



REPUBLIC OF KENYA
COUNCIL OF LEGAL EDUCATION



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EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

REGISTRATION NUMBER:

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CENTRE: Co-operative University JKUAT KASNEB Kenya School of Law

ATP105: PROFESSIONAL ETHICS

Examination Series: November 2025

Date: 14th November 2025

Time: 09:00AM - 12:00PM

Duration: 3 hours

Instructions to Candidates:

- Enter your registration number and tick the exam Centre in the space provided.
- Answer **FIVE (5)** questions, including question **ONE**, which is **COMPULSORY**.
- Question **ONE** carries **20 Marks**. All other questions carry **10 Marks** each.
- Attempt each question in the space provided. Additional space is provided at the back of the booklet.
- Answers **MUST** be supported by relevant statutory provisions and case law where required.
- Do not write your name in the booklet.
- Ensure your handwriting is **LEGIBLE**.

FOR EXAMINER'S USE ONLY

Question Number	Examiner		Internal Moderator		External Moderator		Quality Assurer	
	Mark	Initials	Mark	Initials	Mark	Initials	Mark	Initials
1.								
2.								
3.								
4.								
5.								
6.								
Total Marks								



QUESTION ONE

Advocate Shupavu has an appeal before the Supreme Court (SC) of Kenya, challenging a ruling of the Court of Appeal dismissing his application for a stay of execution of a judgment of the High Court [5(2)(b) Application]. When his application comes up for hearing before the SC, one of the justices asks him whether he had read the case of *Teachers Service Commission v Kenya National Union of Teachers & 3 Others SC Application No.16 of 2015 [2015] eKLR*, where the SC had established that it does not have jurisdiction to hear an appeal on a ruling in a 5(2)(b) application because it is not an appeal contemplated under the Constitution.

Wakili Shupavu is infuriated by that question and, raising his voice, he asks the judge if he was aware that he had graduated with a distinction in his LLM at the University of Werevu, an “Ivy League” institution. He then turns to the confused opposing counsel, Mr. Heshima, pointing a finger at him and telling him to “stop bribing judges of the Supreme Court, to make them ask stupid questions in court!”. An exchange also ensues between Wakili Shupavu and another judge of the SC who is not amused by Wakili Shupavu’s conduct. At that point, Wakili Shupavu, whose rage towards the court is near optimal, reminds the court that he is a Senior Counsel and that none of the judges of the SC had acquired that title in their careers prior to their appointment. Hence, what was at play was their “bare malevolence” and corruption. At this juncture, the judges asks for a five-minute break to consult on the way forward.

You are a pupil at the firm of Heshima & Co Advocates who has accompanied your pupil master, Mr. Heshima to the SC. After he has quietly listened to the exchange between the SC judges and Senior Counsel Shupavu, he asks you during a debrief as you wait for the judges of the SC to return, to address the following issues:

- (a) What is the status conferred upon Wakili Shupavu by section 55 of the Advocates Act and under what jurisdiction is he placed by that section? **(2 marks)**
- (b) Explain briefly three duties that Wakili Shupavu most likely breached in the course of these proceedings. **(3 marks)**
- (c) The standards under which an advocate is in breach of the duty of care to his client, hence, liable for professional negligence. **(4 marks)**
- (d) Whether Wakili Shupavu is guilty of professional negligence in these proceedings so far. **(4 marks)**
- (e) Whether it is possible, given the description of what constitutes professional misconduct under the Advocates Act, to formulate a complaint against Wakili Shupavu. **(2 marks)**
- (f) Citing the relevant legal provision, explain the options that the SC has if the insults persist when the court resumes. **(2 marks)**
- (g) Citing the relevant statutory provision, highlight the maximum punishment the Supreme Court is permitted to impose on Wakili Shupavu if found guilty. **(3 marks)**



QUESTION TWO

You are a newly admitted partner at a law firm. Your client, also an advocate, is Lisa Jakes. She is the defendant. The Plaintiff is 'a firm of advocates' seeking to enforce a professional undertaking against your client. The undertaking reads in part:

I Lucy James, an advocate of the High Court of Kenya, whose address is care of P.O. Box 41579-00220 Nairobi confirm that this is the understanding between 'a firm of advocates' and myself. In my personal capacity, I confirm my personal irrevocable professional undertaking that I shall, upon demand, settle the legal fees of five hundred thousand Kenyan shillings (Ksh. 500,000/=) and that the above represent the understanding between myself and 'a firm of advocates'.

Signed by said: Lucy James.

Date: 4th September 2025

- (a) Evaluate whether the foregoing professional undertaking is enforceable. (5 marks)
- (b) Discuss the ethical consequences of breach of professional undertakings. (3 marks)
- (c) You overhear two senior advocates discussing and discouraging oral undertakings. Analyze the ethical reasons why oral undertakings are discouraged. (2 marks)

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QUESTION FOUR

Korenza Kati is a litigation Advocate. A property agent, who is Kati's friend, recommends a client who has an ownership dispute for a prime plot of land. Kati successfully represents the client, pursuant to which the client's ownership of the plot is affirmed by the court, and the Advocate is paid hefty legal fees. At the end of the process, the property agent requests to be paid 10% of the fees received by Kati, arguing that being a business, he ordinarily charges clients for successful referral in land matters, whether they relate to conveyance or dispute resolution.

- (a) Citing any relevant legal basis, explain whether or not Kati should pay the property agent the 10% fee he is demanding. **(3 marks)**
- (b) It has emerged that Kati did not possess a valid practicing certificate despite drafting and filing documents in court in relation to the property dispute. Making reference to relevant legal authorities, explain the effect of the court case and documents filed if the presiding judge realized Kati's practicing status. **(3 marks)**
- (c) Some legal assistants and clerks are well versed with legal practice issues such as drafting of conveyancing instruments and court pleadings. Nonetheless, they are still regarded as unqualified persons who should not provide legal services under their name. What is the rationale for the prohibition of experienced but unqualified persons from practicing law? **(4 marks)**

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