COUNCIL OF LEGAL EDUCATION

EXAMINATION FOR ADMISSION

TO THE ROLL OF ADVOCATES

ATP 103: LEGAL WRITING AND DRAFTING

THURSDAY 15ᵀᴴ NOVEMBER, 2012

DURATION: 3 HOURS

<u>**Instructions to Candidates**</u>

(a) Candidates should attempt **FOUR** questions
(b) Answer **one question from each section** and a **fourth one from any of the three sections**
(c) All questions carry 15 marks each
(d) Marks may be lost for illegibility

PLEASE TURN OVER

QUESTION ONE

a) What is legalese?

(2 marks)

b) What is the impact of plain English in Legal Writing and Drafting?

(3 marks)

c) **"**Passive voice is not forbidden; usually active voice is better and easier to understand."

Redraft the following provisions of a contract in active voice so as to better express the interests of the contracting parties.

i) All unshipped orders must be cancelled by the supplier without liability

(2 marks)

ii) Purchase orders can be submitted to the company by facsimile, first class mail, postage prepaid or other electronic means

(2 marks)

iii) Reasonable efforts to promptly check delivered products for defects will be used by the Distributor and the Manufacturer will be notified of any discovered defects.

((2 marks)

iv) This agreement and the rights and obligations under this agreement may not be assigned, delegated or transferred by either party without the prior written consent of the other party.

(2 marks)

v) The following statements are made by the Manufacturer to the Distributor:

a) The Manufacturer has the right and lawful authority to enter into this Agreement; and

b) The execution, delivery and performance of this agreement by Manufacturer will not cause or require it to breach any obligation to or agreement or confidence with any other person or entity.

(2 marks)

QUESTION TWO

a) Identify and explain the fundamental skills in the drafting of letters in legal practice

(5 marks)

b) What are the functional and drafting differences between a legal opinion written to a client and one written to a professional colleague?

(10 marks