

INSTITUTE OF LEGAL EXECUTIVES

UNIT 9 – CIVIL LITIGATION*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

May Archer

Reference: Question relates to **Documents 1 and 2** of the case study materials.

At your meeting with Adrienne Ruel she has the following questions for you to answer:

- (a) As this is a personal injury claim we cannot issue proceedings straightaway. What procedures need to be adopted before proceedings are issued?

(8 marks)

- (b) On the assumption that the appropriate procedures are adopted but the claim is not settled, list the documentation you need to send to the court to formally begin proceedings?

(4 marks)

- (c) There may be some difficulty in proving liability. Who is the burden of proof on?

(1 mark)

- (d) How long does the school have to file a Defence?

(2 marks)

The school files a Defence and the matter is allocated to the Fast Track.

- (e) How are directions likely to be dealt with in this matter? List **three** relevant directions, explaining their relevance.

(7 marks)

- (f) How will the court normally deal with the issue of costs in a Fast Track matter?

(4 marks)

(Total: 26 marks)

Question 2

John Bailey

Reference: Question relates to **Document 1** of the case study materials.

- (a) John Bailey has little in the way of savings and he wishes to know whether he would qualify for state funding.
(2 marks)
- (b) There are alternatives to litigation which would have been available to John Bailey while he was still trading. Identify **three** types of alternative dispute resolution which he could have adopted.
(3 marks)
- (c) Give **three** advantages of using alternative dispute resolution.
(3 marks)
- (d) Assume that funding of the claim against Luke Turnbull is not an issue. Explain which track this claim would be allocated to, giving reasons for your answer.
(3 marks)
- (e) What costs, if any, might be allowed in this case?
(3 marks)
- (Total: 14 marks)*

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Question 3

Alice Trinder

Reference: Question relates to **Documents 1 and 3** of the case study materials.

You are now working on the file of Alice Trinder.

- (a) If Alex Crippen failed to submit an Allocation Questionnaire within the time specified by the Order, what would happen?

(1 mark)

- (b) What is an Allocation Questionnaire? Give **four** examples of the information to be provided in the document.

(5 marks)

- (c) Alex Crippen does submit the Allocation Questionnaire and the matter progresses to trial. On the assumption that the case is allocated to the Fast Track, what is the usual order of events at trial after the Claimant's opening speech?

(7 marks)

- (d) Alice Trinder is successful at trial and is awarded the sum of £4,000 but the Defendant has not paid the judgment. She now wishes to enforce her judgment. She knows that the Defendant has a collection of antique instruments.

Advise Alice on the best way to enforce judgment and explain how the enforcement will take place.

(4 marks)

(Total: 17 marks)

Question 4**Taran Khan**

Reference: Question relates to **Document 1** of the case study materials.

You are now working on the file of Taran Khan. She wishes for action to be taken against the Mega Gym for the recovery of £34,000 for personal injuries and loss of earnings. The preliminary matters have been dealt with and proceedings are to be issued.

- (a) What are the likely ways in which this matter could be funded?
(3 marks)
- (b) Once the Court receive the Claim and associated documentation, what will the Court do to the Claim when issuing it?
(3 marks)
- (c) If Mega Gym failed to submit a Defence, what can we do to obtain judgment?
(2 marks)
- (d) Mega Gym files a Defence without much information in it.
- (i) What step could we take to try to obtain more information?
(ii) If Mega Gym failed to respond what further step could we take?
(3 marks)
- (e) Which track is this case likely to be allocated to?
(1 mark)
- (f) How will Directions be dealt with in this matter?
(1 mark)
(Total: 13 marks)

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