

CASE STUDY MATERIALS

January 2012
Level 3
THE PRACTICE OF FAMILY LAW
Subject Code L3-12

ilex

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INSTITUTE OF LEGAL EXECUTIVES
UNIT 12 – THE PRACTICE OF FAMILY LAW*
CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the materials with your tutor/s either face to face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relates to the case study materials.

Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

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

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ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee Legal Executive employed by the firm of Kempstons, The Manor House, Bedford, MK42 7AB. The firm is a 'high street' practice with a fairly large matrimonial client base. It has a contract with the Legal Services Commission to undertake family work. Your supervising solicitor is Kasha Patel. You have met with the following clients and recorded the attendance notes listed below

Document 1 Attendance note Timothy James Brickhill.

Document 2 Email to you from Kasha Patel.

Document 3 Email to you from reception.

DOCUMENT 1

ATTENDANCE NOTE

Client: Timothy James Brickhill
File: KP/12033/Brickhill/Divorce
Attended by: Yourself
Date: 11 January, 2012
Engaged:

Attending Timothy James Brickhill of 42a Sunnyside, East Kempston, Bedford, MK42 7AB. Mr Brickhill was born on 3 June 1965 and is employed as a librarian by East Kempston County Council.

Mr Brickhill stated that he has separated from his wife, Gabriella Marie DuBois (born on 5 July 1980), and wishes to commence divorce proceedings against her.

Mr Brickhill explained that the parties met eighteen months ago through an internet dating agency. At the time, Gabriella lived in Bordeaux, France and their relationship initially blossomed through contact using a social networking website. A few weeks after their initial meeting over the internet, in June 2010, Gabriella arranged to visit Mr Brickhill in East Kempston. The weekend was such a success that Gabriella did not return to Bordeaux and moved in straightaway with Mr Brickhill. Three months later, Gabriella became pregnant and their daughter Jennifer was born on 15 July 2011. Mr Brickhill thought that marriage before the birth of his child was the 'right thing to do' and the parties married on 5 May 2011, in a small ceremony witnessed by his mother and a work colleague. Gabriella's family did not attend the wedding. Indeed, Gabriella had always been rather secretive about her family explaining that she had not seen her father since childhood and that she had a poor relationship with her mother. Gabriella is in regular contact with her sister, Claudette who lives in London, mainly by email. Mr Brickhill also has Claudette's home address.

When Jennifer was three months old, Gabriella started a job as a hotel receptionist working three days a week, so Jennifer was cared for by a nursery. Since Gabriella's left, Mr Brickhill has been able to negotiate a part-time position with the Council and looks after his daughter two days a week.

The relationship with Gabriella has been difficult for some time. During the marriage she insisted on smoking cigarettes in the house, despite Mr Brickhill urging her not to do so as he is asthmatic. On one occasion she purposefully put weed killer on his collection of rare plants which he had cultivated since he was a young boy. Gabriella complained that the plants received more attention than her! Mr Brickhill has found that Gabriella also had an on-line gambling account and has spent £2,000 in the last month, which has been charged to Mr Brickhill's credit card account.

Two weeks ago, Gabriella told Mr Brickhill that she was unhappy with the relationship and had formed a relationship with another person. Gabriella explained that she was returning to live in France and that she would return 'sometime in the future' to collect Jennifer. Gabriella did not give a forwarding address.

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Mr Brickhill showed me a letter he received today from Gabriella (not at the moment). The letter explained that Gabriella will return to East Kempston next month to collect Jennifer. Gabriella would rather not see Mr Brickhill, so she has suggested that it would be better if she collected Jennifer from nursery.

Mr Brickhill sought advice with regard to divorce proceedings and the legal position with regard to his daughter. Mr Brickhill explained that he wishes for Jennifer to remain living with him.

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EMAIL

From: kpatel@kempstonsllp.com
To: legalexec@kempstonsllp.com
Date: 16 January 2012
Re: Georgia Anne Johnson – appointment today.

Please could you attend the above mentioned client today with regard to her application for ancillary relief. I would like you to draft the court documents ready for issue with the court. I am sure the client will have a lot of questions to ask you during the meeting about her case.

A summary of her circumstances is as follows:

Georgia Anne Johnson of 46 Manor Drive, East Kempston is married to Marcus Peter Johnson of the same address. They have one daughter, Edith, who is aged 14 years.

Georgia is a part-time interior designer and is 55 years old. Her husband is an architect and is 56 years old. The parties have been married for 25 years and Mr Johnson has issued divorce proceedings on the basis of her unreasonable behaviour. The parties continue to live in the matrimonial home, albeit separately and apart. It is agreed that when financial matters have been resolved, Edith will live with her mother.

Their financial history is as follows:

1. Georgia earns £18,000 pa gross which equates to approximately £1,000 pm net. Marcus earns £100,000 pa.
2. The matrimonial home (4 bedrooms) is valued at £400,000. The mortgage outstanding is £145,000 and the interest payments are £600 pm. The household bills including council tax, water, electricity, gas, insurances, food and clothes total £900 pm. A two bedroom property can be purchased locally for £200,000.
3. Georgia has no pension but Marcus has a pension to which he has contributed since he was 26 years old.
4. The parties have joint savings which total £12,000.

EMAIL

From: reception@kempstonsllp.com
To: legalexec@kempstonsllp.com
Date: 16 January 2012
Re: New client – Evan Jenkins – emergency advice.

Please could you contact Evan Jenkins on (01234) 8910410. This man requires emergency advice with regard to an incident which occurred a week ago between himself and his civil partner, Alastair Frigwell. Apparently, the relationship has been difficult for some months and Evan had a suspicion that Alastair had formed another relationship.

Alastair arrived home drunk about 2:00 am a week ago. When Evan confronted Alastair about where he had been and his suspicions about him having another relationship, an argument broke out which resulted in Alastair punching Evan in the face. Evan fell backwards onto a glass table which shattered and Evan severed an artery in his neck which resulted in him requiring emergency surgery. Evan is due to be discharged from hospital in about two days and wants to return home. The property is owned by Alastair, in his sole name and is subject to a mortgage. Alastair has refused to vacate the property.

End of Case Study Materials

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