



LAW DEVELOPMENT CENTRE

GUIDELINES TO RULES GOVERNING THE BAR COURSE, 2023

(Under Rule 3 of the Rules Governing the Bar Course, 2023)

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THE LAW DEVELOPMENT CENTRE
GUIDELINES ON OPEN, DISTANCE AND E-LEARNING
(Under Rules 3 and 4(3) of the Rules Governing the Bar Course, 2023)

The Lecturers and Students in the Bar Course Department are hereby guided as hereunder;

1. General Guideline(s)

The Law Development Centre (Bar Course Department) shall conduct academic activities and examinations using open, distance and e-learning in accordance with the Rules Governing the Bar Course and Guidelines issued by the National Council for Higher Education (NCHE).

2. Attendance

- (a) In accordance with Rule 6 of the Rules Governing the Bar Course, 2023, attendance of all the Academic Activities is compulsory and shall be electronically recorded and monitored.
- (b) A student shall use his or her official LDC email account and the name with which he or she is registered for the Bar Course to access the LDC official platforms for online academic sessions.
- (c) Lecturers shall take a roll call using the official firm lists at the beginning and end of each session.
- (d) Any student who for sufficient cause is unable to participate in any online Academic Activity must, before or immediately after the activity, write to the Academic Registrar/Secretary, Board of Examiners through the Head Bar Course, clearly specifying the reasons for such inability.

3. Platforms for online academic sessions

- (a) The following online platforms shall be used in conducting Academic Activities; Zoom cloud meetings, zoom webinars, Teams, Moodle platform, email, WhatsApp and any other platform that may be adopted from time to time by LDC.
- (b) Students and Lecturers shall download and install the Zoom Application and any other adopted application on their preferred electronic devices.
- (c) The sessions’ invitation links shall be sent to the respective LDC email accounts of the Lecturers and the students and may be circulated on social media platforms.
- (d) A student shall log into the scheduled online platforms using his or her LDC official email addresses and the names used while registering for the Bar Course.

- (e) In order to ensure a conducive learning environment and minimise disruptions, a student attending an online session shall;
- i. Find a quiet place without interruptions/background noise.
 - ii. Mute his or her microphone when not speaking.
 - iii. Disable the video feature unless requested to enable it by the Host or Co-Host.
 - iv. Raise his or her hand using the “Raise Hand” feature when he/she wishes to speak.
 - v. Unmute his or her microphone only when given permission to speak by the Host or Co-host of the session.
 - vi. Avoid speaking over or at the same time as other participants speaking.
 - vii. Use the chat feature to make a contribution and ask questions during a presentation by another student or a Professional Advisor.
- (f) All sessions shall be recorded and uploaded on the Moodle platform and may be accessed by all students at a time of their convenience.

4. Preparation for teaching and use of teaching materials

- (a) Teaching material in respect of all the academic activities shall be availed to the students and Lecturers by the respective Heads of Subject/Team Leaders at least two (2) days before the scheduled session.
- (b) A student shall adequately prepare for the workshops/lectures in advance of the sessions and ensure active participation during the session. In particular, a student shall undertake tasks assigned to him or her and prepare presentations accordingly.
- (c) Lecturers shall, prior to commencement of each teaching week, hold an online pre-teaching meeting for the subject to be taught chaired by the respective Head of Subject.
- (d) Lecturers must ensure uniformity in the scope of coverage.
- (e) All workshop discussions shall be student centred and the Lecturers shall encourage all students to participate by demonstrations.

5. Role of the Heads of Subject/Team Leaders

- (a) Heads of Subject/Team Leaders shall prepare workshops, hand-outs or slides and upload them on the Moodle platform at least two (2) days prior to the class/session to enable the students adequately prepare for the session.
- (b) Convene and chair weekly pre-teaching meeting for respective Subjects.
- (c) Prepare and submit weekly after action reports to the Head Bar course.

6. Role of Scheduled Professional Advisor

- (a) Each online academic activity/class shall be facilitated by a Professional Advisor scheduled as the Host.
- (b) The Scheduled Professional Advisor shall;
 - i. attend the week's pre-teaching meeting as a prerequisite for participation in the week's teaching;
 - ii. issue out invitations to his/her respective class/firm in accordance with the week's timetable and copy in the Head and Deputy Head Bar course as well as the ICT support team;
 - iii. ensure that the session starts at least fifteen (15) minutes before the class/session time and admit students;
 - iv. ensure that a roll call of all the students is conducted using the official firm list(s);
 - v. oversee and guide the students during the workshop presentations or any other scheduled activity;
 - vi. in case of a lecture, share with the students, presentation slides;
 - vii. shall report to the Head of Subject any unresolved issues that arose in the course of the workshop that may require harmonisation during the follow up sessions;
 - viii. be responsible for the successful conduct of an academic activity/session.

7. Role of the Co-host

- (a) An Academic Activity conducted online may have a co-host who must have attended the week's pre-teaching meeting in the subject taught.
- (b) The co-host shall perform the following roles;
 - i. Assist the scheduled Professional Advisor in admitting students and taking the roll call.
 - ii. Share the presentation slides or any other relevant material by document or screen share.
 - iii. Take over presentation/facilitation in case the Scheduled Professional Advisor suffers loss of connectivity or by any reason is unable to facilitate.
 - iv. Perform such role as the Scheduled Professional Advisor may request him/her to perform.
 - v. Moderate the question and answer session at the end of the activity/session.

8. Role of firm leaders

For the successful conduct of online classes, a firm leader shall do the following;

- (a) Mobilise students for Saturday firm discussions and all the other Academic Activities.
- (b) Schedule online preparatory meetings and ensure that the students prepare for the tasks assigned by the Head of Subject.

- (c) Compile a list of students who attend the Saturday online preparatory meetings and submit an electronic copy to the Department immediately after the meeting.
- (d) Disseminate official information to all students in their respective firms.
- (e) Report any technical issues relating to online classes being faced by students to the Department and the ICT team.
- (f) Help the Professional Advisor and the Co-host in verifying the identity of students seeking to join online sessions.
- (g) Compile a list of any unresolved issues and bring them to the attention of the Head of Subject/Team Leader for harmonisation.
- (h) Any other duty that may from time to time be assigned to him or her by the Head or Deputy Head Bar course.

9. Time management

- (a) All sessions shall be open fifteen (15) minutes before start time to enable both the students and the Lecturers settle in and handle any technical/preliminary aspects before the session starts.
- (b) A Professional Advisor facilitating an online class shall in addition to conducting a roll call, communicate all the ground rules applicable before the session starts.
- (c) A student who joins an academic session late may be excluded from the session by the scheduled Professional Advisor.
- (d) An academic activity shall be conducted and concluded within the time allocated by the Bar Course Department.

10. Professional Conduct

- (a) The LDC Dress Code for Bar Course students shall apply to all online classes.
- (b) A student shall observe courtesy and professionalism that is expected of all other professional events of LDC and in accordance with the Rules Governing the Bar Course, 2023.
- (c) Abusive language or rude/disruptive behaviour, use of indecent profile pictures, use of pseudo names, offending etiquette, abuse and misuse of the chat feature shall not be tolerated and the offending student shall be removed from the session and he or she shall be deemed to have failed that Academic Activity. The offending student may also face disciplinary action.
- (d) A student should use as his or her Zoom and other online applications profile picture, a photo of himself or herself dressed in accordance with the LDC dress code and clearly indicate his or her official names and Firm.

11. Forum shopping

Every student must strictly attend the sessions designated for his or her Group. Forum shopping is hereby prohibited and any offending student shall be discontinued from the session for unprofessional conduct and shall be deemed to have failed the academic activity.

12. ICT Assistance

- a) The ICT team shall remain on standby in all cases to offer support on any ICT related issues.
- b) The ICT team shall share a telephone contact accessible to both students and Lecturers on which any ICT related issues shall be raised immediately.

13. Role of the Head or Deputy Head Bar course

The Head or Deputy Head Bar course shall;

- (a) Closely monitor all the weekly academic activities and ensure that they are successfully conducted in accordance with the Bar Course Curriculum, 2023 and Rules Governing the Bar Course, 2023.
- (b) Convene and chair after action weekly review meetings.
- (c) Prepare and submit action reports to the Director.

14. Security and Confidentiality

To secure the online classes and experiences of the entire LDC community,

- (a) all online activities/sessions shall be accessed through use of LDC assigned email addresses.
- (b) all students and Lecturers shall activate both their email addresses and Zoom accounts.
- (c) Students and Lecturers shall ensure that security and confidentiality are maintained.

15. Teaching Time-Table

The Bar Course Department will issue a weekly teaching time table to govern academic activities for the week.

16. Examinations

All the components of examinations, that is; oral and written examinations, Individual Assessment and moot (examinations) shall be conducted in accordance with these guidelines.

17. Commencement

These Guidelines shall commence effective with the Bar Course Academic Year 2023/24.

Issued this 17th day of October, 2023.



Frank Nigel Othembi
Director/Chief Examiner

THE LAW DEVELOPMENT CENTRE
GUIDELINES ON LDC DRESS CODE FOR BAR COURSE STUDENTS
(Under Rules 3 and 6(4) of the Rules Governing the Bar Course, 2023)

1.0 Application

- 1.1 The Code shall govern and apply to students of the Bar Course of the Law Development Centre.
- 1.2 The Code shall apply to dressing for purposes of participation in LDC academic activities and Clerkship.
- 1.3 The Code is not an exhaustive treatise and shall be supplemented with common sense and good judgment.
- 1.4 Any dispute arising from the application or interpretation of the Code shall be referred to the Assistant Director at a student's campus of registration.
- 1.5 Any person dissatisfied with the decision of an Assistant Director in 1.4 above may appeal to the Director whose decision shall be final.

2.0 Interpretation

In the Code, unless the context otherwise requires:

- 2.1 "academic activity" means lecture, guest lecture, test, class discussion, workshop, moot, academic field trip, continuing legal education (CLE)/legal aid activity, student legal practice and examinations (both written and oral);
- 2.2 "Bar Course" means the post graduate course at LDC leading to the award of the Post Graduate Diploma in Legal Practice;
- 2.3 "Board of Examiners" means the Board of Examiners of the Law Development Centre;
- 2.4 "clerkship" means the practical field placement and training provided for in the Rules Governing the Bar Course;
- 2.5 "Centre" means the Law Development Centre;
- 2.6 "Director" means the Director of the Law Development Centre;
- 2.7 "lecturer" means the Director, an Assistant Director, head of a teaching department, head of subject, Manager or Senior Legal Officer or Legal Officer of the LDC Legal Aid Clinic or part-time lecturer;
- 2.8 "registrar" means the Academic Registrar or person performing functions of Registrar of the Law Development Centre;
- 2.9 "Rules" means the Rules Governing the Bar Course;
- 2.10 "student" means a person undertaking the Bar Course.

3.0 General Provisions

- 3.1 All dress must be modest and of a nature that lends itself to the dignity of the legal profession. All manner of flamboyance and garishness shall be avoided.
- 3.2 A student shall maintain a neat appearance and shall avoid appearing unkempt and untidy.
- 3.3 A student shall refrain from wearing revealing or ill-fitting or skimpy clothing. Indecent exposure of any kind is prohibited. Shirts and blouses shall be properly buttoned up. Common sense and modesty shall be applied in this regard.
- 3.4 A student shall not remove his or her jacket in class except with the permission of the facilitating lecturer and this permission shall not be unreasonably denied when it is obviously hot and stuffy.
- 3.5 Shorts, *culottes*, knickerbockers, dungarees and jeans are not allowed.
- 3.6 All undergarments shall be fully covered at all times.

4.0 Suits

- 4.1 A student shall wear a formal business suit at all times.
- 4.2 A suit for a male student shall consist of a jacket and a trouser.
- 4.3 A suit for a female student shall consist of either a jacket and a skirt or a jacket and a trouser.
- 4.4 A male student's trouser must be long enough to cover his socks when standing upright. A short or ill-fitting trouser is prohibited.
- 4.5 A female student's skirt must be at least knee length when standing upright. A mini skirt is prohibited.
- 4.6 A student shall not wear a blazer or waist coat or jumper.

5.0 Shirts, Blouses, Ties and Scarves

- 5.1 A male student shall wear a long sleeved shirt.
- 5.2 A female student shall wear a long or short sleeved blouse.
- 5.3 A male student shall wear a long tie at all times and shall wear a shirt with a collar designed for a tie.
- 5.4 A male student must button up his shirt all the way to the top.
- 5.5 There shall be no indecent exposure of skin.
- 5.6 A tie shall be of a reasonable and decent length. A tie shall end no more than two (2) inches higher or lower than the waist of the trouser.
- 5.7 A female student may wear a scarf.
- 5.8 A bow tie or cravat is prohibited.
- 5.9 The design for a blouse must be simple and minimalist. Frills, lacing and other adornments shall not stand out prominently.

6.0 Shoes

- 6.1 Shoes must be covered. Shoes that expose the toes are prohibited.
- 6.2 A male student shall wear dark coloured socks with his shoes
- 6.3 Shoes shall be of a design that is simple and height that is comfortable to walk in.
- 6.4 Shoes must be made from leather (genuine or imitation). Shoes made of plastic and other materials are prohibited.

7.0 Colours and Fit

- 7.1 Shoes for both male and female students should be black or dark brown.
- 7.2 Suits are limited to black colour only.
- 7.3 A student must wear a plain suit and shall not wear a pin striped or plaid suit.
- 7.4 Shirts and blouses are limited to the white colour only. Striped shirts and blouses are prohibited
- 7.5 Ties, scarves and socks shall be in soft and muted colours and should not be flamboyant. Common sense shall be applied in this regard. Bright coloured socks (white, pink, red, yellow, orange etc) are specifically prohibited.
- 7.6 A tie or scarf shall be either plain coloured or have a combination of not more than two (2) colours.
- 7.7 Head gear and coverings for cultural, traditional or religious reasons shall be black or white.
- 7.8 Clothing shall have a comfortable fit. Exceptionally tight and revealing clothes are prohibited.

8.0 Moots

- 8.1 A student appearing as counsel in *intra firm moots* may wear advocates flaps which shall be white or cream. He or she is not required to wear a professional gown.
- 8.2 A student appearing as counsel in *inter firm moots* shall wear advocates' flaps which must be white or cream and a black professional gown.
- 8.3 A student shall acquire a formal dinner shirt or blouse with a winged collar to wear with advocates' flaps.
- 8.4 The Centre shall provide professional gowns for *inter firm moots*.

9.0 LDC Corporate Wear

- 9.1 A student may put on LDC corporate wear for academic activities on Fridays.
- 9.2 The Director may designate any other day or days or period or activity for which a student may 'dress down' in LDC corporate wear.
- 9.3 Corporate wear shall consist of a shirt or blouse with the LDC brand identity worn with or without a jacket.

- 9.4 To ensure uniformity, corporate wear shall be procured and sold by the Centre either directly or by licensing arrangements with a service provider and a student 'dressing down' shall only wear official LDC corporate wear.
- 9.5 For avoidance of doubt, students shall not 'dress down' on any day or for any academic activity or during Clerkship other than as approved and designated by the Director under this Code.
- 9.6 A counsel for moots shall not dress down on any day during 'court' appearance.

10.0 Religious, Traditional and Cultural Dress

- 10.1 A student shall not wear religious, traditional or cultural dress.
- 10.2 A male student shall not wear a kanzu, kofia, fedora, cap or hat.
- 10.3 A student whose faiths, culture or tradition requires him or her to wear religious head gear may wear the same so long as the colour of the head gear is black or white.

11.0 Hair and Personal Grooming

- 11.1 A student must be clean and tidy at all times and observe the highest possible standards of personal hygiene. Clothes must be neatly and crisply ironed.
- 11.2 Perfumes, deodorants and make up shall be worn in moderation. Flashy make up, strong and/or pungent scents shall be avoided.
- 11.3 A student's hair shall be neatly kept and in a style that lends itself to the dignity of the legal profession. Outlandish haircuts and hairstyles are prohibited.
- 11.4 A female student is allowed to braid or plait her hair as long as the braiding style lends itself to the dignity of the profession.
- 11.5 Braids must be black or a dark shade of brown, neat and held back from the face with a hair band or ribbon or hair grip.
- 11.6 Braids should not be intertwined with other coloured thread and braided hairstyles should not be so untamed and flamboyant as to bring the profession into disrepute.
- 11.7 Jewellery and adornments (bracelets/bangles, rings, anklets, chains etc) shall be modest and minimal. Clutter shall be avoided.
- 11.8 Body modifications and piercings on the body on any part or parts other than the ears are discouraged.
- 11.9 A male student shall not wear earrings or ear pins.
- 11.10 A student shall not wear 'shades' or sunglasses.
- 11.11 A female student should wear no more than two pairs of earrings or ear pins (i.e. a maximum of two (2) rings or pins on each ear).
- 11.12 Where a student has body piercings on part or parts of the body other than the ears, the wearing of a ring or pin (including nose rings and pins) on such part or parts is prohibited.

12.0 Penalties

- 12.1 A student who dresses contrary to this code shall be deemed to be inappropriately dressed for purposes of continuous assessment under the Rules.
- 12.2 A student who breaches this dress code shall be liable to the sanctions set out in the Rules.
- 12.3 Observance of this Code shall be monitored by lecturers and enforced by the Head Bar Course.
- 12.4 A lecturer may exclude from an academic activity he or she is facilitating any student who dresses contrary to this Code.

13.0 Exemptions

- 13.1 The Director may exempt a student from the application of the provisions of this Code or any part thereof on the following grounds:
 - (a) Physical or other disability.
 - (b) Pregnancy.
 - (c) Ailment or disease or physical injury certified by a medical practitioner.
 - (d) Any other reasonable grounds.
- 13.2 A student requiring an exemption shall apply for the same in writing to the Director.
- 13.3 An exemption by the Director shall be in writing clearly stating the nature and scope of the exemption.

14.0 Amendment

- 14.1 This Code may be amended by the Chief Examiner.

15.0 Commencement

- 15.1 These Guidelines shall commence effective with the Bar Course Academic Year 2023/24.

Issued this 17th day of October, 2023.



Frank Nigel Othembi
Director/Chief Examiner

THE LAW DEVELOPMENT CENTRE

GUIDELINES ON ATTENDANCE

(Under Rules 3 and 6(4) of the Rules Governing the Bar Course, 2023)

1. Attendance of all academic activities is compulsory and shall be recorded and monitored.
2. A student is required to attend all lectures, guest lectures/speakers, firm discussions, workshops, clinical legal education/legal aid activities, site/field visits, moots, Clerkship Placement and the Bar Course Professional Dinner.
3. A student attending an academic activity shall at all times conduct himself or herself professionally including:
 - a. Active and disciplined participation in the academic activity;
 - b. Strict timekeeping;
 - c. Dressing in compliance with the LDC Dress Code for Bar Course Students;
 - d. Conducting himself or herself in compliance with any approved LDC code of conduct;
 - e. Conducting himself or herself in a dignified manner befitting of a Bar Course student.
4. A lecturer may exclude a student from an academic activity for unprofessional conduct and report the unprofessional conduct to the Head Bar Course.
5. A student excluded from an academic activity for unprofessional conduct shall be deemed to have not attended the academic activity. A signature signifying his or her attendance of the activity shall be expunged from the record.
6. The Department of Post Graduate Legal Studies and Legal Aid shall maintain an attendance register – manual or electronic – for every academic activity to be signed by a student in person physically or remotely.
7. An attendance register shall include an electronic systems generated attendance register.
8. A student shall sign the attendance register in person using a unique signature consistent with the signature used in his or her application to join the Bar Course and other records with the Academic Registrar's office or using an electronic means of registering attendance including swipe cards, fingerprints, voice recognition, face recognition or other form of bio-metric identification or other mechanism approved by LDC. Use of initials or other mark, especially one that is not unique or is easy to replicate, is prohibited.

9. A student who signs the attendance register on behalf of another student or signs into a remote academic activity or attends a remote academic activity in the place of or using the credentials of another student shall be deemed to have failed attendance for the entire week in which he or she signed in or attended an academic activity for another student.
10. A student who damages, destroys or in any way tampers with equipment used to record and monitor attendance or attempts to damage, destroy or in any way tamper with the same shall be subjected to disciplinary proceedings.
11. A lecturer may conduct roll call as a means of verifying and monitoring attendance and detecting fraudulent signing of the attendance register.
12. A student shall attend at least 90% of all academic activities in a teaching week, failure of which the student shall not be allowed to sit examinations in the term in which minimum attendance has not been met in any teaching week in the term.
13. A lecturer responsible for an academic activity shall submit a report on each student's attendance (consisting of the signed attendance register for the academic activity and any relevant comments by a lecturer) to the Head Bar Course at the end of each academic activity. A report on attendance shall include a systems generated electronic attendance report.
14. A student who fails to attend an academic activity due to any justifiable cause, shall notify the Academic Registrar through the Head Bar Course in writing within one week after his or her failure to attend.
15. The Head Bar Course shall compile a summary of student attendance of academic activities and submit the summary to the Registrar.
16. The Registrar shall prepare a list of students eligible to sit examinations as submitted to him or her by the Head Bar Course and pin their names on the students' notice-board and LDC website before the start of the examinations.
17. A student passes attendance if he or she meets attendance requirements of 90% in all academic activities in every teaching week in a term.
18. A student who fails to meet attendance requirements in any teaching week of a term fails the term and shall not be allowed to undertake any assessment in the term including examinations nor to progress to the next term.
19. A student dissatisfied with the attendance list prepared by the Registrar under Guideline 16 above, or who has good cause for failing to meet the attendance requirements, may petition the Board of Examiners for appropriate redress.
20. The Board of Examiners may allow a student to sit examinations pending the determination of the petition in Guideline 19 above but the student's examination script shall not be marked until the petition is determined.

21. The Board of Examiners may, for good cause, permit a student who has not met the 90% attendance requirements to sit an examination or a special examination.
22. Good cause for purposes of Guideline 19 above includes illness, pregnancy, detention, technological or power failure or any other good cause as may be determined by the Board of Examiners.
23. A student who fails a term by reason of failing to meet attendance requirements shall not proceed to the next term. A student may, on application, be permitted by the Board of Examiners to repeat the term failed in a subsequent academic year and thereafter proceed to the next term.
24. **Commencement**
These Guidelines shall commence effective with the Bar Course Academic Year 2023/24.

Issued this 17th day of October, 2023.

A handwritten signature in black ink, appearing to read 'Othembi', with a large, stylized initial 'O'.

Frank Nigel Othembi
Director/Chief Examiner

LAW DEVELOPMENT CENTRE

GUIDELINES ON CONDUCTING ORAL EXAMINATIONS

(Under Rule 3 and 12(1)(e) of the Rules Governing the Bar Course, 2023)

1. GRADING

The Oral Examination in each designated subject constitutes **30%** of the cumulative assessment of a student.

2. COMPOSITION OF A PANEL

(a) At least three members including an Internal Examiner (Lecturer) shall constitute a Panel for each oral examination.

(b) A panel shall have a Chairperson.

3. EXAMINERS FILES

(a) Each member of a panel shall possess a file with score sheets and a mark sheet.

(b) There shall be a Chairperson's file which shall constitute the official record.

(c) The Chairperson's file shall be the official file where tallied results shall be recorded.

(d) Each member of the panel shall maintain a record of the results of each student assessed on both the student's individual score sheet and the mark sheet.

4. APPEARANCE BEFORE A PANEL

(a) A student must present an Examination Card and an Identification Card (Student ID or exemption by the Academic Registrar) before being allowed to sit the examination.

(b) Any candidate without the identification documents in clause 4(a) should be referred to the Academic Registrar.

(c) A student shall be examined in the order determined by Bar Course Department. Any candidate requesting special consideration for change in time or order of appearance shall first obtain clearance from the Head Bar Course.

5. SETTING/ASKING AND ANSWERING OF QUESTIONS

- (a) A student shall be asked questions relating to the subject and shall be assessed on areas including; knowledge of the law, competence to apply the law in practical situations, procedure, ethics, presentation, composure and dressing.
- (b) Each student shall answer three (3) questions in each subject.
- (c) A student shall be allowed a maximum of five (5) minutes to answer a question.
- (d) The Chairperson shall determine the order in which members of the panel shall ask questions.
- (e) A student shall not decline to answer any question, save for just cause. (See Clause 5(n) below).
- (f) Where a panel is satisfied that a student has a just cause for declining to answer a question, the panel shall ask that student an alternative question.
- (g) Asking/setting a question should not take more than 60 seconds.
- (h) Panelists should, where possible, avoid asking more than one question from the same topic.
- (i) A panelist should ask a clear and comprehensible question. Panelists should avoid use of confusing facts.
- (j) Panelists should avoid changing questions midway the setting except in exceptional circumstances where a similar question or question from the same topic has already been answered by the student.
- (k) A student should be allowed to answer a question without unnecessary interruptions and interjections by panelists.
- (l) Panelists should avoid follow up questions unless this is necessary for clarification. A follow up question should not introduce a different factual scenario from the one asked in the first instance and should not amount to new question.
- (m) The Oral Examination is a serious exercise and must be treated sombrely. A little humour to lighten the mood and relax a student is acceptable but panelists should avoid turning the exam into a laughing exercise as this can unsettle student.

(n) In these Guidelines, unless the context otherwise requires, “**just cause**” includes an excuse that the question asked is from a topic which had not been covered in that subject.

6. ASSESSMENT OF STUDENTS

(a) The Oral Examination in each subject shall be assessed and marked out of 50 Marks as follows:

- | | | | |
|--------------|---|----------|---|
| • Question 1 | - | 15 marks | |
| • Question 2 | - | 15 marks | |
| • Question 3 | - | 15 marks | |
| • Question 4 | - | 5 marks | <i>(Demeanor, dress-code, clarity e.t.c).</i> |

TOTAL - **50 marks**

(b) In assessing and marking question 1-3 a panelist shall be guided as follows:

- | | | |
|---------------|---|--|
| ▪ 14-15 marks | - | Excellent. <i>(An exceptional and outstanding answer).</i> |
| ▪ 12-13 marks | - | Very good. <i>(Clear understanding of the law and procedure).</i> |
| ▪ 10-11 marks | - | Good. |
| ▪ 8-9 marks | - | Fair/average. <i>(Meets the bare minimum expected of a Bar Course student).</i> |
| ▪ 6-7 marks | - | Below average. |
| ▪ 4-5 marks | - | Poor. |
| ▪ 0-3 marks | - | Very Poor. <i>(Lacks understanding of basic legal principles).</i> |

(c) Each member of the panel, present at the time of examination of a student, shall enter the student’s scores for each question he or she participates in assessing on the student’s individual score sheet. The total mark for each question shall then be transferred to the general mark sheet.

(d) At the end of the examination of each student, the independent score by each panelist for each question entered on the general mark sheet shall be added together and divided by the number of panelists to get the average score for each question.

(e) The average score obtained for each question shall be the mark scored by the student for that question and shall be entered on the general mark sheet in the Chairperson’s file.

(f) The total of the average marks for each question shall be the mark scored by the student in the subject and shall be recorded on the general mark sheet in Chairperson’s file.

- (g) A panelist shall assess a student on all the three questions.
- (h) All the panelists present at the time of examination shall assess the student.
- (i) A panelist who was absent when a student was being asked a question shall not assess that student in that and any other question.
- (j) A student may sit more than one subject in a day in oral examinations if the examination timetable so requires.

7. CONFLICT OF INTEREST

- (a) A panelist shall not examine or assess a student in regard to whom he/she has a conflict of interest.
- (b) Conflict of interest includes;
 - A relative,
 - Current or past relationship,
 - Current or past professional relationship,
 - Any other relationship that may inhibit an objective assessment.

8. SIGNING OF SCORE SHEETS AND MARK SHEETS

- (a) Each panelist shall sign on and date each score sheets in respect of which he/she scores a student.
- (b) Each panelist shall sign on the general mark sheet on the individual examiner's file, notwithstanding that he or she did not score all the students thereon.
- (c) Upon completion of examination of all the students in a particular firm, the Chairperson and other panelists who are present at the completion of examination of a particular firm shall sign the general mark sheet, in the Chairperson's file, with all the students' final average scores.

9. CUSTODY OF FILES

The Head of Subject or his/her designated Internal Examiner on the panel where the Head of Subject does not sit, shall, at the end of each day, submit ALL Files containing all used and unused material to the Head of the Department of Post Graduate Legal Studies and Legal Aid.

10. MOBILE PHONES AND OTHER DEVICES

A panelist or a student shall not use a mobile phone or any other device which may cause interruptions while a student is being asked or is responding to a question.

11. DRESS CODE

- (a) Each panelist and student shall dress decently, professionally and in accordance with the dress code for Bar Course students.

- (b) Where an examination is conducted during a public holiday or over the weekend only panelists may dress casually but smart.

12. GENERAL CONDUCT

All panelists and students shall, at all times during the examination, conduct themselves in a civil and professional manner.

13. COMMENCEMENT

These Guidelines shall commence effective with the Bar Course Academic Year 2023/24.

Issued this 17th day of October, 2023.

A handwritten signature in black ink, appearing to read 'Frank Nigel Othembi', with a large, stylized initial 'F'.

Frank Nigel Othembi
Director/Chief Examiner

THE LAW DEVELOPMENT CENTRE

GUIDELINES ON CONDUCT AND/OR ACTIVITIES DEEMED TO BE EXAMINATION MALPRACTICES

(Under Rules 3 and 23(1) of the Rules Governing the Bar Course, 2023)

An examination malpractice may be committed physically or virtually during open, distance and e-learning examinations. An examination malpractice may be detected by an invigilator or invigilation software or officer responsible for conduct and/or management of an examination. The following acts and omissions are deemed to be examination malpractices:

1. Cheating including but not limited to;
 - a) copying from the script of another candidate; or
 - b) exchanging answers with another student inside or outside the examination room; or
 - c) bringing into the examination room, in person or by agent, a pre-prepared answer script/booklet; or
 - d) substituting an answer script/booklet illegally prepared outside the examination room for the one already submitted to the invigilator or examiner; or
 - e) falsifying or altering marks awarded on an examination script/booklet; or
 - f) screen mirroring or screen sharing with another person; or
 - g) using a computer or computer software or smart gadget to cheat.
2. Sitting examination without authorization or valid registration or other required documentation or payment of examination fees.
3. Uttering false documents in relation to eligibility to sit an examination at LDC.
4. Hiring or procuring services of another person to sit examinations on the student's behalf or impersonation.
5. Bribing or doing any act likely to compromise an invigilator or examiner.
6. Plagiarism.
7. Fraudulently accessing examination papers/questions or marking guide which have been illegally procured or made available.
8. Fraudulently receiving examination papers/questions before the examination is due.
9. Paying or inducing another person to illegally procure or make available examination questions/papers or marking guide.
10. Use, exchange or receipt of chits, carbons or carbon copies relating to an examination or assignment.

11. Indulging in disruptive or threatening behaviour towards an invigilator or any LDC staff involved in the conduct of examinations or other student or any person including but not limited to, physical assault or threat of physical assault, shouting, using abusive or threatening language, destruction of property or threat to destroy property.
12. Collaborating or using any other means of gaining unfair advantage during an examination.
13. Interfering with conduct of investigations into or hearing of an examination malpractice allegation by the Examinations Malpractice Committee including but not limited to:
 - a) Intimidating members of the Committee or other LDC staff or witnesses; or
 - b) Destroying or concealing evidence relating to an alleged examination malpractice; or
 - c) Forging or uttering false evidence relating to an alleged malpractice; or
 - d) Bribing a member of the Committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
 - e) Harassing or procuring others to harass a member of the Committee or LDC official or witness or any other person in relation to an alleged examination malpractice; or
 - f) Obstructing the work of the Committee.
14. Giving or being in possession of prohibited material.
15. Delivering to the examiner at his or her office or residence or any other place an examination script/booklet outside the time for delivery and without due authority.
16. Breaking the rules in an examination or assignment including but not limited to failure to adhere to prescribed time within which to complete the examination or assignment.
17. Attempting to influence an examiner.
18. Writing or drawing anything on the answer booklet (such as a candidate's name) likely to compromise or influence or prejudice the examiner.
19. Being in possession of prohibited items such as a computer, cell-phone or other prohibited items during the examination.
20. Leaving the examination room (physical or remote/distance) without the authority of the invigilator.
21. Carrying out any form of communication with another student/candidate during an examination.

22. Taking out of the examination room an answer booklet or booklets or any examination materials other than a question paper without express permission from the invigilator.
23. Damaging, altering or destroying a script during verification by student or taking a script outside of the verification venue designated by the Academic Registrar.
24. Aiding or abetting any person or another candidate to commit an examination malpractice.
25. Attempting to commit an examination malpractice.
26. Any other conduct or act or omission which in the opinion of the Board of Examiners amounts to an examination malpractice.
27. **Commencement**
These Guidelines shall commence effective with the Bar Course Academic Year 2023/24.

Issued this 17th day of October, 2023.

A handwritten signature in black ink, appearing to read 'Othembi', with a large, stylized initial 'O'.

Frank Nigel Othembi
Director/Chief Examiner

THE LAW DEVELOPMENT CENTRE
GUIDELINES ON GROUP PROJECTS
(Under Rules 10(5) of the Rules Governing the Bar Course, 2023)

1. Introduction

- (a) A Group Project is one of the components of Clerkship under **Rules 9 (2) (a) and 10 of the Rules Governing the Bar Course, 2023** and is written in partial fulfilment of the requirements for the award of a Diploma in Legal Practice of the Law Development Centre.
- (b) A Group Project is undertaken in Terms I and II by such groups and on such topics as the Chief Examiner may determine in accordance with the Rules Governing the Bar Course, 2023 these guidelines.
- (c) A Group may, with the guidance of the Group's project supervisor, constitute smaller sub-groups and allocate tasks to the sub-groups and individual members.

2. Group Project Scope

The Group Project shall focus on any of the following;

- (a) A problem in an emerging legal area
- (b) A prevalent legal controversy
- (c) Issues of procedure and administration of justice
- (d) Issues affecting the legal profession and legal training
- (e) Institutional/ sector issues affecting the administration of justice

3. Objective of the Group Project

The objective of this Group Project is to furnish students with research skills pertaining to contemporary legal issues spanning diverse subjects. It is also intended to bolster students' proficiency in teamwork, as they will engage in collaborative efforts within firms or groups as they transition into the professional workforce.

4. Presentation of Group Report and Grading

- (1) The Project Report shall be marked out of 50% and contribute towards the final mark for Clerkship and Rule 9(2) of the Rules Governing the Bar course, 2023.
- (2) At the conclusion of the second term, the Department with the approval of the Chief Examiner shall constitute viva voce examination panels, whose purpose is to assess the performance of groups in their respective projects.
- (3) The viva voce examination shall be conducted after each Group's project has been approved by their supervisor and submitted to the Department.
- (4) The supervisor shall not be part of the viva voce examination panel for the Group he or she supervised.
- (5) During the viva voce examination, a minimum of three (3) and a maximum of five (5) students from a Group are required to make a presentation on behalf of the Group on the submitted Group Project.
- (6) The viva voce examination panel may require any member of the Group to answer questions relating to any aspect of the Group Project
- (7) The primary objective of these presentations is to confirm the quality of the Group Project and the participation and contribution of each member to the project.
- (8) The project supervisor shall not attend nor participate in the Group Report presentation.
- (9) The assessment of students in Group projects shall be conducted by the viva voce examination panel.
- (10) Each Group shall be awarded a mark out of 50. The mark awarded to the group shall be applied to ALL the students in the group.

5. Assignment of Topics and Supervisors

- (1) At the commencement of the Academic Year, groups shall be allocated specific topics for their projects by the Chief Examiner.
- (2) Each group shall be assigned a supervisor by the Department who will provide guidance and oversight throughout the project.

6. General Duties and Responsibilities of a Project Supervisor

- (1) The Supervisor shall ensure the following;
 - (a) The students' project conforms to these guidelines.
 - (b) The students receive adequate advice and encouragement while undertaking the Group Project.
 - (c) The work being done on the project is critically and continuously reviewed.
- (2) The Supervisor shall maintain a positive attitude and relationship towards the students.
- (3) The supervisor shall endeavor to know the firm well and be familiar with whatever special problems the firm may have.
- (4) The supervisor has the responsibility of monitoring the students' progress throughout the project period.
- (5) As part of the Bar Course time-table, there shall be consultations amongst the Group members and between the Group members and the supervisor to discuss the project work.
- (6) The supervisor shall ensure that the Group has given an appropriate title to their Group Project.
- (6) The supervisor shall be responsible for guiding the students in their Project Report writing.
- (7) The supervisor may give the students specific timelines within which to take particular steps aimed at facilitating the timely completion of the Group Project Report.
- (8) Notwithstanding that it is the students' primary responsibility to research and write the Project Report, the supervisor shall ensure that the students submit a research project report of acceptable standard.
- (9) In order to enhance the presentation of acceptable Project Report, the supervisor should;
 - (a) Be accessible and show interest in the students' Project work.
 - (b) Regularly discuss the Project drafts with the students.
 - (c) Read and return the students' project draft within one week of receiving it.

- (d) Give timely guidance to the students, on the effective conduct and management of the Project, including the structure of the project report.
 - (e) Approve the final reports being suitable for final submission.
- (10) The supervisor shall;
- (a) Maintain a list of all the students allocated for supervision.
 - (b) Regularly schedule the firms for consultation.
 - (c) Ensure that all students participate in undertaking Group Project
 - (d) Inform the Head Bar course in good time in the event of any other difficulties in conducting the supervision.

7. General Duties and Responsibilities of Supervisees

- (1) Develop an appropriate Project Proposal with the guidance of the Project Supervisor.
- (2) Develop a clear Project Plan to enable timely completion of the Group Project.
- (3) Manage and sustain progress in accordance with the project plan.
- (4) Conduct research for purposes of individually and collectively contributing to the success of the Project.
- (5) Maintain regular contact with the supervisor.
- (6) Maintain mutual respect and team work within the Group.
- (7) Attend all formal supervisory meetings as scheduled by the Department.
- (8) Reflect and respond to all feedback and guidance provided by the supervisor.
- (9) Prepare and keep a written record of each formal supervisory meeting.
- (10) Submit to the supervisor a complete final draft of the Group Project Report within the time frame stipulated by the supervisor.
- (11) Comply with all relevant restrictions with respect to intellectual Property.
- (12) Comply with the Rules Governing the Course as well as these Guidelines.

8. General Guidelines

(1) Project Topic and Report

- (a) Group Project should be an attempt to answer the topical question.
- (b) The Group Project shall have a clear structure in accordance with these Guidelines and instructions issued by the Head Bar Course.

(2) Plagiarism

- (a) Plagiarism is prohibited.
- (b) It is the responsibility of the Group to ensure that their project work does not have any plagiarism.
- (c) Plagiarism, in these guidelines, includes;
 - i. Presenting a work prepared by another person
 - ii. Taking and using another researcher's idea(s) with acknowledging the source.
- (d) Any group report presented in breach of this guideline regarding plagiarism shall be rejected, the Group shall fail the Group Project and Clerkship and the Group shall be required to repeat the Clerkship in a subsequent Academic Year.

9. Project Report

The form and mode of submission/presentation of the Group Project Report shall be determined by the Head Bar Course with the approval of the Chief Examiner as provided for under Rule 9(7) of the Rules Governing the Bar Course, 2023.

10. Commencement

These Guidelines shall commence effective with the Bar Course Academic Year 2023/24.

Issued this 17th day of October, 2023.



Frank Nigel Othembi
Director/Chief Examiner