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EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

REGISTRATION NUMBER:

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CENTRE: Co-operative University JKUAT Kenya School of Law

ATP104: TRIAL ADVOCACY

Examination Series: April 2026

Date: 14th April 2026

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.
- 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

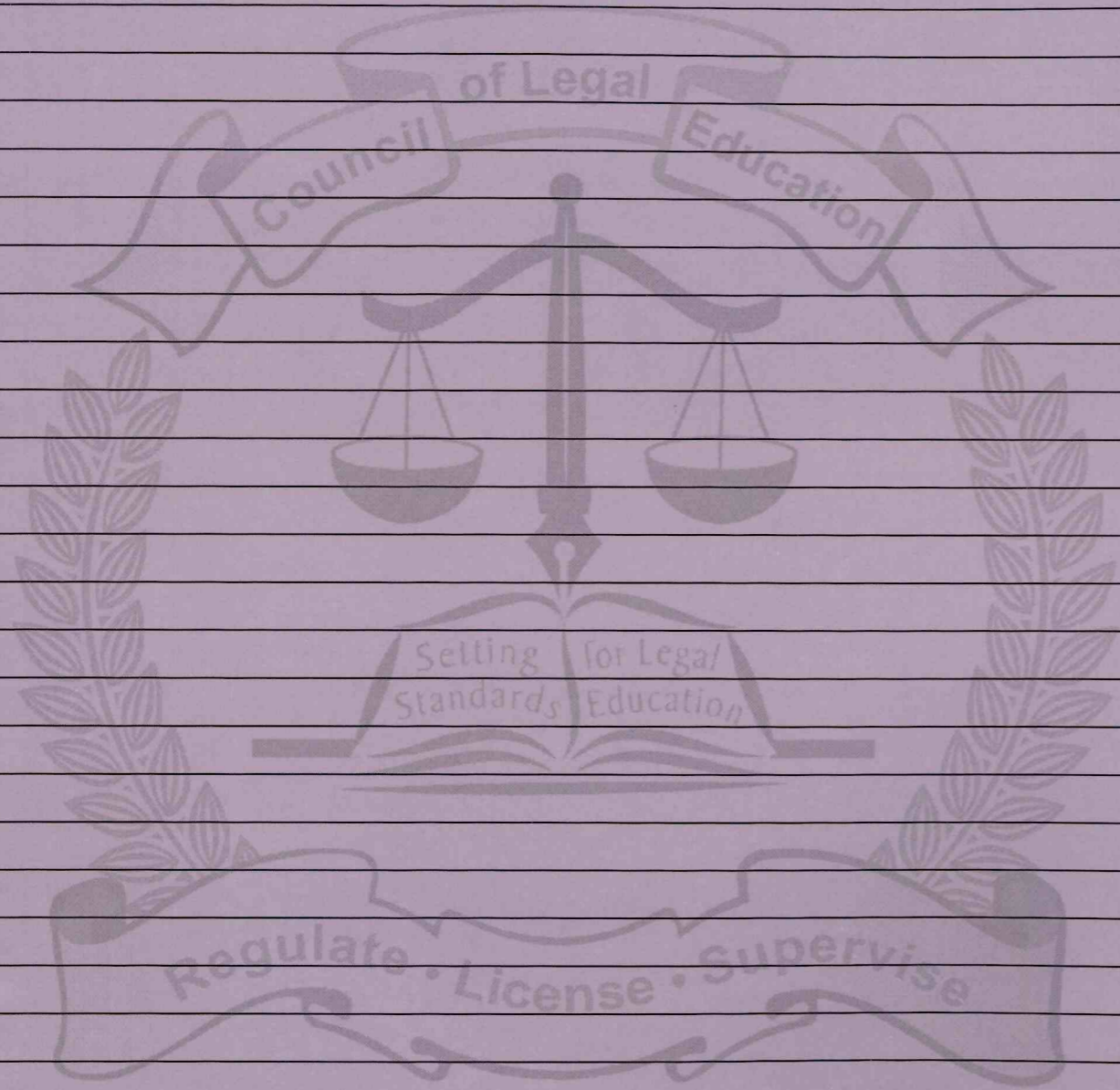
Question Number	Examiner		Internal Moderator		External Moderator		Quality Assurer	
	Mark	Initials	Mark	Initials	Mark	Initials	Mark	Initials
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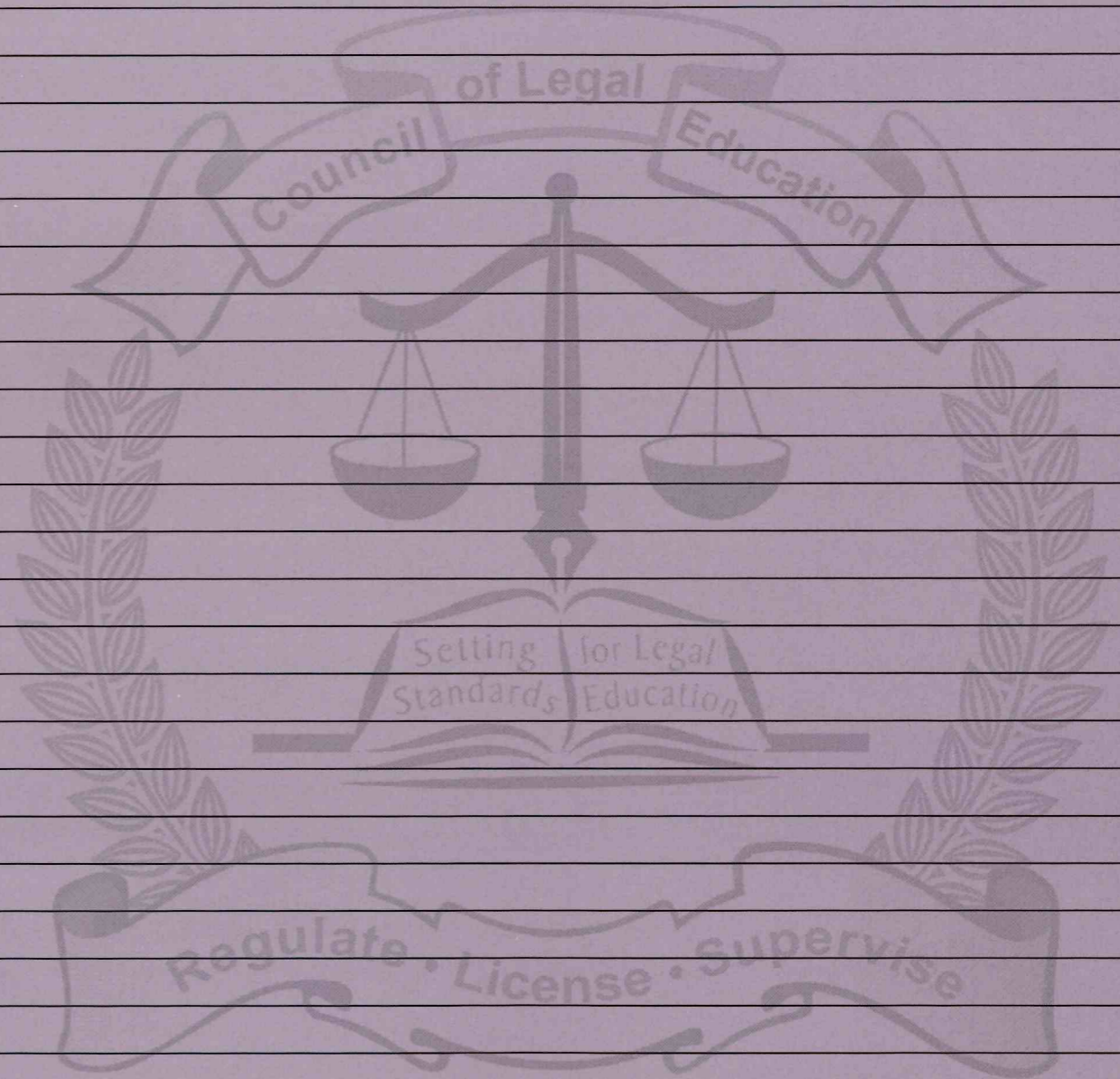
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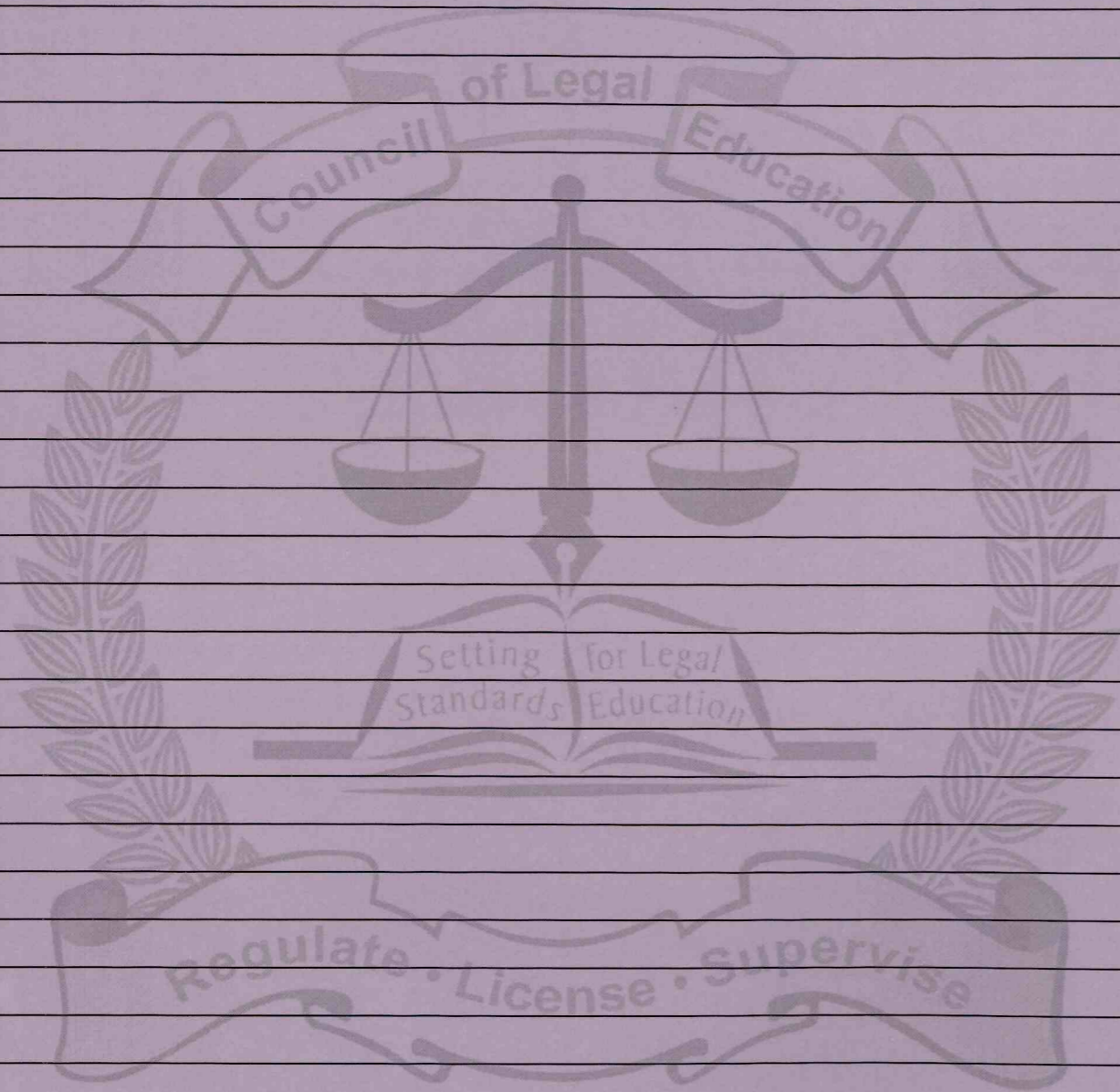
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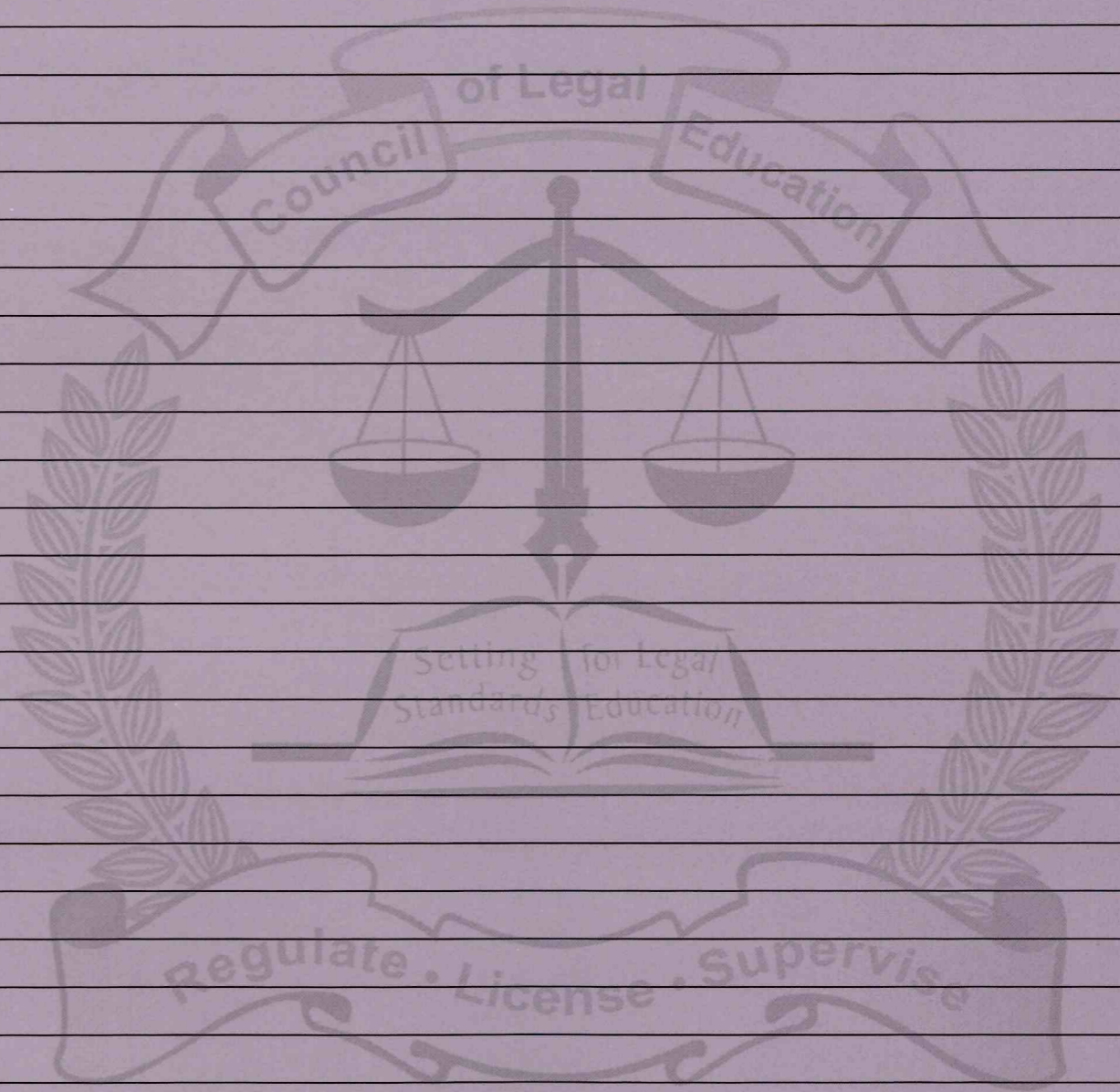
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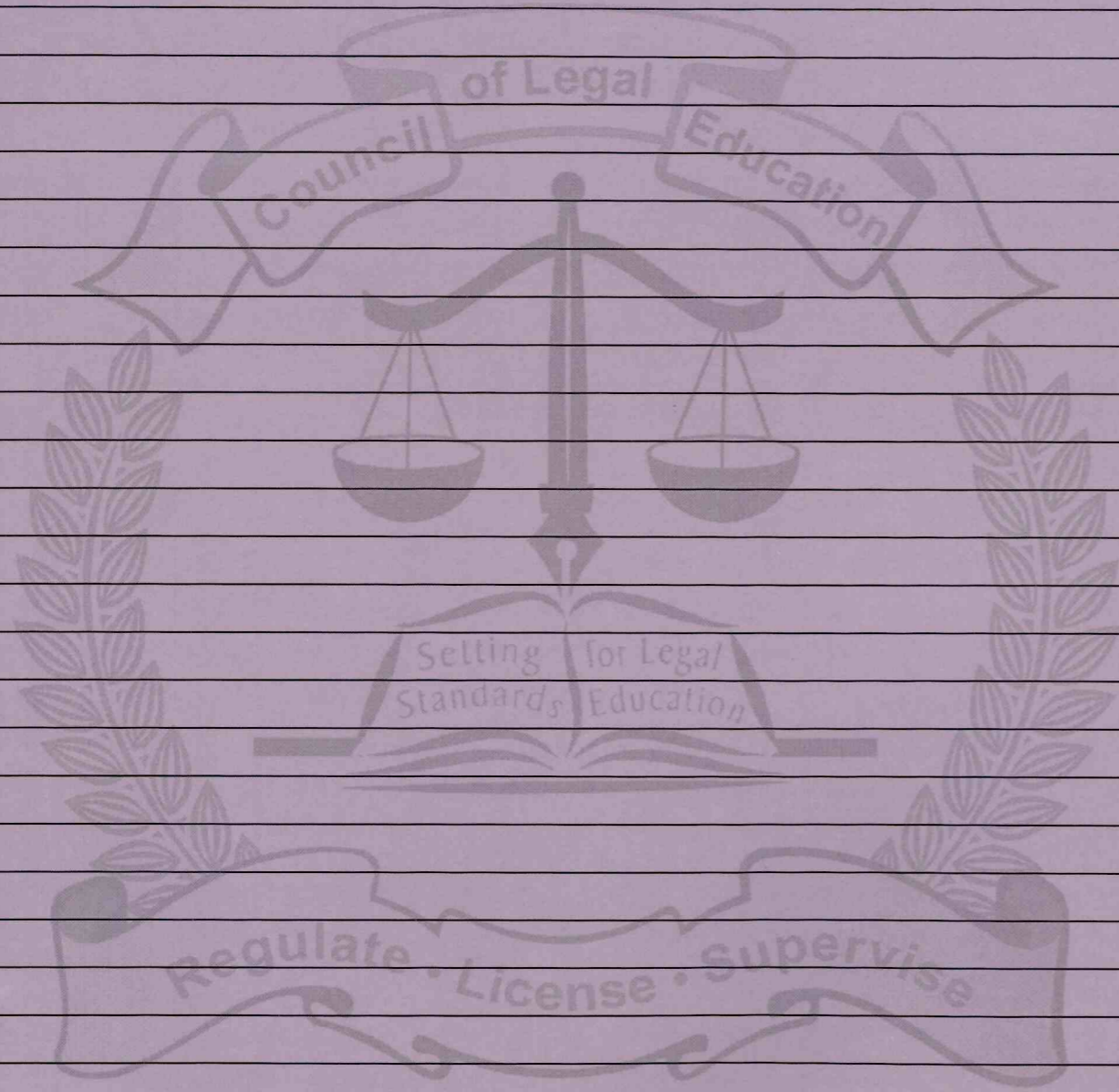
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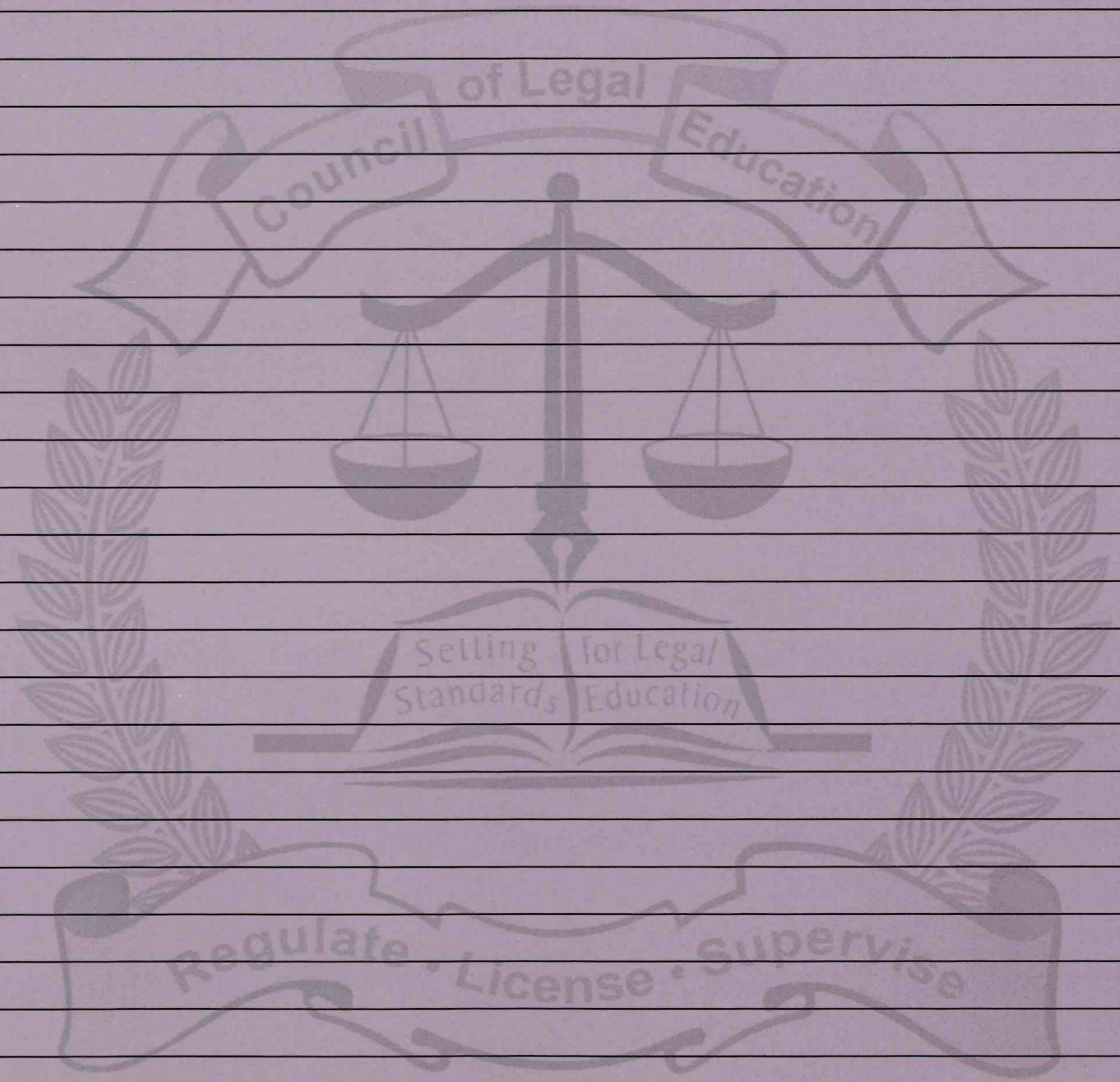
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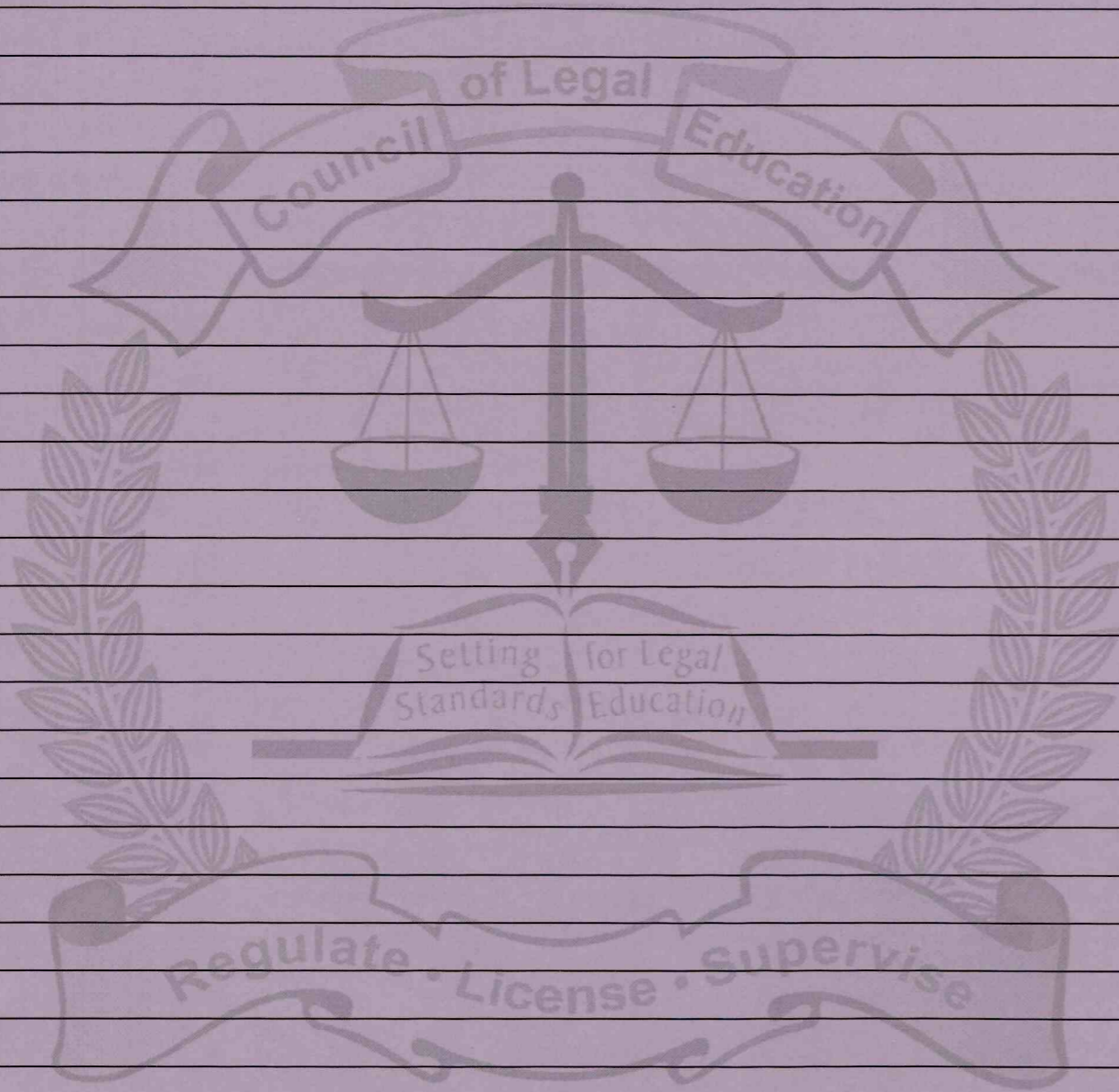
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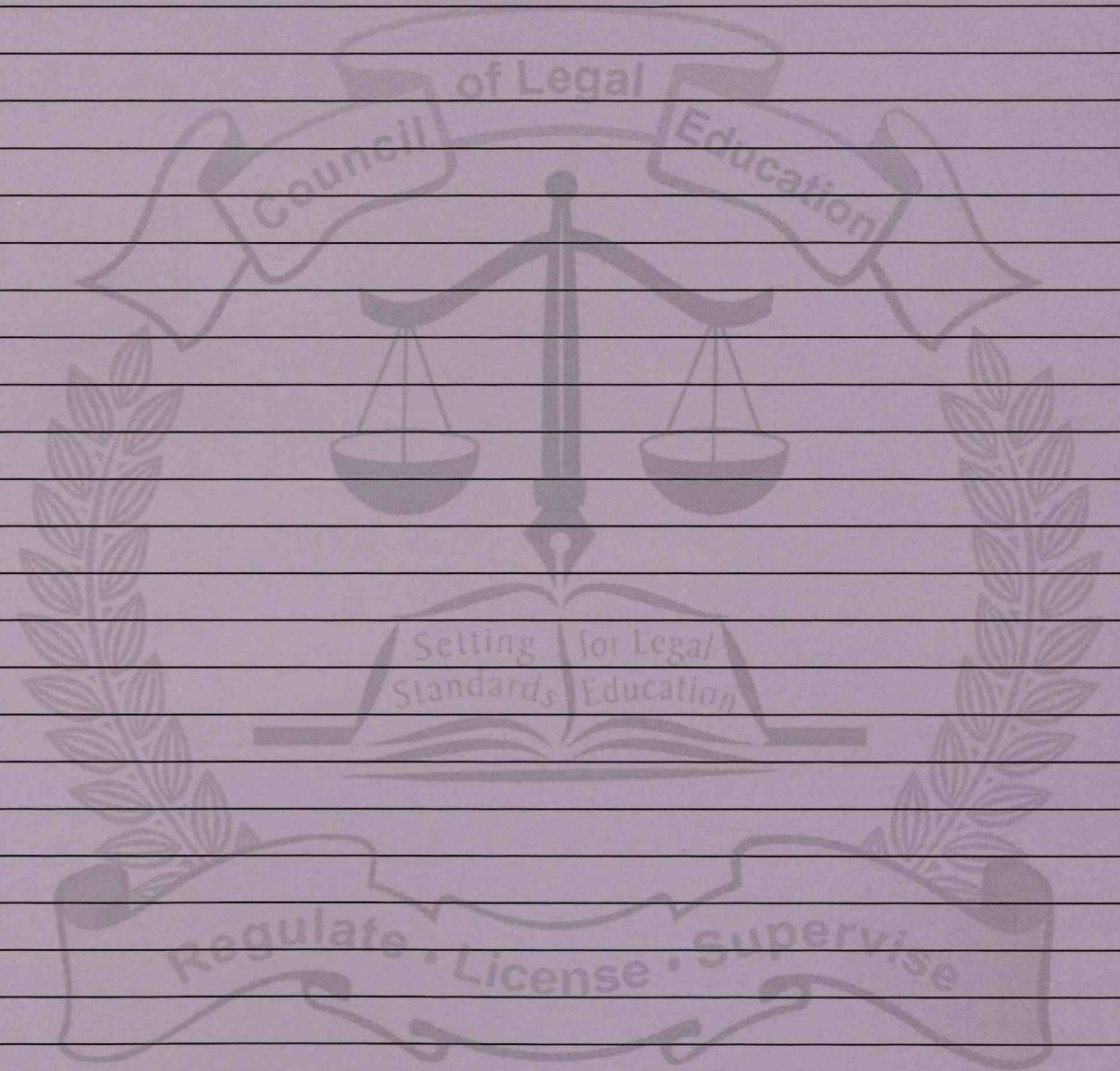
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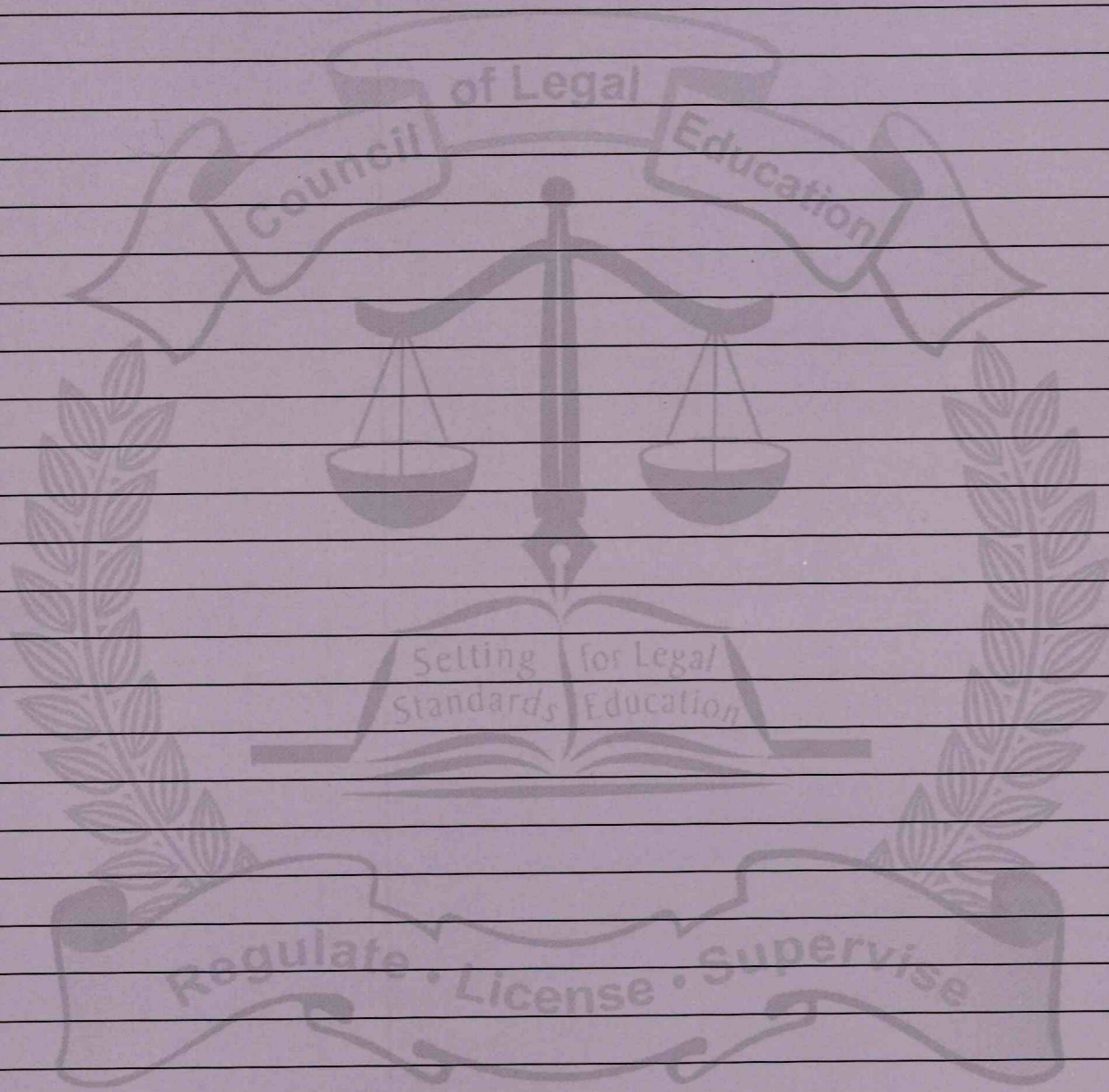
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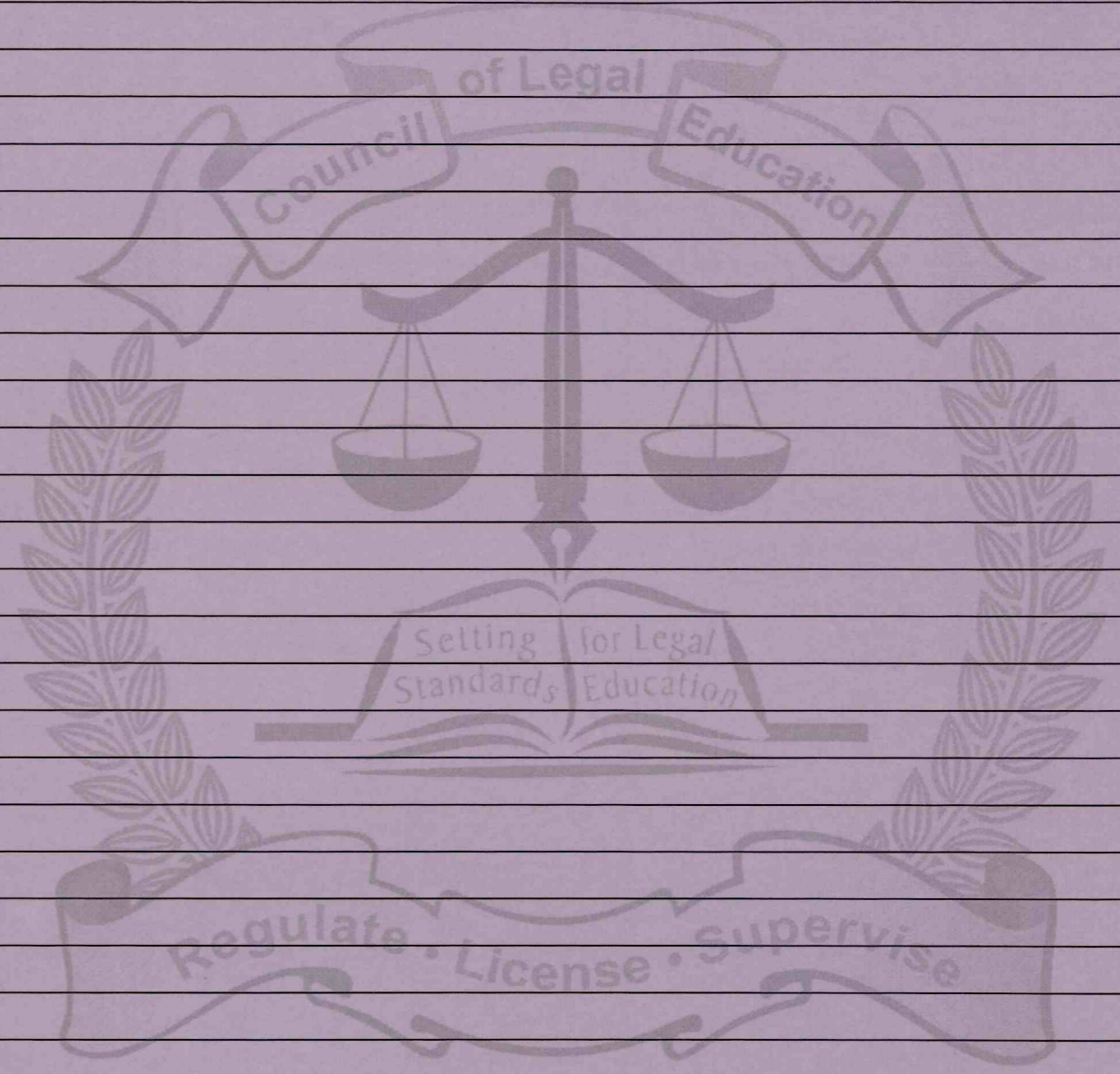
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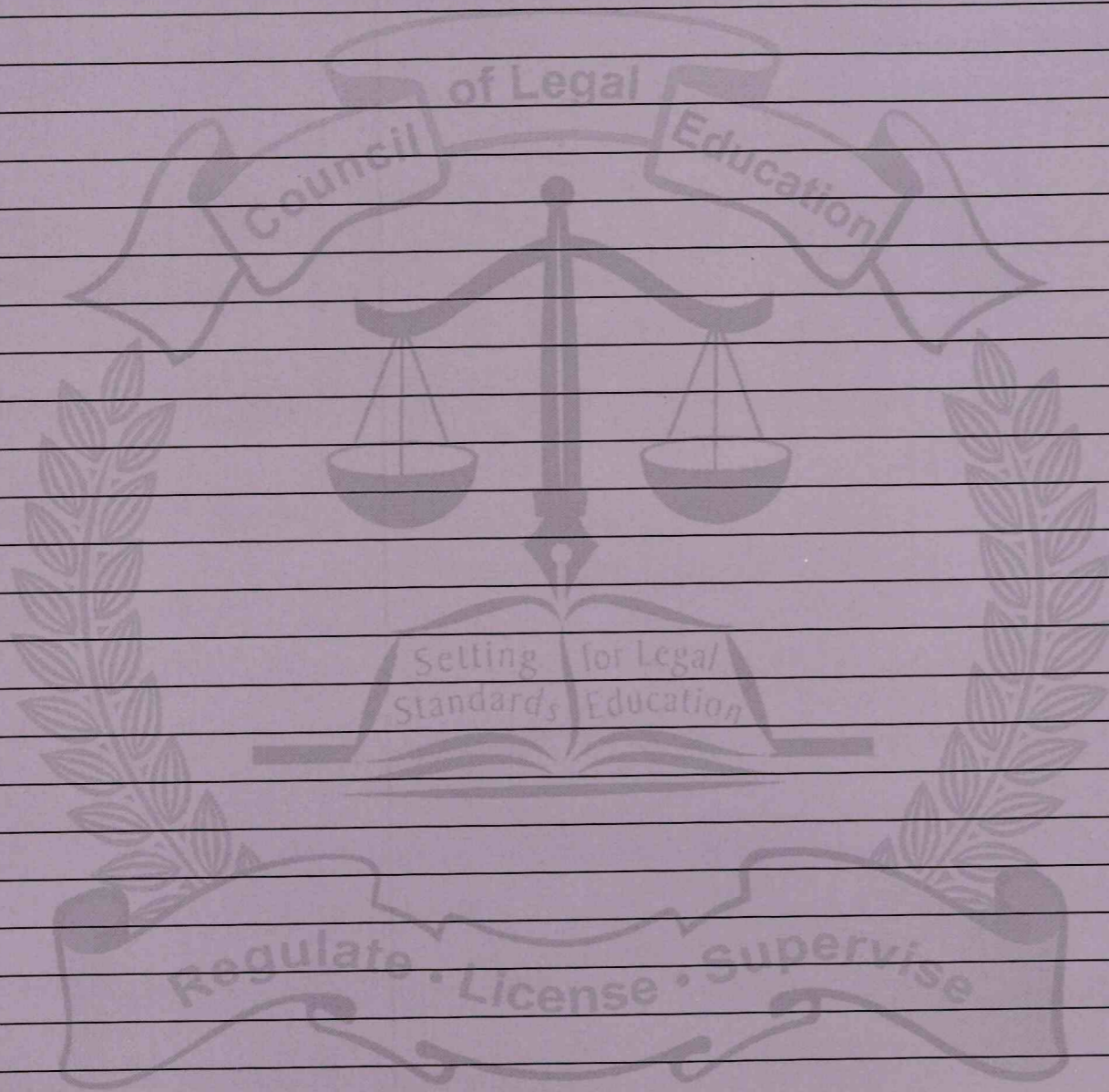
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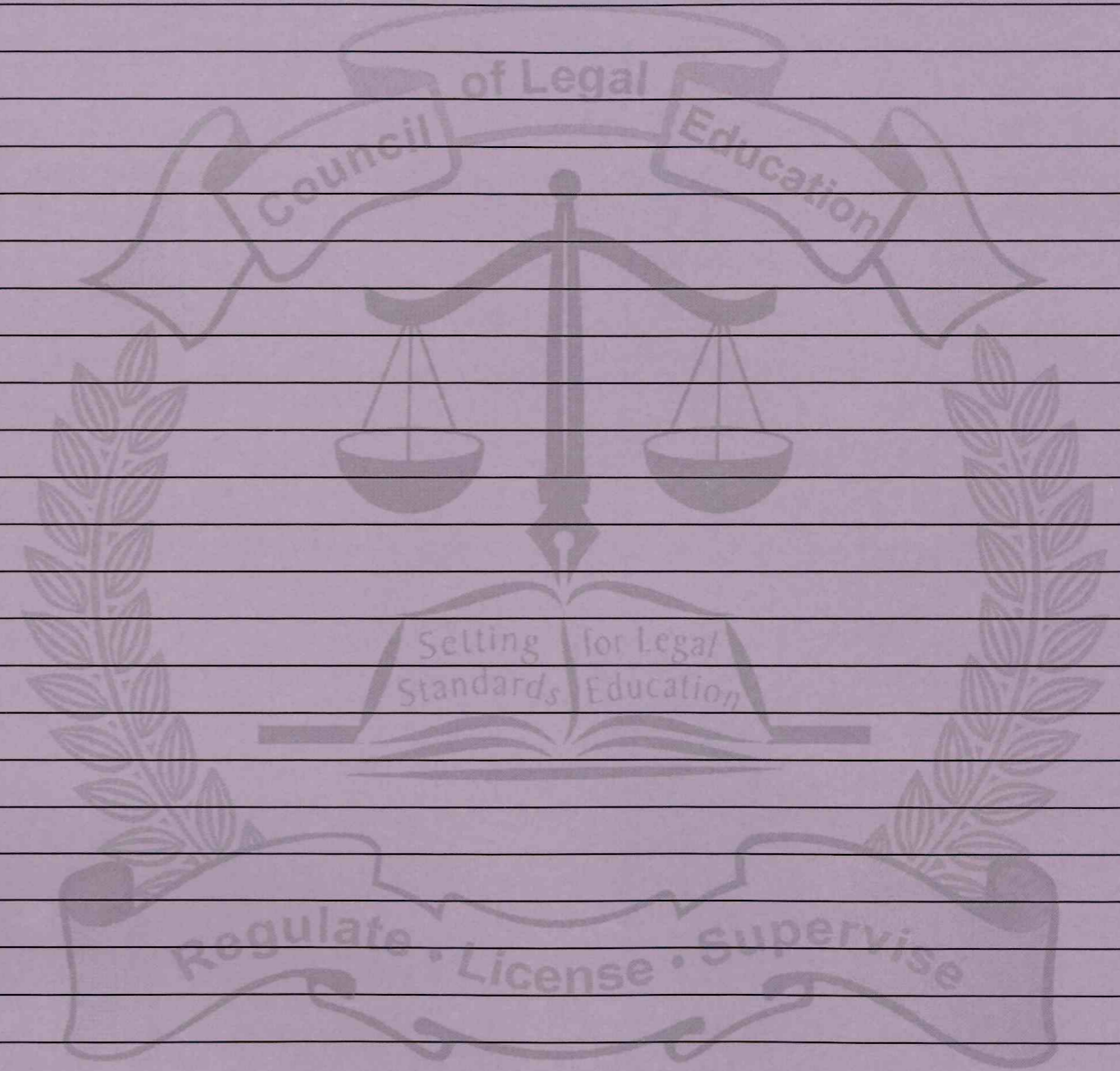
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QUESTION SIX

Mr. Makan was a founding member of the successful law firm of T & Makan Company Advocates LLP. In addition to his stellar credentials as a lawyer, he had studied Software Engineering at the Massachusetts Institute of Technology (MIT) and had a keen interest in developing spyware. He deployed these spywares on computer networks of organizations that he was acting against in Court to collect data without the knowledge and consent of these organizations. The law firm's success in Court grew enormously, largely due to the secretive data availed by the spywares developed by Makan.

Makan pushed his luck further by developing a malware dubbed 'Kerkez' that not only infiltrated computer systems to steal data but also destroyed such computer systems to erase any trace of the intrusion. Kerkez had the lethal ability of infiltrating money transfer systems and creating alternate payee bank accounts to re-route payments. T & Makan Company Advocates LLP had in the past navigated a rough cashflow patch by deploying Kerkez in its favor.

As fate would have it, Mr. Makan represented a client in a meeting with a bank where a huge loan had been successfully negotiated. Taking advantage of his position as counsel for the client and having access to vivid details regarding the transaction, Mr. Makan deployed Kerkez with a devastating effect. A Fifty Thousand Dollar Loan intended for the firm's client was credited into the accounts of several offshore companies associated with Makan.

The chilling details of Makan's dealings were revealed during a press briefing by the head of the Police Cyber Crimes Unit after the Office of the Director of Public Prosecutions granted approval for the arrest and prosecution of Makan.

In a crisis meeting at the firm of T& Makan Company Advocates LLP where you work, the firm's leadership has instructed you to represent Makan during his trial.

- a) In the context of your appointment, explain the cab rank rule and how it guarantees fair representation for Makan in Court. **(3 Marks)**
- b) Outline four circumstances under which you may decline to represent Mr. Makan in Court. **(4 Marks)**
- c) Describe six duties you owe Mr. Makan as his advocate should you accept to represent him. **(3 Marks)**

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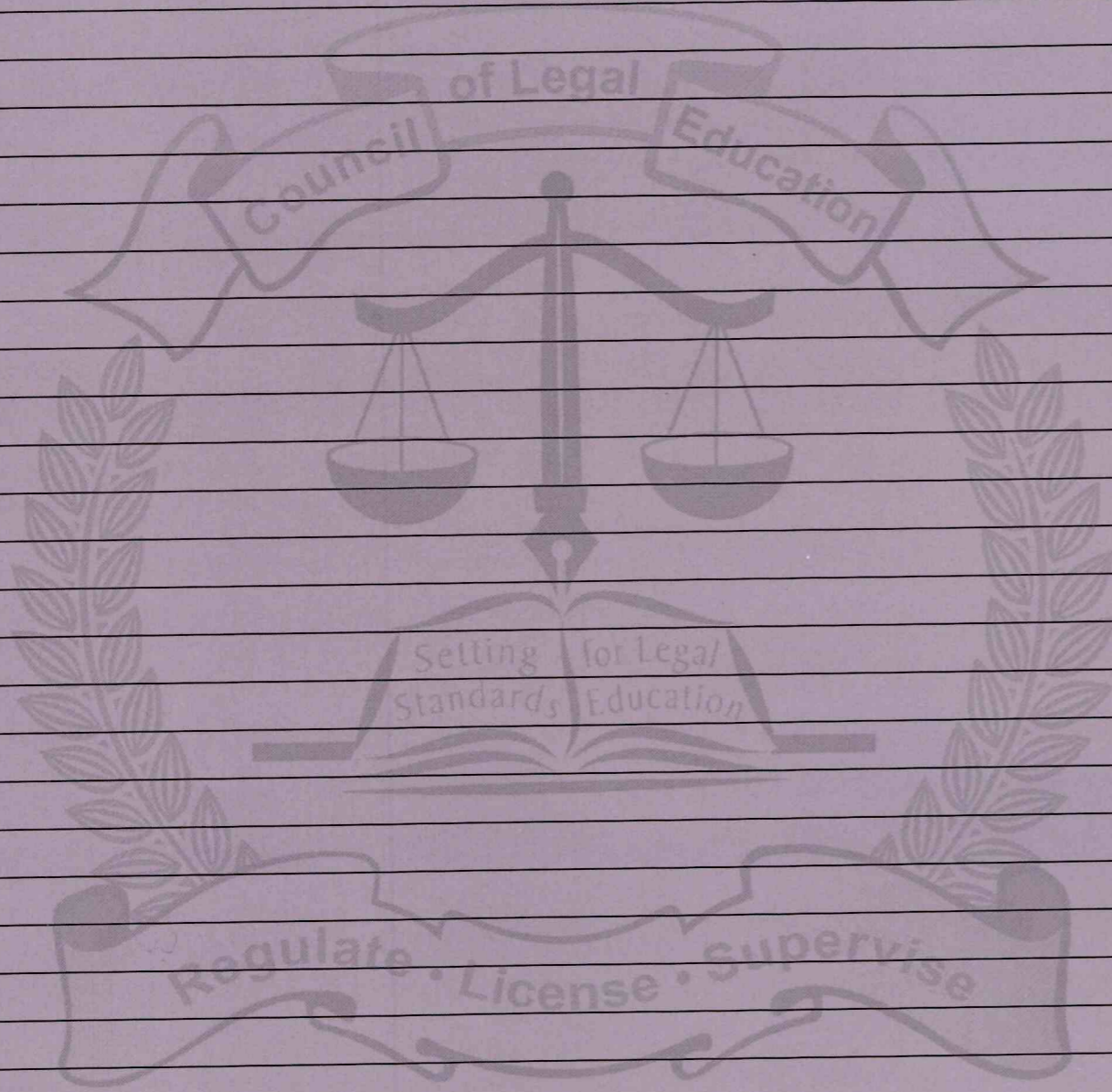
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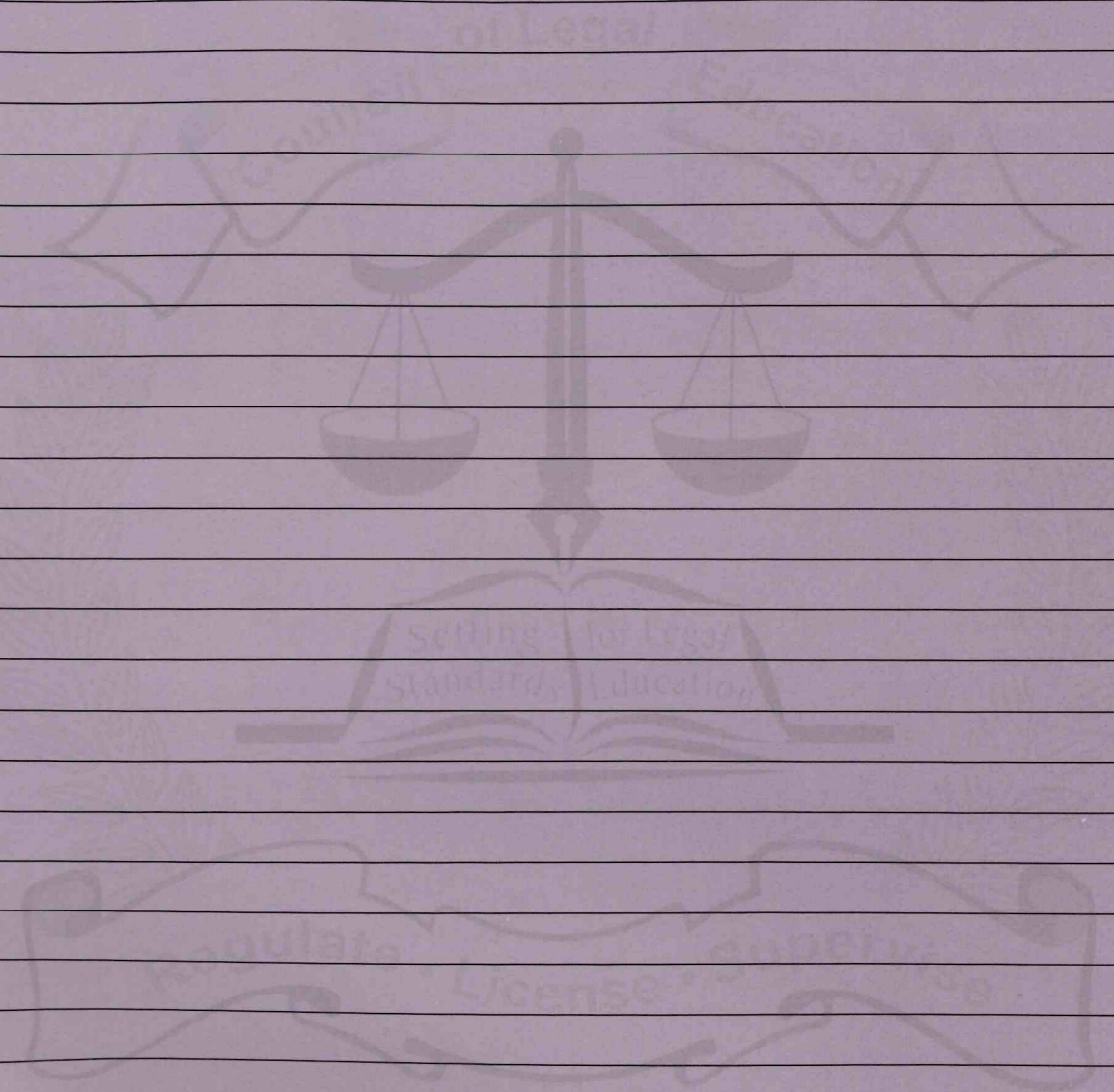
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