

KENYA SCHOOL OF LAW



**EXAMINATION FOR ADMISSION TO
THE ROLL OF ADVOCATES**

TRIAL ADVOCACY - ATP 104

25TH JULY, 2014

DURATION: 3 HOURS

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) All questions carry fifteen (15) marks each
- (c) Marks may be lost for illegibility

PLEASE TURN OVER

1. a) Discuss the objectives of a witness interview and explain the stages of an interview with a witness.
(5 Marks)
- b) Imagine you have to interview an alleged victim of rape to determine whether the defence of consent, put forward by the accused, is true. Explain how you would treat the witness and frame the questions you would put to the witness.
(10 Marks)
2. You represent the plaintiff in a suit seeking ownership rights over land on the basis of adverse possession. Set out your opening statement, noting to capture the essentials of such a claim as well as the elements of a proper opening statement.
(15 Marks)
3. You represent the plaintiff in a suit whose cause of action is based on the *Rule in Raylands v. Fletcher*.
- a) Set out fifteen (15) questions in examination-in-chief of the plaintiff.
(7 ½ Marks)
- b) Prepare fifteen (15) questions in examinations –in-chief of a Loss Assessor that you have called as an expert witness.
(7 ½ Marks)
4. a) With the aid of appropriate illustrations, describe in detail the procedure of producing documentary evidence in criminal trials in Kenya.
(7 Marks)
- b) With the aid of appropriate illustrations, describe the procedure of impeaching a witness during cross-examination.
(8 Marks)
5. a) In what specific way(s) can one raise a preliminary objection in civil proceedings in Kenya? Cite relevant examples.
(5 Marks)
- b) Citing five (5) examples from the Evidence Act (Cap 80, Laws of Kenya), explain the procedure of making trial objections.
(5 Marks)
- c) How do courts deal with trial objections and how do you deal with them as counsel against whom the objection is made?
(5 Marks)

6. a) You represent the accused person in a murder case. The court has concluded hearing witnesses from both sides and you are now ready to make your closing argument.

Your client admits killing the deceased but has put up one of the defences available in law to a charge of murder. Present your closing argument.

(9 Marks)

- b) Your client has just been convicted of the offence of theft.

Present your mitigation.

(5 Marks)