With the above information, draft the following:

- a.) A research outline for the matter, (**Maximum two (2) A4 pages**) and
 - b.) A legal opinion to the Board of Directors on the legal options they have available against the owners of the social media accounts. (**Maximum five (5) A4 pages**).
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Question 2 (8 Marks)

Critically analyse the High Court Decision of PETITION NO. 230 OF 2015, CONSOLIDATED WITH PETITION NOS. 305, 324 AND 203 OF 2015 (attached) and draft:

- a.) A case brief (**Maximum six (6) A4 pages**).
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Question 3 (4 Marks)

'every petty chapman or pedlar wandering abroad, and trading without being duly licensed, or otherwise authorized by law; every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner; and every person wandering abroad, or placing himself or herself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring or encouraging any child or children so to do; shall be deemed an idle and disorderly person within the true intent and meaning of this Act; and, subject to section 70 of the Criminal Justice Act 1982, it shall be lawful for any justice of the peace to commit such offender (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses,) to the house of correction, . . for any time not exceeding one calendar month.'

Draft the above in plain English.