



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



JDP SCHOOL OF LAW
Semester 1: Year 2026

FINAL COURSE EXAMINATION PAPER

**LAW312: LEGAL ETHICS, GOVERNANCE AND PUBLIC
ACCOUNTABILITY**

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 **TWO (2) sections and EIGHT (8) questions**. Section A is **COMPULSORY**. Students must **ANSWER ANY FOUR (4) questions** in Section B.
7. Write all your answers legibly. The marker has the right to award zero for answers that are not legible.
8. This is a **RESTRICTED OPEN BOOK EXAM**. Students may bring into the examination room an unmarked copy of the *Legal Practitioners Act and Rules of Professional Conduct and Practice (2009) Fiji*.
9. The University views plagiarism, cheating and dishonest practice as serious offences and if found, offenders are penalized.

Examination Paper Content (Format):

Section	Questions	Content	Marks	Suggested Time
A	1-2	Compulsory	10 marks each	30 minutes per question
B	3-8	Answer any four (4) questions	10 marks each	30 minutes per question
		TOTAL	60	180 minutes

*Registered with the Fiji Higher Education Commission as a University under the Higher Education Act 2008.
Registration Certificate Number (RGN0020/11)*

You must make reference to the relevant section(s) of the law in your answer and relevant case authorities to support your answer.

Section A

This section is compulsory. Students must answer BOTH questions 1 AND 2 in this section.

Question 1

A lawyer, Mika, represents an accused person in a criminal trial. During preparation, the client confesses guilt but insists on pleading not guilty. The client further instructs Mika to challenge the credibility of a truthful prosecution witness and to present a version of events that Mika knows is false.

Critically evaluate Mika's ethical position. In your answer:

Analyze how the duty to the court limits client instructions, particularly where dishonesty is involved; and

Consider whether withdrawal from representation is required or optional.

[10 marks]

Question 2

You have been practicing for 4 years after your jubilant graduation from the University of Fiji.

In one particular case, you have encountered an ethical dilemma.

During trial, and in the course of the multiple meetings/conversations with your client, LeafyBrown you become aware that your client intends to give false evidence. LeafyBrown refuses to change her position and threatens to dismiss you as their lawyer on record.

Assume that you allowed your client to continue as they pleased and the Chief Registrar investigated and initiated an action in the ILSC. You are working with your choice of legal representation to come up with a submission to the Commission which you hope will result in the best possible outcome for you.

Outline your mitigating arguments and possible sanctions issued if these arguments are accepted by the Commission.

[10 marks]

Section B

Students must answer ANY FOUR (4) questions in this section.

Question 3

A lawyer agrees to act for both a buyer and seller in a land transaction. The lawyer also enters into a private agreement with the buyer to receive a percentage of future profits from the land development project.

Assess the ethical and legal implications. In your answer:

- a) **Examine whether the lawyer's financial interest compromises independence and professional judgment; and**
- b) **Discuss the heightened risks where a lawyer acts for both parties in a transaction and what steps can be taken to avoid such risks.**

[10 marks]

Question 4

A client files a complaint against their lawyer, alleging misconduct in handling funds. During the investigation, the lawyer refuses to disclose certain communications, claiming legal professional privilege.

Advise the disciplinary body. In your answer:

- a) **Analyze whether privilege is absolute or subject to exceptions in disciplinary proceedings; and**
- b) **Discuss how the investigation process should proceed if disclosure is resisted.**

[10 marks]

Question 5

A lawyer is found to have misled the court in multiple proceedings and improperly dealt with client funds. A complaint is filed, and disciplinary proceedings are initiated. The lawyer argues that no harm was ultimately caused to the clients.

Critically evaluate the lawyer's liability. In your answer:

- a) **Analyze whether actual harm is necessary to establish professional misconduct; and**
- b) **Discuss the role of public confidence and integrity in determining the outcome**

[10 marks]

Question 6

Grace Loloma is a seasoned legal practitioner having seen the ups and downs of the profession for a good 16 years now. Early this year, Richard, an elderly gentleman, seeks legal assistance from Grace in drafting a will. In the course of this lawyer-client relationship, Grace grows quite fond of Richard and they frequently meet for coffees and meals outside office hours.

Richards final will includes a substantial gift to Grace.

When Richard passes on, his children come across his will. They are not pleased with the gift devise to Grace.

Discuss the following:

- a) **The potential ethical issues arising in this scenario; and**
- b) **The possible consequences for Grace if one of Richard's children reports this matter to the Legal Practitioners Unit.**

[10 marks]

Question 7

You must answer BOTH parts.

Part A

"Lawyers are not merely advocates for their clients but guardians of the administration of justice".

Critically evaluate this statement. (5 marks)

Part B

To what extent should senior lawyers be held responsible for the unethical conduct of junior lawyers within their firm?

Discuss. (5 marks)

[10 marks]

Question 8

Mereseini, a legal practitioner of 7 years experience represents business partners Max and Martha.

- Max privately alleges misconduct by Martha;
- Martha, on the other hand, seeks advice on dissolving the partnership;
- The matter escalates into litigation between them.

Advise Mereseini on whether her continued representation of both partners can likely result in any form of ethical breaches of her duties.

Discuss the legal and ethical issues likely to result if Mereseini decides to represent Martha against Max.

[10 marks]

THE END