

Examiners' Comments on the 2004 Examination

Head IV: Accounts and Professional Conduct

My co-examiners and I are pleased to provide the following comments:

Question 1

The candidates did not apply themselves to the issues that were being canvassed in the questions. There was still a failure to read the questions and, in turn, apply the Accounts Rules to the actual facts.

Question 2

This question related to practice promotion, office management, retainers and remuneration. Most candidates understood the rules relating to office management and promotion; however many did not consider there to be any problem in taking instructions from a client hospitalized with concussion. A number of students also did not recognize the problem with profit cost sharing.

Question 3

Again many students answering this question did not consider whether the client was competent at the police station to give instructions. Some students did not see the potential conflict in discussing the upcoming case with a judge. Many students did not realize that an interim bill would be inappropriate without a prior agreement. Some students did not recognize that Legal Aid could still become a relevant consideration even where the client initially had the means to retain the solicitor. Many students did not recognize that it would be inappropriate to accept instructions from the client's daughter without authorization.

Question 4

For question (a) candidates generally spotted the fiduciary relationship and the duty to disclose secret profits but missed the loan and gift issues involved. The answers as to whether the professional misconduct of the client solicitor should be reported ranged from the confident yes to the equally confident no!

The students struggled a little on the question on undertakings. It had been the first time a question had been set on this topic (although it is clearly identified in the syllabus) and I suspect few students had revised it thoroughly. Answers were a bit thin on detail and authority.