

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB (HONOURS) DEGREE PROGRAMME – LEVEL III
FINAL EXAMINATION - 2023/2024
LLU3602- LEGAL METHOD AND LEGAL WRITING
DURATION – 03 HOURS (THREE)



Date: 10th May 2025

Time: 01.30 p.m.- 04.30 p.m.

Total number of questions – 08

Answer **Five (05)** questions only, selecting at least **Two (02)** questions from **Part I** and **Three (03)** questions from **Part II**.

Illegible handwriting will be penalized.

PART I- LEGAL WRITING

Answer any TWO (02) questions from this section.

1) (i). Explain the different types of legal sources, illustrating your answer with appropriate examples.

(10 Marks)

(ii). Write short notes on any two (02) of the following reading techniques.

- a. Scanning
- b. Skimming
- c. Focused reading

(10 Marks)

(10 + 10 = 20 marks)

2) (i). Elaborate the essential skills required to construct an effective legal argument.

(10 Marks)

(ii). Identify the different elements of IRAC method and analyze how each of them contributes to build a sound legal argument.

(10 Marks)

(10 + 10 = 20 marks)

3. (i) Identify the values of academic integrity.

(10 Marks)

(ii) Discuss the different types of plagiarism and discuss how proper referencing can help avoid plagiarism.

(10 Marks)

(10 + 10 = 20 marks)

PART II-LEGAL METHOD

Answer any THREE (03) questions from this section.

4. Saman and Nirosha are siblings who have inherited a land located in a rural village. A dispute arises when Saman claims the entire property based on a long-standing village custom which gives precedence to sons in matters of inheritance when the father dies intestate. Nirosha challenges this, arguing that under the general law of intestate succession in Sri Lanka, siblings should inherit equally.

Saman contends that the said custom has been followed in their village for generations and is recognised by the local community as binding. He further asserts that their family has consistently observed this custom across previous generations. Nirosha, however, points out that the custom has never been written down or codified.

Discuss the legal issues arising in this scenario with reference to recognition of local customs as a source of law in Sri Lanka. In your answer, consider the requirements for a custom to be recognized by the courts, and assess whether Saman can rely on the customary rule to assert a claim to the land.

(20 Marks)

5. "The doctrine of judicial precedent ensures consistency and predictability in the legal system, but it may also hinder the development of the law."

Provide a critical analysis of the above statement, with particular reference to the operation of judicial precedent in Sri Lanka, and support your discussion with appropriate case law examples.

(20 Marks)

6. "A lawyer is a representative of clients engaged to assert and defend and protect their rights, liabilities and interests, a trusted adviser and counselor, an officer of the legal

system having special responsibility for the quality of justice, a member of a profession, and an upright citizen attempting to earn satisfactory living"

A.R.B. Amarasinghe, *Professional Ethics and responsibilities of Lawyers.* (Lake House Investment Ltd, Colombo, 1993)

In light of above statement, explain the role of the legal profession in the administration of law.

(20 Marks)

7. (i). Discuss the significance of international treaties as a source of law.

(10 Marks)

(ii) There are multiple forms of both monism and dualism. Indeed, one of the main critiques of both theories is that no state's system is strictly monist or dualist.

M. Chiam, *'Monism and Dualism in International Law'* (Oxford Bibliographies, 2018)

Critically examine how the dualistic and monistic approaches affect the implementation of treaty obligations within domestic legal systems.

(10 Marks)

(10 + 10 = 20 marks)

8. Write short notes on any **two (02)** of the following.

- a. Constitution as the fundamental source of law
- b. Opinions of jurists as an important source in Roman-Dutch law
- c. Equity as a source of law in Sri Lanka

(20 Marks)