

**CASE STUDY MATERIALS**

January 2013

Level 3

**PRACTICE OF LAW FOR THE ELDERLY CLIENT**

Subject Code L3-15



CHARTERED INSTITUTE  
OF LEGAL EXECUTIVES

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**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 15 – PRACTICE OF LAW FOR THE ELDERLY CLIENT\***  
**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 employed by the firm of Kempstons of 101 High Street, Bedford, MK42 7AB. The firm is a large high street practice, which has been established in Bedford since 1902 and has a large and varied client base. Your supervising lawyer is Thomas Andrews.

You arrive at your desk one morning to find the following documents:

- Document 1** Memorandum from supervising lawyer, Thomas Andrews.
- Document 2** Attendance note of a meeting with Jomo Abasi.
- Document 3** Email from Sanura Abasi.
- Document 4** Attendance note of a meeting with Frank and Beatrice Roberts.
- Document 5** Attendance note of a telephone conversation with Emily Pritchard.
- Document 6** Letter from Emily Pritchard.

**DOCUMENT 1**

**Memorandum**

**To:** Trainee lawyer  
**From:** Thomas Andrews  
**Date:** (Today's date)  
**Re:** Various Client Matters

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**Jomo Abasi**

Jomo Abasi is a new client who I met at his home yesterday with his two daughters. Please consider my attendance note of that meeting (**Document 2**) and the email I received this morning from his daughter (**Document 3**). I would like to discuss the issues that arise from my meeting and the email with you.

**Frank and Beatrice Roberts**

I attended Frank and Beatrice Roberts at their home yesterday. They are long standing clients and they have now sought my advice with regard to their current financial position. Please read my attendance note (**Document 4**) of that meeting so that you can let me have your views before I advise them further.

**Emily Pritchard**

Emily Pritchard is a longstanding client of mine and I completed her will and lasting power of attorney when her husband died. She telephoned me yesterday and I would refer you to my attendance note of that conversation (**Document 5**). I have also received a letter (**Document 6**) from her today which contains details of her finances. I would like you to familiarise yourself with her circumstances so that we can discuss her situation before I advise her further.

*Thomas Andrews*

## Attendance Note

**Attending:** Jomo Abasi  
**Date:** (Yesterday's date)  
**Time engaged:** 45 minutes  
**Reference:** TA/2013/Abasi

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Attending Mr Jomo Abasi at 136 West Street, Bedford, MK10 7BT. Also present were his two daughters: Miss Sanura Abasi and Mrs Awita Edwards.

I had not met Jomo before. He attempted to speak to me, but his speech was slurred. His daughters said that their father had recently returned home from hospital, having suffered a stroke. They told me that he was now partially paralysed down his right side and this prevented him from being able to write at length but that he can still sign his name, however, because of his slurred speech, he was hardly able to speak. I noticed that Jomo simply nodded as his daughters spoke and, even though he attempted to speak himself, it was impossible to follow what he was saying.

Awita told me that her father was 85 years of age and was a widower, their mother having died one year ago. She told me that he had not made a will or lasting power of attorney, although he had intended to do so following the death of their mother. She told me that her mother had died after a long illness and period in hospital. Partly because of that experience, she told me that her father's primary concern at this stage was to ensure that he was not kept alive by any artificial life-sustaining treatment. She said that because of his stroke her father wanted to put his affairs in order. Although I noticed that Jomo appeared to be listening to what his daughter said, I could not tell from his expression whether he was able to understand what was being said. However, I noticed that he appeared to be nodding in agreement from time to time.

Sanura then repeated what her sister had said so far as the circumstances leading to her mother's death were concerned, saying that her mother had been kept alive for many weeks in hospital by means of a life-support machine and had suffered. She said that because their father did not want to find himself in the same situation he wanted them to deal with matters on his behalf. He could barely speak now, was partially paralysed and no longer mobile, although she said that his doctor hoped that his speech would improve with time.

Sanura told me that she also lived in Bedford so that she was in a position to help her father. Awita told me that she lived in Leeds, although she intended to visit her father on a regular basis. As their brother Yaya lived abroad he was unable to help.

I asked whether it was intended that their father should continue living at home and they confirmed that it was, although some adjustments would be required because their father could no longer get upstairs to sleep. They explained that it was their intention to bring his bed downstairs and to make the dining room into a bedroom.

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I explained to them the nature of a lasting power of attorney and, in particular, the points their father would need to consider before he let me have his instructions. I handed to them some explanatory leaflets which I had brought with me.

I did not request any further details of Jomo's wishes at this stage because I could see that he looked extremely tired and I was unsure whether he was really following the conversation. I therefore said that I would await his instructions. Awita and Sanura then showed me to the door and thanked me for coming to see their father.

**From:** [Sanura.abasi@abasi33.co.uk](mailto:Sanura.abasi@abasi33.co.uk)  
**Sent:** (Today's date)  
**To:** [t.andrews@kempstons.co.uk](mailto:t.andrews@kempstons.co.uk)  
**Re:** My Father - Jomo Abasi

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Dear Mr Andrews

Thank you for coming to visit my father yesterday. As you will have seen for yourself, he is unable to leave home at the moment due to his difficulties.

As we discussed, our father's primary concern is that should anything else happen to him, then he is not to be kept alive through artificial means of life support. He wants all possible documentation recording those wishes to be put in place.

Our father wants my sister and me to be able to deal with all his affairs.

We would appreciate it if you could draw up the necessary documents on our father's behalf as quickly as possible – as we mentioned at our meeting, he can still sign his name. Please contact me by email for any further details that you require.

Many thanks

*Sanura Abasi*

**Attendance Note**

**Attending:** Frank and Beatrice Roberts

**Date:** (Yesterday's date)

**Time engaged:** 1 hour

**Reference:** TA/2013/Roberts

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Attending Mr and Mrs Roberts at their home at 32 Curzon Mews Bedford, MK42 3YX I said that I recalled seeing them at their home previously when they had made their wills. They told me that they had been reviewing their circumstances and wanted my thoughts and advice.

**Present Circumstances**

Frank told me that he was 79 years of age. Beatrice told me that she was 73 years of age although she did not feel that old, and added that she was in good health.

Frank explained that his health had been declining and that he suffered from arthritis which made walking difficult. During recent months, he had found it particularly difficult and was now having to use a motorised mobility scooter to go shopping. He pointed to a walking aid in the corner of the room which he used in order to help him get about the house and get into the garden.

Frank told me that his main problem was that he was now unable to get upstairs. They had been thinking about having a stair lift installed, but due to the fact that the staircase is quite steep and also turns towards the top, they have been told that it is impracticable. Beatrice said that it was fortunate that they had a downstairs toilet. They think it might be possible to enlarge it to include a shower.

Ideally, they would like to be able to continue living in their home because they have lived there for over forty years and their family grew up there. It is also close to their friends and within easy walking distance of Bedford town centre.

**Present Finances**

Frank and Beatrice told me that they only had a limited income and, that during recent years, they had been drawing on their capital to supplement their income and to pay for such things as holidays. Frank told me that their capital had now fallen below £10,000 and little interest was being earned on this due to the low interest rates.

I then asked them about their income and they told me that they received their state pensions. Their only additional income was Frank's occupational pension which only paid £40 per week because he had taken the maximum capital sum when he had retired. Beatrice added that they received the winter fuel payment.

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Frank told me that they had been fortunate to have been able to pay off their mortgage on their home when he had retired. He thought it was worth in the region of £200,000 and confirmed that it was in their joint names. Frank said that he had not been able to maintain the property or carry out repairs as he would have wished and they had to rely upon their savings to meet the maintenance costs.

### **Future Concerns**

Frank told me that he was concerned that they would not be able to maintain the property in the future because it was an old property and seemed to need constant repairs. Beatrice commented that she thought it would do Frank good to have a holiday in a warm climate but, sadly, she did not think that they would be able to afford to have a holiday this year. Their family is not able to assist them and, indeed, they would not wish to ask their family for any financial assistance.

Frank told me that his arthritis was getting worse and for the past four months he had been having daily help with dressing and washing from a carer in the morning. This added to their expenditure and would only get worse. Beatrice said that she found it difficult to give her husband the assistance he needed because, as she pointed out, she was only small whereas her husband was a large man. She laughed as she told me this and said that she could do everything else for her husband but recognised that some help was needed. They said they would welcome my thoughts. I said I would consider their position and contact them soon.



**Telephone Attendance Note**

**Attending:** Emily Pritchard  
**Date:** (Yesterday's date)  
**Time engaged:** 12 minutes  
**Reference:** TA/2013/Pritchard

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Attending Emily Pritchard who telephoned to explain that she did not understand why she was paying income tax.

Emily said that since her husband's death she had no-one to ask for advice because she had no children or close family members, except for her niece Jill and nephew Philip whom she had appointed as her attorneys. She commented that I had known her for many years. I said that I would help her in any way that I could.

Emily told me that she retired ten years ago when she reached 65 years of age and now received state benefits and various other sources of income including rent from a house in Liverpool which she inherited from her father in 1999. She said that although she had spoken by telephone to a helpful person at HM Revenue and Customs, she still did not understand her tax position.

She was even more confused because the person she had spoken to had told her that she might be taxed on the house she had inherited from her father if it was sold, or if she transferred it to her niece or nephew.

I suggested to Emily that she write to me with details of her financial circumstances and I would then consider her financial position. She said that she would ask her niece Jill to help her write the letter because her sight had deteriorated to such an extent that she was now registered as blind.

64 Waterside  
Bedford  
MK12 3TU

(Today's date)

Mr Thomas Andrews  
Kempstons  
101 High Street  
Bedford  
MK42 7AB

Dear Mr Andrews

I would refer to our telephone conversation yesterday and now write to you with details of my financial circumstances. As I have already mentioned to you, my husband dealt with everything to do with our finances, until his death two years ago. Since his death, I really have nobody to turn to for advice.

Since I retired, I have been receiving a teacher's pension and since my husband's death, I have in addition been receiving an annuity of £350 net per month. I receive a state pension and attendance allowance. I also receive a rental income of £550 per month on the Liverpool property.

I have several bank accounts and various building society savings accounts amounting to about £50,000 in value, including a number of ISAs. I do not know whether I could alter these in order to earn more interest.

I own the property I live in, in Bedford, and I would estimate that its current value is around £175,000. It is mortgage free.

When I spoke to you on the telephone yesterday, I mentioned that a man to whom I had spoken at HM Revenue and Customs had told me that I would be taxed if I sold my Liverpool property. The property was left to me by my father in his will when he died in 1999. It is a small terraced property and it has been continuously let out to tenants since then. I have come to the view that it might be best to sell the property because I do not really need the rental income but I have also been thinking about giving it to my niece Jill, who has been of great help to me since my husband's death. I would estimate it is now worth about £125,000.

I look forward to hearing from you.

Yours sincerely

*Emily Pritchard*

**End of Case Study Materials**



