

**CASE STUDY MATERIALS**

January 2014

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 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**            Letter from Indira Singh to Thomas Andrews.

**Document 3**            Attendance Note of a meeting with Nancy Gallagher.

**Document 4**            Attendance Note of a meeting with Ronald Buckley.

**Document 5**            Schedule of assets and liabilities of Ronald Buckley.

**DOCUMENT 1**

**MEMORANDUM**

**To:** Trainee lawyer  
**From:** Thomas Andrews  
**Date:** [Today's date]  
**Re:** Various Matters

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**Indira Singh**

Indira Singh is a fairly new client, and I first dealt with her in 2012 when I assisted her in dealing with the administration of her husband's estate. Towards the end of last year she consulted me about her will and I dealt with this shortly before Christmas. I had a general discussion with her about her housing needs at that time and asked her to let me have details of her present circumstances for me to consider. I would like you to look at the letter (**Document 2**), which I have received from her. I would like you to consider the letter and then have a word with me before I arrange to have a further discussion with Mrs Singh.

**Nancy Gallagher**

I attended Nancy Gallagher yesterday. I first met her about one year ago when she sought my advice following the death of her husband. I have made her will. Please read my Attendance Note (**Document 3**) of that meeting and I will let you know what I want you to do.

**Ronald Buckley**

I have known Ronald since we were at school together and I have recently had a talk with him about his current circumstances. Please consider the information contained in my Attendance Note (**Document 4**) of that discussion, together with the schedule of assets and liabilities (**Document 5**), which he brought in today.

*Thomas Andrews*

112 Church Lane  
Bedford  
MK42 1BC

5 January 2014

Your ref: TA/2013/Singh

Dear Mr Andrews

I refer to our recent discussion and thank you for sending to me a copy of my will.

As we agreed, I am writing to provide you with details of my circumstances. I am 78 years of age and my husband, Yasaar, died fifteen months ago. You may recall having assisted me in dealing with the administration of his estate. Our only child, Neha, died many years ago and her children live with their father in India, so I rarely see them.

You will recall transferring our home into my name following my husband's death. It is an old property and it is very difficult to keep it warm at this time of the year. My husband and I enjoyed living there for many years prior to his death and, although it is too big for my present needs, I am very reluctant to live elsewhere. The house is particularly convenient for me because it is located in the middle of Bedford and everything that I need is within walking distance. Although I am in reasonable health for my age, I do suffer from arthritis and I am finding it increasingly difficult to walk any distance. In particular, I struggle to go up or down stairs or steps.

Although I could use my dining room as a bedroom, I need to go upstairs because I do not have a downstairs bathroom or toilet. I have recently had a new kitchen installed and I would like to carry out other work to my home if I had the necessary money.

When we met, you asked me about my income and capital. I am in receipt of the state pension and attendance allowance. I also receive a small pension from a former employer. My husband and I never had much by way of savings and my savings are now less than £10,000. I would estimate that my home is worth approximately £325,000. The mortgage was paid off at the time my husband retired.

I do worry about how I am going to afford to live in my home during the coming years. I also worry that if my health does decline and I need more help, I do not have anyone to help me because my closest family members, my two sisters, live in India. I would welcome your thoughts and guidance. I really have no one else to turn to. I would like to have a further discussion with you once you have had the chance to consider this letter.

Yours sincerely

*Indira Singh*

## ATTENDANCE NOTE

**Attending:** Nancy Gallagher  
**Date:** [Yesterday's date]  
**Time Engaged:** 45 minutes  
**Reference:** TA/2014/Gallagher

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Attending Mrs Nancy Gallagher of 12 Grantown Road Bedford MK42 9XY. She immediately reminded me to call her by her first name and I asked her how she had been getting on since her husband's death. She told me that she had been coping reasonably well, but said that her husband's long illness had been very distressing for her and the whole family. She said that her husband, Robin, had suffered greatly and she thought he certainly would not have wished to have been kept alive in the latter stages by artificial means. She became tearful when she said that she had found it extremely frustrating not to have been in a position to let her husband die as she knew he would have wished.

Nancy said that when we had last spoken at the time she had signed her will, I had given her some explanatory leaflets about lasting powers of attorney and had also given her some general advice about them. She said that she had been considering what I had said and commented that she had found the leaflets to be very informative.

She said that she and her husband had made enduring powers of attorney some years ago, appointing each other and their two children as their attorneys jointly and severally. Having thought about matters, she said that she now wanted to give her children power to make decisions regarding her medical treatment, were she unable to be able to make decisions herself. She also said that she wanted to ensure that she was not given any blood transfusions because that was against her beliefs. In view of what had happened with her husband, she said that she would not wish to be kept alive by purely artificial means, and she said that she had told her son and daughter of her wishes.

Nancy told me that since she had made her will last year, both her son and daughter had moved address. She said that she wanted me to put a note of their current addresses with her will, which she reminded me was being stored at this office. Accordingly, I made a note as she told me that her son, Ian Charles Gallagher, now lived at 50 Church View Bedford Bedfordshire MK42 1TA. She said that her daughter, Ms Joanna Crawley, lived at 206 Wrexham Road Chester Cheshire CH3 6TS.

I recalled that they were the executors of her will, and she said that they could also be her attorneys and that either of them could make decisions on her behalf. I asked for their dates of birth and she told me that Ian was born on the 5 October 1952 and Joanna was born on the 25 August 1954. During our conversation she mentioned that her son seemed to suffer from poor health and she also mentioned that her daughter worked abroad for months at a time.

## CASE STUDY MATERIALS

Consequently, she said that it might be wise to appoint a replacement attorney and she said that she had already mentioned this to her daughter-in-law Kathryn Mary Gallagher.

As we spoke I noted that Nancy had in front of her a notebook upon which she had written a number of questions, which she then asked. Although she appreciated that her attorneys would be entitled to be reimbursed their expenses, she told me that she did not want her children to suffer any loss of earnings through having to take time off work to look after her affairs. She wants them to be fully reimbursed. She commented that she hoped her children would never have to take charge of her affairs but, if they had to, then her sister, Mrs Rosie Bond of 12 Ealing Drive Wembley London EC1 7PQ should be informed. She told me that although she did not see her sister very often, they had always been very close. She also commented that she did not see a great deal of her daughter at the present time and having now clarified matters, she told me that she did wish to speak with her family again before letting me have her further instructions. She thanked me for my help and guidance which she said was greatly appreciated.

## ATTENDANCE NOTE

**Attending:** Ronald Buckley  
**Date:** [Yesterday's date]  
**Time Engaged:** 30 minutes  
**Reference:** TA/2014/Buckley

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Attending Ronald Buckley, who called at my home over the weekend to see me while he was staying at his daughter's home in Bedford. Ronald lives at 20 Ash Road, Kingsbury, London. We had a general chat about our families and I was interested to learn from him how he had been getting on since the death of his wife, Elaine.

Ronald said that although it was now nearly two years since she died, he still thinks of her every day and misses her greatly. He commented that his daughter Samantha and his son Jacob were very supportive and he visits them and his grandchildren as often as he can. He told me that he was staying at the home of Samantha and her husband for a few days and is enjoying seeing his grandchildren Ben and Tracy who both attend a local private school and he enjoys collecting them from school. He commented that it seemed to be a very well-equipped school and he knows from what his daughter has told him that it is very expensive, and he does not really understand how they can afford to send their children to that school. I asked him about his son Jacob and he said that he also visited Jacob and his wife and saw his other grandchild Caroline when he visited them.

Ronald said that he was getting tired of having to work so hard and as the arthritis from which he had suffered during recent years was worsening, he now wanted to devote more time to himself and to his family. He told me that he had contributed to his personal pension fund throughout his working life and the widower's pension he was receiving now from his late wife's employers was more significant than he had been expecting. He mentioned that his wife's estate had passed to him in its entirety.

Ronald said that he would welcome my views upon his present financial circumstances, so that he could then give thought to the future. I suggested that he let me have details of his current assets and liabilities and he said he would let me have these details before he returned to London.

I asked Ronald about his life in London and he said that he intended to continue living at his home because he had spent years renovating the property and it was ideal for his requirements. He commented that the easy access to the public transport enabled him to visit his daughter and son very easily.

Ronald said that although he had now come to terms with the loss of his wife, his mind was turning to planning for the future. He commented that he was in a very fortunate position financially and his income would significantly exceed his expenditure and enable him to pursue his hobbies and do what he wanted.

## CASE STUDY MATERIALS

Having said that, he said being on his own again meant that he rarely went out other than with close friends.

Ronald said he did not want to take up any more of my time and said that he would let me have the information I had requested before he returned home in a few days' time.



DOCUMENT 5

MR RONALD BUCKLEY

SCHEDULE OF ASSETS AND LIABILITIES

Assets

Property 20 Ash Road, Kingsbury, London	£	550,000
Personal and household belongings	£	50,000
Cars	£	40,000
Bank and savings accounts	£	15,000
Investment portfolio	£	<u>270,000</u>
	£	925,000

Liabilities

Mortgage on 20 Ash Road, Kingsbury, London	£	65,000
Credit cards	£	<u>5,000</u>
	£	70,000

End of Case Study Materials

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