

CASE STUDY MATERIALS

January 2011
Level 6
The Practice of Family Law
Subject Code L6-20



INSTITUTE OF LEGAL EXECUTIVES
UNIT 20 – 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 ILEX Examination Regulations.

Turn over

This unit is a component of the following ILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**.

ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee Legal Executive with Kempstons, The Manor House, Bedford, MK42 7AB. This is a High Street practice and they have a franchise from the Legal Services Commission for all aspects of Family Law, which is their specialism.

You are supervised by one of the partners – Sarah Connelly.

The local County Court is: Kempston County Court, 9 High Street West, Kempston, Bedfordshire, MK42 7AB.

For the purpose of the materials and the examination paper, the date on all notes is the date of the examination.

DOCUMENT 1 : File Note – attendance on Samantha Moore.

DOCUMENT 2 : Interview Questionnaire Samantha Moore.

DOCUMENT 3 : Marriage Certificate – Mr and Mrs Moore

DOCUMENT 4 : Financial Information Cara Bentley.

DOCUMENT 5 : File Note – attendance on Cara Bentley.

DOCUMENT 6 : File Note – attendance on John Edwards.

DOCUMENT 7 : File Note – attendance on Maria Manello.

DOCUMENT 8 : File Note - telephone attendance on Maria Manello.

File Note

Client: Samantha Moore
Attendance: 40 minutes
Fee Earner: SC
Matter Type: Divorce

Attending the above-mentioned client. Reference is made to the attached client questionnaire.

Mrs Moore's complaints centre on the following:

Her husband, Christopher Moore, has been drinking excessively for the last 18 months, mainly on nights out with friends, but it has also become excessive at home. He drinks almost every evening. As a result of the drinking he has not been able to take the children to their after-school activities and the full responsibility has been left with Mrs Moore. The drinking causes numerous arguments.

On 15th November they went to some friends for dinner. The client said that her husband simply got drunk, argued with everybody, and ignored her for the entire evening. On leaving the friend's house he then got into the car to drive home. When the client refused to do so, he drove off without her, leaving her with no money and extremely upset.

The client was upset further; only two weeks ago she had arranged a babysitter so that they could go out for her husband's birthday. She had reserved a table at the local Italian restaurant. Mr Moore said he would be home from work about 6.00 pm and they would then go out. The client waited until 8.30 pm at home, dressed, ready to go out before apologising to the babysitter and sending her home. She attempted to ring her husband but his mobile telephone was switched off. He finally came home at 2.00 am drunk. When the client tried to speak to him about it the following morning he told her to "shut up, I wanted to be with my friends not you".

Financially, the client is struggling to run the house because her husband is giving her less money due to his drinking habit. When she tries to speak to him about the cost of food, and the items for the children, he tells her she will just have to manage it or do without.

Mr Moore constantly refers to the client as a "nagging cow", which really upsets her. He also shouts at her in front of the children, which seriously unsettles them. Quite often after a night out, he now goes to his parents' house and simply returns early in the morning to get ready for work.

Mrs Moore has suggested marriage guidance but Mr Moore does not see the point and does not accept there is a problem. He said that marriage is like this after years of being together.

TURN OVER

CLIENT QUESTIONNAIRE

Name: Samantha Moore (formerly Jones)

Address: 14 Harwood Road, Kempston, Bedfordshire
MK42 7AB

Occupation: Housewife

Date of Birth: 15 September 1967

Place of Birth: Swansea, South Wales

Telephone Number: **Mobile** – 07708555671
Home – 01625 444789

Legal Help: Yes. Client care information provided

Marriage: 01 June 2000.

Divorce: Yes

Reconciliation: No

Counselling: No point

Name of Spouse: Christopher Moore

Address of Spouse: Same as client

Occupation: Computer Consultant

Spouse's Solicitors: None appointed to date

Children: (1) Christina Moore born 15 January 1998
(2) Oscar Moore born 18 December 2001

Other Proceedings: None

Matrimonial Home: As above. Approximate value £300,000.
Mortgage outstanding of £150,000. Property in joint names.

Issues: Client only wants to start divorce proceedings at the moment. She and her husband are discussing finances but she will contact us later in that regard. She just wants a fair settlement.

Source: Recommended by an existing client.

Fee Earner: SC

CERTIFIED COPY of an ENTRY OF MARRIAGE
Pursuant to the Marriage Act 1949

DOC

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Registration District of BEDFORDSHIRE

Marriage solemnized at CRANFORD METHODIST CHAPEL, CRANFORD, **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
27	1 st June 2000	Christopher Moore	23	Bachelor	Computer Consultant	14 Harwood Road, Kempston Bedfordshire	Peter Moore	Police Officer
		Samantha Jones	21	Spinster	Housewife	14 Harwood Road, Kempston Bedfordshire	Stephen Jones	Builder

Married in the Methodist Chapel according to the rites and ceremonies of the *Methodist Church* or after *Banns* by me

The marriage **Christopher Moore** in the presence **Jason Mitchell**

was solemnized

of us

between us *Samantha Jones*

Anna Jones

I Peter Buckley Minister of Cranford Methodist Chapel do hereby certify that this is a true copy of entry No. 27 in the Register Book of Marriages in the said Methodist Church.

WITNESS MY HAND this 1st day of June 2000

CAUTION: Any person who (i) falsifies any of the particulars on this certificate or (ii) uses a falsified certificate as true, knowing it to be false is liable to prosecution

DOCUMENT 4

FINANCIAL INFORMATION

Cara BentleyIncome (net per annum)

1. Modelling contract	£20,000
2. Childrens' clothes range	£35,000
3. Child Benefit	£ 1,500

Total **£56,500**

Capital Assets

1. Jewellery	£30,000
2. Range Rover Sports Car	£30,000
3. Savings Account	£22,000

Total **£82,000**

Outgoings

All the outgoings for the children, the house and the cars, are being met by Mark Bentley

Mark BentleyIncome (net per annum)

1. Salary from Football Club	£1,200,000
2. Sponsorship – Haircare Group	£ 200,000
3. Sponsorship – Sports Chain	£ 500,000

Total **£1,900,000**

Capital Assets

1. House in Barcelona free of mortgage	£2,000,000
2. Luxury Apartment in Puerto Banus, Spain	£1,000,000
3. Porsche motor car	£ 50,000
4. Bentley Continental car	£ 100,000
5. BMW A5 car in Spain	£ 40,000
6. Investment portfolio	£4,000,000

Total **£7,190,000**

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Joint Assets

1. Matrimonial home – Foxlea, Cranford, Bedfordshire, MK43 6BN	£2,500,000
Mortgage outstanding	£ 500,000
Net equity	£2,000,000

Outgoings (per annum) of Mark Bentley

1. Running costs – matrimonial home	£ 60,000
2. Running costs – all cars	£ 30,000
3. Running costs – house in Barcelona	£ 50,000
4. Running costs – apartment in Spain	£ 30,000
5. Nanny's fees	£ 50,000
6. Basics of life (including wife's luxuries)	£ 800,000
7. Payment into investments	£ 700,000

Total **£1,720,000**

Turn over

File Note

Client: Cara Bentley
Attendance: 1 hour
Fee Earner: SC
Matter Type: Financial Relief

Attached is a statement of financial information (**Document 4**) containing details of both parties' income, capital, joint assets and outgoings.

This is an existing client, our firm having already received instructions in relation to her divorce. Cara has been married to Mark Bentley for 12 years. The client's current concerns relate to finances. When attending Cara today she wanted me to be aware of a few additional matters.

She wants at least £500,000 per annum to allow her to live in the manner to which she has become accustomed during the marriage. Her husband is insisting that she works more, but the difficulty is that her contracts as a model are now limited because of her age (38 years) and the sheer number of "younger" models out there. She is fortunate enough to have one modelling contract. She does not want to undertake further work in any event because she likes to be available most days to take the children to school and collect them at the end of the day. The couple have two children, a boy aged 6 years and a girl aged 9 years. She wants to keep the nanny, because of her work commitments which sometimes take her across the other side of the country. She also likes her own time to lunch with friends and to be able to get a massage, get her nails manicured and have hair and face treatments.

She wants the matrimonial home, free of mortgage, for herself and the children. She has put a lot of time and effort into the house, making it a "show home" and does not see why Mark should get the benefit of that. He can keep his holiday homes. The children are settled in their home, which is near to school, all their friends, and their after-school activities.

She wants money to invest for her future since she will no longer have the benefit of her husband's investments, which are growing rapidly. She also feels that she has been instrumental in helping her husband obtain his lucrative sponsorship deals by hosting dinner parties and entertaining business people.

She wants maintenance and school fees to allow her children to continue in private education. She and her husband discussed the childrens' education at length and both felt that private education was right for their children.

She is strong willed and is prepared to fight for everything. The financial information in **Document 4** sets out what she believes to be the financial position, but she believes there is more that has been hidden.

Her husband is represented by the firm of Comptons Solicitors, 2 The Grange, Milton Keynes, Buckinghamshire, MK1 9LU. Their reference is PT/225.

DOCUMENT 6

File Note

Client: John Edwards
Attendance: 1 hour
Fee Earner: SC
Matter Type: Children

Attending John Edwards regarding matters relating to his two children – Amy Edwards aged 6 years and Ben Edwards aged 14 years.

John was married to Tracey, the mother of the children, for 15 years. They were divorced three years ago. The children have resided with Tracey and John has seen the children regularly at weekends. One weekend he has the children on a Saturday from 10.00 am to 7.00 pm, then the following weekend he collects them from school on a Friday, and takes them home by 7.00 pm on a Sunday. John has also taken the children on holiday both in this country and abroad. Between himself and Tracey, they have managed to make arrangements for holidays in previous years, not always amicably. There have been some difficulties since the divorce, but John has managed to maintain a good relationship with both his children.

Tracey started a new relationship approximately 12 months ago.

In the course of the last few months she has become more and more difficult regarding John seeing the children, stating that it is taking family time away from her, the children, and her partner. In recent weeks, when John has turned up to collect the children, she has not been in. She has gone away for the weekend without notifying him. Matters came to a head last weekend when she said that she had moved on with her life and that the less she saw of John the better, and that the children felt the same way. She had therefore decided that John could only see the children once per month, the last Sunday of each month, from 12.00 pm to 6.00 pm, and in between he can speak to them on the telephone.

John is furious. He has not seen the children for six weeks. It resulted in an argument whereupon Tracey stated that she was stopping the children seeing their father permanently because he was unreasonable and his outburst had upset the children.

Turn over

File Note

Client : Maria Manello
Attendance: 1 hour 20 minutes
Fee Earner: SC
Matter Type: Domestic Violence

Maria Manello is frightened by her boyfriend's abusive behaviour. The boyfriend is Boris Karpov.

They have lived together for three years. They have a one year old son Alexi. The violence started almost a year ago. Initially there were arguments, which were usually caused by Boris. Subsequently he started to hit her and verbally abuse her. This has taken place in front of the baby.

In early November this year, whilst she was sleeping, Boris entered the bedroom in the early hours of the morning and stood over her. He started to swear at her and then shook her. She was extremely frightened. Apparently, she had looked at another man whilst out shopping the day before. After this incident, Maria decided to sleep on the floor in her son's bedroom.

Approximately two weeks ago, whilst Maria was sleeping in her son's room, Boris crashed through the door and then picked Maria up by her hair and dragged her along the bedroom floor. He then dragged her down the stairs into the hallway. Maria was screaming with fear and pain, and the baby stood at the top of the stairs sobbing shouting for his mummy. The beating continued in the hallway for approximately 20 minutes. After that time Boris went to bed.

The following morning Boris behaved as if nothing had happened. When Maria tried to speak to him about the incident, he said it was because she was a "tart" and he had been told she was sleeping with another man.

When Boris went out to work that morning, Maria then packed some clothes for herself and Alexi and went to stay at her mother's one bedroomed flat 13 miles away.

Since moving to her mother's property, Boris has telephoned her constantly, threatening to burn the house down and to kill her. He has even followed her when she has left the house. She is extremely frightened and is worried what he will do next.

She is struggling to live with her mother, because the space is so small. Alexi only has a small amount of clothes and all his toys are at the house. She plans to see the Housing Officer at the Local Authority because she and Alexi need a place of their own, but that may take some time.

Telephone Attendance Note (after the meeting)

Client: Maria Manello
Attendance: 24 minutes
Fee Earner: SC

Receiving a telephone call from Maria regarding the property where she lived with her abusive boyfriend. She forgot to say yesterday that the property is in Boris's sole name, but she did pay the full deposit of £20,000 which her parents provided as a gift. She has also done a lot of work inside the house, mainly decorating, to make it a home. Had she been working she would have paid toward the mortgage and the bills. She does not see why he should be in the house whilst she is struggling with her mother. She wants to get back into the house at least until it can be sold. She wanted to know what to do about getting what she has paid into the house.

End of Case Study Materials

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