

CASE STUDY MATERIALS

January 2014
Level 3
THE 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 – 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 CILEX Examination Regulations.

Turn over

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

CASE STUDY MATERIALS

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. You have had contact with the following clients, which has been recorded in the following documents:

- Document 1** Attendance Note Alice Johnson
- Document 2** Note of telephone call Alice Johnson
- Document 3** Attendance Note Lady Livia Masters
- Document 4** Note of telephone call Lady Livia Masters

DOCUMENT 1

ATTENDANCE NOTE

Client: Alice Johnson
File: KP/2134/Domestic Violence
Attended by: Yourself
Date: 3 January 2014
Engaged: 8 units

Attending Alice Johnson of 10 Sycamore Close, East Bedford.

The facts are as follows:

Alice Johnson, date of birth 29 August 1987

Charles (Charlie) Johnson, date of birth 15 April 1989

Alice and Charlie grew up in the same village. They were childhood friends, and developed a much closer friendship when Alice returned home after attending Kempston University. They married in August 2012 and moved to Bedford when Alice got a well-paid job in the Accounts Department of a large mail-order company.

They moved into rented accommodation, but Alice was keen for them to buy their own house and then to start a family. They agreed to start saving for the deposit for their own home.

Charlie got a job with a local company, working as part of a small sales team selling expensive kitchens. He earned a basic wage plus a commission on sales. The other team members were all in their twenties and unmarried. Charlie found that, like him, they were hard working and enjoyed an active social life.

When Charlie started the job he occasionally came home late, telling Alice that he had just been for a drink with his colleagues. Recently, Alice has noticed that this is happening on a more frequent basis with Charlie arriving home later and later. Also, Charlie often does not phone to let Alice know what is happening, leaving her worrying about his safety. Charlie has also attended a number of social events at local clubs, organised by his employer for clients. When he returned home from these events, Alice noticed that he was often under the influence of alcohol and drugs.

Whenever Alice suggests that they have a night out together, Charlie says he is too tired. She has been feeling more and more isolated and is concerned that the cost of Charlie's social activities will seriously affect their plans to save for a house. On 16 December 2013, Charlie arrived home well after midnight, very drunk, and Alice decided to confront him. As a result, Charlie became increasingly abusive and threatening. He grabbed Alice and banged her head against the wall. Alice was left bruised, frightened and feeling vulnerable. She yelled at Charlie to leave the house.

Since then Charlie has been staying with a colleague. However, Charlie has been bombarding Alice with up to 40 text messages a day, and Alice is very concerned because they are becoming increasingly abusive and threatening.

Turn over

NOTE OF PHONE CALL

Caller: Alice Johnson
Telephone number: 07779988101
Call contact: Yourself
Date: 7 January 2014
Engaged: 4 Units

Mrs Alice Johnson called.

She has been away for the weekend, visiting family. Charlie was aware of this and had promised that he would stay away from their house, provided she agreed to meet to discuss their problems on her return, which she did.

Sadly, he appears to have let Alice down, again. On her return she found the house far tidier than she had left it and all the bedding changed and washed. She also found an item of women's underwear and a lipstick that were not hers in the bathroom. Alice believes that while she was away, Charlie returned to the house with a woman.

When checking their finances over the weekend, Alice noticed that Charlie has not contributed to their savings for several months. She has discovered that he has regularly taken money out of the savings account that they set up for their house deposit, despite the fact that they had both agreed not to do this. Although Alice paid off the credit card bills shortly after their marriage, Charlie has since run up debts of around £4,200.

When Alice contacted Charlie to suggest a meeting he said "I've had it with you and your family. I won't be tied to your apron strings, there's more to life than working to save for a few bricks. You can do what you like, I'm leaving Bedford. I'm moving to London to have some fun. The only person I will miss is my Mum but I will visit her regularly on Sundays for lunch. I wish I could say it was nice knowing you!"

ATTENDANCE NOTE

Client: Lady Livia Masters
File: KP/2139/Divorce/Financial
Attended by: Yourself
Date: 3 January 2014
Engaged: 10 units

Attending Lady Livia Masters of Kempston Hall, East Bedford.

The facts are as follows:

Lady Livia Masters, date of birth 14 February 1978
Sir Peter Masters, date of birth 12 July 1972

Sir Peter Masters owns Kempston Hall, a country house on the outskirts of Kempston. He has been married twice. His first wife, Lady Frances, died 15 years ago. She left him with two sons, Harry (now aged 17) and George (now aged 15), both still in full-time education.

Sir Peter later married Lady Livia and they have two daughters, Kate (aged 12) and Tina (aged 10). Sir Peter and Lady Livia have a comfortable lifestyle. Sir Peter had a successful career as a corporate banker in the City of London, earning in excess of £500,000pa, plus annual bonuses. He also receives an annual income of £80,000 as a beneficiary under a family trust. Lady Livia had a brief career as a model prior to her marriage but has not worked since. Lady Livia has spent her time being a mother to the four children, managing Kempston Hall and acting as Sir Peter's hostess at many social events. She has no income or assets of her own.

Sir Peter's second marriage was a happy one until two years ago when he was diagnosed with cancer. He underwent the recommended treatment, and the prognosis was good. Sir Peter informed Lady Livia that he had decided life was too short to be wasted on work and being tied to a family. He wanted to enjoy himself and to do all the things he had dreamed about. Sir Peter resigned from his job and planned to go travelling round the world for an indefinite time.

Lady Livia has had several long discussions with Sir Peter about his plans and has been unable to bring about a change of mind. She has reluctantly had to accept that they have become different people and that the marriage is no longer working.

Sir Peter is happy for Lady Livia to remain at Kempston Hall with the children for as long as she wishes, and he is happy to continue to support the family financially.

Lady Livia has had a preliminary meeting with you and has instructed you to apply for a divorce. She is anxious that matters are settled before Sir Peter goes on his travels and becomes difficult to contact.

DOCUMENT 4

NOTE OF PHONE CALL

Caller: Lady Livia Masters
Telephone number: 07999923467
Call contact: Yourself
Date: 7 January 2014
Engaged: 3 units

Lady Livia has phoned requesting a further meeting as a matter of urgency to discuss issues relating to the children.

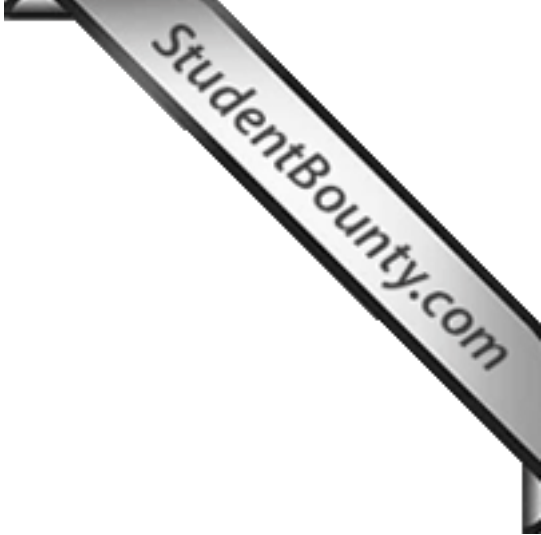
She has heard rumours that her husband's parents, have heard about their son's plans and the imminent divorce and are showing a keen interest in taking over their son's role in relation to the children. It appears that they believe that the children would be better off living with them.

Sir Peter's relationship with his parents has never been good. It deteriorated further following his marriage to Lady Livia, of whom they strongly disapprove. Since then, they have never shown any real interest in the children or made any real effort to get to know Lady Livia.

Lady Livia is concerned that Sir Peter will not deal with his parents before he leaves on his travels, leaving her to deal with them when he is gone.

Lady Livia has a good relationship with her step-children as well as with her own children and is anxious to minimise the impact of the divorce on them. She says that she had assumed that she would continue to look after all four children as she had before and wants to ensure that suitable arrangements relating to the children are agreed and put in place as a matter of urgency.

End of Case Study Materials



CASE STUDY MATERIALS

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