



The University of Fiji
(An Entity of Arya Pratinidhi Sabha of Fiji)



JDP SCHOOL OF LAW

Semester 2: Year 2025.

FINAL COURSE EXAMINATION PAPER.

LAW 328: ADVOCACY SKILLS AND NEGOTIATION

Important Instructions to Students:

1. Read the questions, instructions carefully and answer the questions.
2. You are allowed an **extra 10 minutes reading time** (during this time, you are not allowed to write) and **180 minutes (3 Hours) to complete this paper.**
3. All kinds of electronic gadgets (including smart phones, mobiles, tablets etc.) are strictly prohibited.
4. Write all your answers in the answer booklet provided. If you need extra sheets, please ask from the supervisor. Write your name, course code and student identification number in the answer booklet and in the attendance sheet.
5. **This Final Course Examination Paper is worth 60 marks.** Students must **score at least 30 marks** in this final exam to pass the course.
6. This paper contains **SIX (6) COMPULSORY** questions.
7. Write all your answers legibly. The marker has the right to award zero for answers that are not legible.
8. This is a **CLOSED BOOK EXAMINATION**. Students are **NOT** allowed to bring any material into the examination hall.
9. The university views plagiarism, cheating and dishonest practices as serious offences and if anyone is found, they will be penalized.

Examination Paper Content (Format):

QUESTION	CONTENT	MARKS	SUGGESTED TIME
1-6	Compulsory Questions	10 marks each	30 minutes each
	TOTAL	60 marks	180 minutes

Question 1

- a. Outline **two key differences** between the adversarial and inquisitorial systems of justice. In your answer, refer to the roles of the judge, the parties, and the presentation of evidence. (4 marks)
- b. Discuss **three strengths** and **three weaknesses** of each system in promoting justice. (6 marks)

[10 marks]

Question 2

- a. Define “case theory” and “case theme” in the context of legal advocacy. How do these concepts guide the presentation of a case in court? (6 marks)
- b. **Scenario:** You are representing Inoke Buli who is accused of theft contrary to s 291 Crimes Act 2009, by his employer Top Mart. The prosecution claims there is clear CCTV footage showing the accused taking money from the till and financial records showing unauthorized withdrawals from the company account, all totaling \$27,870.68. Your client insists they were framed by a colleague with access to their login credentials.

s291 Crimes Act 2009 provides: — (1) A person commits a summary offence if he or she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of the property.

Penalty — Imprisonment for 10 years.

(2) for the purposes of this Decree an offence against sub-section (1) is to be known as the offence of theft.

Draft a case theory for the defence. (4 marks)

[10 marks]

Question 3

- a. Identify 4 **qualities** of an effective advocate. Support your answer with examples. (4 marks)
- b. List and briefly describe three key negotiation styles. (3 marks)
- c. **Scenario:** Two neighbors are disputing over a shared fence that needs repair. One wants a full replacement, while the other prefers minor patchwork. After several discussions, they agree to split the cost of partial repairs and revisit the issue in a year. Neither gets exactly what they wanted, but both are satisfied with the resolution.

Identify the negotiation style used in this scenario. Justify your answer with reference to the parties' behavior and the final agreement. (3 marks)

[10 marks]

Question 4

- a. Outline 4 key factors a court in Fiji considers when deciding whether to grant bail under the provisions of Fiji Bail Act. Provide brief explanations for each factor. (4 marks)
- b. **Scenario:**

The accused, *Jone Vakaloloma*, a 28-year-old resident of *Nadera*, has been charged with *burglary* under section 312 of the Crimes Act 2009. The alleged offence occurred on the night of **August 29 2025**, when a retail shop *Travelers World* in *Nausori Town* was broken into and 10 mobile phones were stolen. Jone was arrested on 2 September, 2025 after police received a tip-off and recovered one of the stolen phones from his cousin's home.

The prosecution opposes bail citing concerns about the seriousness of the offence, incomplete investigation, possible interference with witnesses and risk of reoffending. However, Jone has **no prior convictions**, is **employed full-time** as a mechanic in Good Motors Mechanic Workshop in *Laucala Beach*, and lives with his elderly mother, for whom he is the primary caregiver. He has expressed willingness to comply with **strict bail conditions**, including daily reporting to the *Valelevu Police Station*, surrendering his passport, and observing a curfew.

s312 Crimes Act. — (1) A person commits an indictable offence (which is triable summarily) if he or she enters or remains in a building as a trespasser, with intent to commit theft of a particular item of property in the building.

Penalty — Imprisonment for 13 years.

(2) for the purposes of this Decree, an offence against sub-section (1) is to be known as the offence of burglary.

Using the scenario provided below, draft a short submission in support of bail in no more than two pages (6 marks)

[10 marks]

Question 5

Based on the following scenario, draft a *No Case to Answer* submissions in no more than three pages.

Case Title: *State v. Mereani Tiko. Court: Magistrates Court, Nausori. Case No: MC 4007/25 Before Resident Magistrate Ms. Ana Kamali*

Charge: Mereani Tiko, a 34-year-old school teacher from Korovou, is charged with *obtaining property by deception* under section 317 (1) of the Crimes Act (2009).

The allegation is that on 28 August 2025 she falsely claimed reimbursement for school supplies from the Ministry of Education, amounting to \$1,200.

Prosecution's Case:

The prosecution presented three witnesses: a school administrator, a finance officer and a police investigator. The administrator testified that Mereani submitted receipts for items not found in the school's inventory. The finance officer confirmed that the reimbursement was processed based on those receipts and money paid to the account number provided in the reimbursement form. He does not know whether the account provided in the form is Merani's account and he does not know whether or not Mereani cashed the money paid into that account. He does not know whether Mereani received the refund. The police investigator admitted under cross-examination that no forensic analysis was done on the receipts, and no direct evidence links Mereani to their creation. He did not check the account the money was paid into at ANZ bank, Victoria Parade branch and he is not sure who received the reimbursement made by the school to the account provided in the reimbursement form. No witness could confirm that Mereani personally fabricated or altered the receipts. Mereani's signature on the reimbursement form is not disputed, but the form itself allows for submission by any staff member on behalf of the school.

Defence Position: At the close of the prosecution's case, defence counsel submits that there is *no case to answer* on the following grounds: The prosecution failed to establish a prima facie case. There is no direct or circumstantial evidence proving Mereani received the refund for the goods. There is no evidence that she acted dishonestly or with intent to deceive. The evidence is speculative and does not meet the threshold required to call the accused to answer.

s317.— (1) A person commits a summary offence if he or she, by a deception, dishonestly obtains property belonging to another with the intention of permanently depriving the other of the property.

Penalty — Imprisonment for 10 years.

[10 marks]

Question 6

- a. Explain the purpose of objections during trial proceedings. Identify and describe four common types of objections used in court, and provide an example for each. (5 marks)
- b. Explain the purpose of an appeal in legal proceedings. What are the common grounds for appeal? (5 marks)

[10 marks]

