

**CASE STUDY MATERIALS**

January 2013  
Level 3  
PRACTICE OF FAMILY LAW  
Subject Code L3-12



CHARTERED INSTITUTE  
OF LEGAL EXECUTIVES

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**UNIT 12 – 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 CILEx Examination Regulations.

***Turn over***

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



**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford, MK42 7AB. The firm is a local practice with a relatively large matrimonial base. Your supervising solicitor is Penny Sahonta. Penny and you have met with a number of clients and the meetings have been recorded in the attendance notes listed below. In addition, you have two memoranda from Penny Sahonta and a note of a telephone conversation.

**Document 1** Memorandum (including attendance note) re James Thompson

**Document 2** Memorandum re Daniel McTaggart

**Document 3** Attendance note re Daniel McTaggart

**Document 4** Note of telephone conversation with Emily Jones

**Document 5** Attendance note re William Clark

**DOCUMENT 1**

**MEMORANDUM**

**From:** Penny Sahonta  
**To:** You  
**Client:** James Thompson  
**File:** PS/60-2012/Divorce and Financial Relief

Please could you see Mr James Thompson at his next appointment which has been arranged for 14 January 2013?

Please see a copy of the attendance note below for background information and details of the current position.

**ATTENDANCE NOTE**

**Client:** James Thompson  
**File:** PS/60-2012/Divorce and Financial Relief  
**Attended by:** Penny Sahonta  
**Date:** 7 January 2013  
**Engaged:** 12 units

**The facts are as follows:**

James Thompson date of birth: 20 February 1977

Sinitta Thompson date of birth: 6 June 1978

Date of marriage: 10 August 2000

**Child of the marriage:**

Holly Thompson date of birth: 16 May 2001

Mrs Thompson is the Chief Executive of an internet business, Great Deals Ltd. She established the business 10 years ago and it is growing rapidly. Four weeks ago she left the matrimonial home to go on a two week business trip, leaving her husband at home looking after Holly. However, one week later, Mr Thompson received a text message from her that read:

"Marriage over. Not going to continue working to support you when you are too lazy to work. I am going to start enjoying the money I earn. I am going to spend it on ME for a change!! You need to get a life too. Start supporting yourself and being a real father to Holly. I'm leaving you. Bye!"

Mrs Thompson had seen her earnings as Chief Executive grow rapidly over the past few years. In 2012 she earned £550,000, and her earnings for 2013 are predicted to hit the £1 million mark. She has paid into a private pension for the last 10 years. The matrimonial home is worth £820,000, although there is an outstanding mortgage of £630,000. Mr Thompson believes that his wife's company is currently worth £1.5 million and he has indicated that the couple have savings of approximately £115,000.

## CASE STUDY MATERIALS

Mr Thompson gained a degree in Information Technology and worked for a time as an IT technician. However, from the start of his relationship with Sinna he recognised that she had the drive, ambition and ideas necessary for business success. So when Holly was born, he stopped working and remained at home to look after Holly. He has not seen the necessity to update his skills and currently has no income or pension provision. Holly, who wants to be an actress, is attending a private stage school and her fees have been paid until the end of the academic year.

Mr Thompson has discovered that when his wife left on her business trip she transferred all the funds out of their joint accounts, and she cancelled all the credit cards. He is still living in the matrimonial home but is looking for a more suitable home for himself and Holly in order to reduce costs. However, he does not know how he will be able to pay for food and for other household bills during the coming weeks. He is anxious to protect himself and his daughter and safeguard their financial future.

I have issued divorce proceedings and an application for financial relief. Mr Thompson is coming in to discuss financial matters and to prepare for the First Appointment.

MEMORANDUM

**From:** Penny Sahonta

**To:** You

**Date:** 7 January 2013

**Re:** Daniel McTaggart

Daniel McTaggart is coming in tomorrow. As you will know, he is the Member of Parliament for Kempston East.

I have spoken to him briefly on the phone. He tells me that following an incident last Saturday night, he has come to the reluctant conclusion that his marriage is over. He has indicated that his relationship with his wife has become increasingly strained and he has reached the conclusion that there is no possibility of a reconciliation. He wishes to start divorce proceedings as soon as possible.

Daniel is aware that as an MP and also a Government Minister, the proceedings might attract negative attention from the press and so he is keen to minimise this as far as possible.

Please can you meet with him and take instructions.

Thanks

Penny

ATTENDANCE NOTE

**Client:** Daniel McTaggart

**File:** PS/72-2012/Divorce

**Attended by:** Trainee lawyer and Penny Sahonta

**Date:** 8 January 2013

**Engaged:** 12 units

Attending Mr Daniel McTaggart of Hillview, Meadow Close, Kempston.

**The facts are as follows:**

Mr Daniel Ewan McTaggart date of birth: 28 March 1978

Married Marie Anne McTaggart date of birth: 12 September 1978

There are no children of the relationship.

Daniel McTaggart is the current Member of Parliament (MP) for Kempston East. He is also a Minister in the present government.

Daniel stated that he met Marie while they were studying political science at the University of East Bedfordshire. They married the year after they graduated.

Daniel became the MP for Kempston East when he won a by-election in 2003.

He has found life as an MP very demanding. Monday to Thursday he works in London, living in a small flat. He generally returns to Kempston East on Thursday night, and then spends Friday and Saturday working on local matters and attending local events. He has a busy social diary in Kempston East, attending on average three events each weekend.

At the start of his career, Marie encouraged his political ambitions and rather than developing a career of her own, she played an active role in supporting Daniel. However, over recent years she has lost interest in Daniel's career. This change has been attributed to the fact that following several miscarriages, she has been advised that they will not be able to have children, which has had a profound effect on her.

Recently she has refused to travel to London with Daniel. She rarely attends social events and Daniel feels that they are leading increasingly separate lives. Daniel has become reliant on his personal assistant, Shupta, to accompany him to social events. This has led to some newspaper reports suggesting that their relationship may be more than simply professional. Daniel has emphatically denied this.

Daniel has also noticed that Marie has recently started to drink an unacceptable amount of alcohol. He has tried to discuss their problems with Marie, but she refuses to do this. He has also suggested that she should seek help for her drinking problem, but she refuses to do so.

## CASE STUDY MATERIALS

Last week Daniel persuaded Marie to join him at a dinner with his supporters in Kempston East to celebrate 10 years as their MP. When Marie arrived it became clear that she was already very drunk. Unfortunately, shortly after her arrival she saw Daniel talking to Shupta. She launched an angry verbal attack on Daniel, which developed into a physical attack. Daniel suffered scratches to his face and a black eye. Marie left shouting "That's it! I've had enough! I'm leaving you. We're finished, you..."

Daniel has also had enough. He has moved out of their home and is currently staying in a local hotel. He now recognises that his marriage is at an end. He has spoken briefly to Marie who has said that she also wishes to end their relationship. She has agreed that he should start divorce proceedings and has indicated that she will not defend them. Daniel wants advice on the procedure.



## NOTE OF TELEPHONE CONVERSATION

**Caller:** Emily Jones

**Telephone number:** 07789213240

**Call contact:** Trainee lawyer

**Date:** 10 January 2013

Emily Jones telephoned requesting some urgent advice in relation to the family home and domestic violence.

Emily has been living with David Brown for six years at 28 Sycamore Close, Kempston. David is the sole owner of this two bedroom house. They have a two year old daughter, Lucy, and Emily is expecting a second child in three months' time.

Emily is concerned about her relationship with David which started to deteriorate following the birth of Lucy due to the problems of adjusting to a new baby and managing a changing financial position.

Lucy was a difficult baby who took a long time to settle into reasonable sleep patterns at night. Although Emily was on maternity leave for nine months, she still expected help from David when Lucy woke at night. David became increasingly tired in the daytime and this affected the quality of his work. His boss noticed this and told him that things had to improve if he was to keep his job.

David and Emily experienced problems managing their money while Emily was on maternity leave following Lucy's birth and not earning. These problems eased for a time when she was able to return to work, leaving Lucy to be looked after by David's mother, Mary. However, with Emily about to start maternity leave for a second time, the arguments about money have started again. This time it is going to be difficult for Emily to return to work as Mary has indicated that she is not prepared to look after Lucy and the baby. David and Emily will have to consider whether they can afford to pay for Lucy to go to a private nursery.

These problems are beginning to have a noticeable effect on David. He has become increasingly moody, uncommunicative and resentful. When Emily tries to discuss matters he becomes aggressive, shouting at her and on occasions throwing small objects such as books and mugs at her.

Matters came to a crisis point this week when, after a particularly stressful day at work and another meeting with his boss about on-going concerns regarding his work, David actually hit Emily with a saucepan and told her to "Get out of my house!" She grabbed Lucy and left to stay with a friend where she and Lucy are now sleeping on the sofa.

Emily contacted the police about the latest incident and an officer has spoken to David. However, with another baby due shortly, Emily wishes to obtain further advice.

ATTENDANCE NOTE

**Client:** William Clark

**File:** PS/72-2012/Children

**Attended by:** Trainee lawyer and Penny Sahonta

**Date:** 10 January 2013

**Engaged:** 10 units

Attending William Clark

**The facts are as follows:**

William Clark and Julie Egg have been living together for 15 years but have not married. They have two children:

Rose date of birth: 29 May 2002

Ian date of birth: 6 July 2007

William is named on both birth certificates as the father.

William and Julie have had a number of major disagreements over the past few months which have resulted in a rapid deterioration of their relationship. The key issue that they have disagreed on was Julie's desire to return to work as an accountant in order to pay for their children to be privately educated. William believed that it was in his children's best interests to attend the local state school and that their mother should remain at home as a full-time mother. Julie had insisted that as the children had started their full-time schooling, she needed the stimulation of returning to her chosen career.

They have been unable to resolve these differences and have recently separated. William has left the family home and is living nearby in a rented flat. Julie and the children have remained in the family home.

William and Julie have also been unable to agree on when William should see the children. William, who has a very good relationship with both children, does not have regular contact with them and sometimes does not see them for several weeks. He is concerned that the lack of regular contact will affect his relationship with his children. He is also increasingly concerned that a trip to visit his parents in Florida, which was planned before the separation, is in jeopardy because Julie is threatening not to allow the children to go.

**End of Case Study Materials**



