

**CASE STUDY MATERIALS**

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



CHARTERED INSTITUTE  
OF LEGAL EXECUTIVES

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**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**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 private practice. It has a matrimonial client base and has a contract with the Legal Services Commission to undertake family work. Your supervising lawyer is Kasha Patel. You have had contact with the following clients, which has been recorded in the following documents:

**Document 1** Attendance note Abbie Davies

**Document 2** Marriage certificate Abbie and Dafydd Davies

**Document 3** Email re Carla Stein

**Document 4** Attendance note Susan and Nigel Hayden

**Document 5** Attendance note Lily White

## DOCUMENT 1

## ATTENDANCE NOTE

**Client:** Abbie Jayne Davies  
**File:** KP/13206/Matrimonial  
**Attended by:** Trainee lawyer  
**Date:** 6 June 2013  
**Engaged:** 8 units

Attending Abbie Davies of 2 Brookside Way, East Kempston, MK48 5ZZ.

**The facts are as follows:**

Abbie Jayne Davies date of birth 12 June 1975  
Married to Dafydd Iwan Davies date of birth 25 January 1974

There is one child of the relationship:  
Ffion Davies born 3 September 2010

Abbie and Dafydd married in 1997. During the early years of their marriage they concentrated on their respective careers to achieve the lifestyle that they wanted, allowing them to buy their own home and enjoy annual holidays abroad.

After ten years of marriage they agreed that the time was right to start a family. However, this did not prove easy. After two years without success, they were advised to try fertility treatment. Although costly and stressful, the treatment proved successful and in 2010 Abbie gave birth to a baby girl, Ffion.

Unfortunately, Abbie then suffered post-natal depression, and for some months Dafydd had to take care of both Abbie and Ffion. Abbie tells me that at this time they ceased to have a sexual relationship. Abbie gradually recovered and for a short time it appeared all would be well, although Dafydd showed reluctance to resume their sexual relationship.

One night in February 2011, Dafydd came home and confessed to Abbie that he had started a sexual relationship with a male colleague, George. Abbie was horrified, and told him to leave the house immediately.

However, she kept in contact with Dafydd for Ffion's sake and after three months of living apart, she suggested that they try living as a family again.

In June 2011, two weeks after Dafydd moved back home, Abbie finally decided that her marriage was at an end. After discussions with Dafydd it was agreed that he would leave the matrimonial home. Abbie understands that Dafydd is now living with George, who lives at Flat 2, Jubilee Mansions, Bedford Road, East Kempston, MK48 4ZO.

Since June 2011, Abbie has focused on providing a stable home for herself and her daughter, Abbie is still working part-time as a hairdresser. Abbie has decided that she needs to take the steps necessary to divorce Dafydd. She mentioned this to Dafydd during a recent telephone call and he did not raise any objections. He appears happy to agree to any arrangements Abbie proposes regarding Ffion.

DOCUMENT 2

[Printed by authority of the Registrar General]

CERTIFIED COPY of an  
Pursuant to the



ENTRY OF MARRIAGE  
Marriage Act 1949

D/13 0785

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**M. Cert.  
Church**

Insert in this margin any notes which appear in the original entry

Registration District East Kempston								
1997 Marriage solemnized at St Andrew's Church, East Kempston in the District of East Kempston in the County of Bedfordshire								
Columns:-	1	2	3	4	5	6	7	8
No.	When married	Name and surname	Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname	Rank or profession of father
47	5 June 1997	Dafydd Iwan Davies	23	Bachelor	IT Technician	2 Brookside Way, East Kempston	Rhodri Iwan Davies	Bank Manager
		Abbie Jayne Smyth	21	Spinster	Hairdresser	2 Brookside Way, East Kempston	Kenneth Smyth	Plumber
Married in the Parish Church according to the rites and ceremonies of the Church of England by A James or after bound by me,								
This marriage was solemnized between us,		{ Dafydd Iwan Davies }			in the presence of us,		{ Rhodri Iwan Davies }	
		Abbie Jayne Davies					Kenneth Smyth	

I Arthur James, of St Andrew's Church, East Kempston in the County of Bedfordshire do hereby certify that this is a true copy of the Entry No. 47 in the Register Book of Marriages in the said Church WITNESS MY HAND this 5 day of June 1997

*a. James Curate*

State "Rector", "Vicar" or "Curate"

CAUTION: - It is an offence to falsify a certificate or to make or knowingly use a false certificate or a copy of a false certificate intending it to be accepted as genuine to the prejudice of any person or to possess a certificate knowing it to be false without lawful authority.

## DOCUMENT 3

## EMAIL

**From:** Kasha Patel <patel@kempstons>co.uk

**To:** Traineelawyer@kempstons>co.uk

**Date:** 4 June 2013

**Subject:** Mrs Carla Stein – Financial Relief

I met with Mrs Stein last week and have issued divorce proceedings. I have just spoken with her on the telephone. She is about to go on a two week holiday but is very anxious to discuss financial matters relating to her divorce application prior to her departure. I am unable to see her due to other commitments and so have arranged for her to meet with you tomorrow at 10am.

Please refer to her file for detailed information, but the key facts are outlined below.

**Personal information**

Mrs Stein is 49 years old.

She married Peter Stein, a 50 year old investment banker, in 1985.

Marriage broke down due to Mr Stein's adultery.

There are three children, who are all adults and independent of their parents.

Mrs Stein gave up her career as an accountant to be a full-time wife and mother when she had their first child in 1986. She has not worked since 1986.

She has enjoyed a comfortable lifestyle (the children were privately educated and the family enjoyed two overseas holidays a year).

She was recently diagnosed with multiple sclerosis.

**Financial information**

Mr Stein currently earns £300,000 a year.

He has contributed to a pension fund for nearly 30 years. He is predicted to receive a lump sum in excess of £250,000, and a pension of approximately £175,000 a year when he is 60.

Mr and Mrs Stein have a number of investments. These are currently worth approximately £130,000 (the recent recession seriously affected their value).

The family home has currently been valued at £1,250,000 and there is no mortgage. They also have a holiday cottage worth £450,000.

Mrs Stein has indicated that her key concern is to ensure that she has a reasonable income and somewhere to live.

Regards

Kasha

(for and behalf of)

Kempstons Solicitors

Office: Manor House, Bedford, MK42 7AB

Tel: 01234 845700 Fax: 01234 854018

www.kempstons.co.uk <http://www.kempstons.co.uk>

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## ATTENDANCE NOTE

**Client:** Susan and Nigel Hayden  
**File:** KP/13137/Children  
**Attended by:** Trainee lawyer  
**Date:** 6 June 2013  
**Engaged:** 8 units

Attending Susan and Nigel Hayden of 1 Woburn Terrace, East Kempston, MK48 5XX.

**The facts are as follows:**

Susan and Nigel have one child, a daughter, Eliza, who was born in 1983.

When Eliza was eighteen years old she started a relationship with Leroy Devon, who was ten years older than her. She soon became pregnant and gave birth to Marley on 5 November 2001. Leroy was named on the birth certificate as Marley's father.

Eliza and Leroy lived together as a couple but never married. In 2008, Leroy returned to his home in Scotland to visit family. While he was there he met and married Latoya.

Eliza, who had believed that she and Leroy were going to be married on his return from Scotland, found it very difficult to adjust to being a single mother. She had to get a full-time job to support herself and Marley, and found arranging childcare particularly difficult. Her parents, Susan and Nigel, who are now in their early sixties, moved to live closer to her in order to help with looking after Marley. Initially, they looked after him during the day while his mother was at work, but their role gradually increased and for the past three years Marley has been living with them all the time. Marley has settled with them well. He is happy at his school, which has an excellent reputation for sport, in which he excels.

Eliza has been promoted at work and as a result has moved to work in Paris. She is happy for the informal arrangement with her parents to continue. She visits her parents to see her son when she can, approximately five or six times a year.

Marley has had no contact with his father since 2008. However Eliza recently received a letter from Leroy about his son. Leroy informed Eliza that Latoya has given birth to a baby boy, Harry, so Marley has a half-brother. Leroy also stated that he understood that Marley was no longer living with his mother. Leroy says he intends to take the steps necessary for Marley to live with him.

Susan and Nigel are very concerned at what they have heard and request advice.

ATTENDANCE NOTE

**Client:** Lily White  
**File:** KP/13166/Domestic Violence  
**Attended by:** Trainee lawyer  
**Date:** 6 June 2013  
**Engaged:** 8 units

Attending Lily White of 4 Bedford Avenue, East Kempston, MK48 5XX.

Lily Sue White date of birth 13 April 1978  
Married to Josh White date of birth 2 August 1988

There are two children of the relationship:

Beatrice White date of birth 10 December 2012  
Rupert White date of birth 10 December 2012

Lily lives with Josh and their twins, Beatrice and Rupert at 4 Bedford Avenue, East Kempston.

Lily is a qualified criminal psychologist. Lily met Josh through an online dating service. He is an aspiring rock musician. Josh was living with his parents in a nearby village and did not have a job when they met, preferring to focus on developing his musical career. A whirlwind romance followed and Lily and Josh married three months later.

They moved to 4 Bedford Avenue which was purchased jointly in September 2011. Lily paid the mortgage and all their living costs, allowing Josh to develop his musical career. The birth of the twins, Beatrice and Rupert, completed their family.

However, Josh found adjusting from his life as a single man in his twenties to a life with family responsibilities very difficult. Having given birth to twins, Lily expected him to help her take care of them. Josh had little patience with the babies, particularly when friends rang inviting him to go out to music events. Josh became increasingly moody and angry, shouting at the babies when they cried, slamming doors and more recently throwing things at Lily.

Lily reluctantly decided that she would have to return to work, assuming that Josh would take care of the twins. When she told him of her plans, he completely lost his temper, throwing a saucepan at Lily.

Lily was so scared she grabbed Rupert and Beatrice and ran out of the house. She has spent the last couple of nights at a friend's house, sleeping on the sofa, with the twins on the floor.

She reported the incident to the police, who spoke to Josh. Josh rang Lily and told her that she and 'the brats' should stay away for good. He shouted that he was too young to be tied down to family life and wanted to enjoy himself. He told her that he was not moving out of the house.

Lily wants to return to her home, where all the babies' belongings are, in order to care for them properly.

**End of Case Study Materials**

