Examiners' Comments on the 2006 Examination

Head IV: Accounts and Professional Conduct

The overall performance of candidates was satisfactory. The overall pass rate is slightly higher than last year, perhaps indicating some slight improvement in performance.

Turning to the questions individually, the Accounts question is invariably the question which gives candidates most problems. This year Cohn reports that the answers showed some improvement over last year's answers but there is still some way to go.

The second question tested candidates' knowledge of certain fundamentals involved in the establishment of a legal practice, the promotion thereof and certain operational aspects, including the obtaining of business, the nature of the retainer and proper billing and related procedures.

In 2006 the standard of understanding in answering this question was, overall, quite sound. Most candidates demonstrated an adequate understanding of the key relevant provisions of the Solicitors' Guide. Where a candidate failed, it was due, almost certainly, to failure to study and prepare beforehand. In particular, they almost certainly had not bothered to look at previous questions covering the same topics.

In answering the third question most candidates were able to identify the money-laundering issue and gave appropriate advice concerning the duty to report and the implications of the Organised and Serious Crimes Ordinance. Most were also able to give clear advice as to conflict and privilege in relation to the proposed property transaction. Those candidates who did poorly on the question had usually left it until last and were unable, in the time left, to explore the issues adequately.

The last question involved conduct issues in a trial advocacy context. There were issues involving interviewing witnesses, competence in cross-examination and the duties of counsel when he becomes aware of an error on the part of the prosecution. Some candidates left this question until last and performed very poorly — probably because they ran out of time. Otherwise the candidates generally identified the significant issues and dealt with them properly citing relevant authority for their answers.

In conclusion the performance was satisfactory.