



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher
Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

Unit 20 – The Practice of Family Law

Case study materials

January 2024

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination – ***Blackstone's Statutes on Family Law 31st edition, Rob George, Oxford University Press, 2022.***

You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons LLP of The Manor House, Bedford MK42 7AB. The firm's telephone number is (01234) 622964. The email address is admin@kempstons.co.uk and DX address Bedford 3721.

The firm is a high-street practice and one-third of the firm's caseload consists of matrimonial work. The matrimonial team at Kempstons LLP is headed up by the matrimonial partner, Nicola Bryan. The local family court is in Bedford.

You arrive at work to find the following documents on your desk and a memo from Nicola Bryan providing you with instructions.

DOCUMENT 1: Memorandum from Ms Bryan

DOCUMENT 2: Attendance note re Rebecca Hoffmann

DOCUMENT 3: Attendance note re Charita Kaur

DOCUMENT 4: Email from Elton Williams

DOCUMENT 5: Attendance note re Julie Beynon

MEMORANDUM FROM MS BRYAN

To: Trainee Lawyer

From: Nicola Bryan

Date: {Today's date}

Re: Matters requiring attention

As previously discussed, I will be out of the office for the next week on annual leave. In my absence, I would be grateful if you could deal with the following matters.

1. Rebecca Hoffmann file

Rebecca is a new client who attended at the office yesterday. I attach a copy of my attendance note of this meeting (**Document 2**). Rebecca wants this matter progressed with some urgency.

2. Charita Kaur file

I have been dealing with Mrs Kaur's divorce application and I am now working on dealing with the financial matters.

I met with Mrs Kaur yesterday and, as you will see from my file note (**Document 3**), she has serious concerns about her financial position. Please progress this as a matter of urgency and keep Mrs Kaur informed.

3. Elton Williams file

I dealt with Mr Williams' divorce, which was completed six months ago.

I received an email from him yesterday, which I am forwarding to you (**Document 4**). Please progress this matter in my absence.

4. Julie Beynon file

Julie is a new client. She attended the office yesterday afternoon (**Document 5**). This matter needs to be progressed urgently.

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ATTENDANCE NOTE RE REBECCA HOFFMANN

Client: Rebecca Hoffmann
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/24026
Time taken: 1 hour

Attendance note on Rebecca Hoffmann, who is a new client. The relevant identity and conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Rebecca Hoffmann
D.O.B. 25 January 1948
Address: 26 The Avenue, Bedford, MK11 7ZZ
Temporary Address: c/o 5 The Mews, Bedford, MK12 6ZZ
Contact: 0777545454 (Mob)
Occupation: Retired

The client is seeking advice following the breakdown of her marriage to her husband Samuel Hoffmann (DOB 25 July 1953).

Mrs Hoffmann's first husband, Daniel Goldberg, died in 2021. They had been married for 50 years. The marriage had been a very happy one. Mrs Hoffmann is very close to her three children. They all have successful careers and are married with young families. They no longer live near Rebecca and so have been unable to provide the emotional support she needed after Daniel's death.

After her long marriage, Mrs Hoffmann found life as a widow difficult to deal with. She missed her husband's company around the home and she found dealing with financial matters a real challenge as Mr Goldberg had always dealt with them.

In 2022, her youngest son got married and at the wedding she met Samuel Hoffmann; she and Mr Hoffmann got into conversation. Mrs Hoffmann found Samuel friendly and attentive, and agreed to keep in contact. They arranged to meet up and did so on a regular basis. Mr Hoffmann lived some distance away, so Mrs Hoffmann suggested that if he wished, he could stay at her house overnight when meeting up.

She enjoyed Mr Hoffmann's company and attention, and was grateful for the help that he gave her in dealing with her financial affairs. When he suggested that they should get married she had no hesitation in agreeing. The marriage took place on 15 March 2023 at the local synagogue. This was at the particular request of Mr Hoffmann, who explained that his Jewish faith was important to him.

However, Mrs Hoffmann then experienced another side of Mr Hoffmann's character and quickly realised that that the marriage had been a mistake. She found that Mr Hoffmann was less attentive and more demanding. He expected Mrs Hoffmann to do as he told her and to be a good 'housewife' while he managed their money.

Mr Hoffmann arranged for their pensions and savings income to go into an account in his sole name, explaining that it made it easier for him to manage their finances and their tax returns. Mrs Hoffmann reluctantly agreed. She had to rely on Mr Hoffmann for money and found that he vetted all her spending, telling her what she could and could not buy. He looked after all important documents, which he kept in a safe to which only he had access. Mr Hoffmann also arranged for

CASE STUDY MATERIALS – VERSION 2

new Wills to be made, each leaving their whole estate to the other with no legacies or bequests to children or grandchildren or others.

He then started to discourage visits by Mrs Hoffmann's children and their families, saying he found the visits "too noisy and busy." When Mrs Hoffmann suggested that she should visit her children in their own homes Mr Hoffmann would not agree, saying she was getting too old to drive the journeys required.

Over recent months, Mrs Hoffmann has found her husband increasingly controlling. She has now realised that the Samuel she has married is not the person she thought he was and knows that she rushed into the marriage too quickly. She is concerned that the plans that she and her first husband had to benefit their children will not happen and feels that this is wrong.

Mrs Hoffmann has tried to express her concerns but her husband is not prepared to listen or talk. He simply says that the solution is for Rebecca to do as he tells her.

Four weeks ago, Mrs Hoffmann moved out of the matrimonial home. She is currently staying with a friend. She wishes to end the marriage and to do this as quickly as possible.

Turn over

DOCUMENT 3

ATTENDANCE NOTE RE CHARITA KAUR

Client: Charita Kaur
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/23512
Time taken: 1 hour

Attendance on Mrs Kaur. Following my email to her to confirm that her divorce application had been served on Mr Kaur, Mrs Kaur requested an urgent meeting to discuss financial matters.

Mrs Kaur provided the following financial information.

The family home – 18 Ash Grove, Bedford, MK11 9ZZ. Value: £575,000. Mortgage: £175,000. The property is registered in Mr Kaur's sole name.

Note: Mrs Kaur and children currently remain in the four-bedroomed property.

Second property – 5 Potters Close, Kempston, MK33 1XX. Value: £280,000. Mortgage: £25,000

Note: the property was rented but is currently occupied by Mr Kaur. It is a two-bedroomed property.

Note: Mr Kaur wishes to buy a larger property for himself to accommodate the children when they visit. He has said that he is thinking of selling 18 Ash Grove and 5 Potters Close to release capital to buy two three-bedroomed properties. Mrs Kaur wants to remain at 18 Ash Grove for the sake of the children as she wishes to minimise the impact of the divorce on the children.

Employment

Mr Kaur: senior manager of a leading property agency; annual income is £110,000 plus bonuses.

Mrs Kaur: teacher (part-time); annual income is £32,000.

Mrs Kaur plans to increase her working hours when both children are at secondary school.

Investment and savings

Mr Kaur has an investment portfolio valued at £120,000

Mrs Kaur has savings of £55,000 and an ISA valued at £15,000

Pensions

Mr Kaur: pension fund estimated value £245,000

Mrs Kaur: pension fund estimated value £87,000

Mr and Mrs Kaur have agreed that the children Baljit (aged 11) and Anika (aged 9) will live with Mrs Kaur and will visit their father on alternate weekends. Mr Kaur has agreed that he will pay Mrs Kaur maintenance for the children and the amount has been agreed.

Although Mrs Kaur plans to increase her working hours when both children are at secondary school, that will not be for a couple of years and she does not expect to earn a significant amount more.

Following a telephone conversation yesterday with her husband, Mrs Kaur had serious concerns about her financial position after the divorce. Mr Kaur confirmed their agreement regarding the financial support for the children but made it clear that Mrs Kaur should not expect to get anything for herself. She asked why her husband did not think she deserved some financial support after 15 years of marriage (they married on 12 July 2009). Mr Kaur responded by referring to arrangements made by their respective fathers prior to the marriage but refused to explain or discuss further.

Mrs Kaur has no knowledge of the arrangements referred to as she was not allowed to be involved. She said that her father respected Mr Kaur's father, a very successful businessman, who 'knew how things should be done'. Her father had told her that he had been satisfied all the arrangements necessary had been made and told Mrs Kaur should not to worry herself about financial matters.

Mrs Kaur is very concerned and wishes to be advised as a matter of urgency.

DOCUMENT 4

EMAIL FROM ELTON WILLIAMS

From: Elton Williams
To: Nicola Bryan
Subject: Advice required re children
Date: (Yesterday's date)

Dear Ms Bryan

You were very helpful last year when I was divorcing my wife, Laurette. I had hoped that Laurette and I would be able to move on with our lives and minimise the impact on the children. Sadly, things have not worked out as I hoped!

Laurette and I divorced because I discovered that she had been having an affair with Leo Jenkins. Laurette had moved in with Leo but, with your help, I was able to arrange to remain in what was then our family home. Laurette took our girls, Holly and Poppy, with her to live with Leo. Laurette and I agreed that the girls could visit me at weekends. The arrangement worked well until recently.

Leo's house is quite small. It has only two bedrooms, so the girls have to share a bedroom. Holly, who is now 13, was used to having her own space and found sharing with her younger sister (if you recall, Poppy is only six) difficult. And Holly really didn't get on with Leo. She found that Leo expected everyone, including her mother, to do as he said. However, Holly, who was becoming more independent, often found herself in conflict with Leo. There were regular arguments and Laurette always supported Leo, which made Holly unhappy.

Holly and I get on very well. We share a love of football, watching and playing, which Laurette never understood. Holly now plays in a local team, Kempston All Stars, which is doing well.

A month ago, after yet another argument with Leo, Holly arrived at my house with a suitcase; she said she was coming to live with me as she could not continue living at Leo's with her mother and sister. She now seems much happier.

However, Laurette is not happy. Laurette believes that Holly should be living with her as we agreed. She says that, given time, Holly will develop a positive relationship with Leo. Holly's absence is affecting Poppy who had settled at Leo's but she is missing her sister and is not happy.

Over recent weeks, Laurette has been making it difficult for Poppy to visit me and to see her sister so Holly has occasionally visited her mum and sister but only when she knows that Leo is at work.

When Holly returned yesterday from a visit, she told me that her mother yet again tried to persuade her to stay and had got very angry when she refused. Laurette told Holly that she wasn't old enough to know what was best for her. Apparently, Leo felt that the current situation could not continue and he had told Laurette to sort it. Poppy then told Holly that she heard Leo tell their mother when he married her that Laurette would have to change the children's surname to his, to recognise the new relationship and to avoid confusion. Laurette has not mentioned this to me. I would not agree as they are my daughters.

Holly is now refusing to visit her mother and Laurette is refusing to talk to me, which is not helpful. Laurette does what Leo tells her to do. I feel that she is now determined to get Holly to return to live with her and then to exclude me from my children's lives.

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I would appreciate it if I could arrange a meeting to discuss this issue. I simply want to find a solution that is best for all. In my view it is probably best for Holly to remain with me and for Poppy to remain with her mother but I do want the girls to maintain their relationship, which will require regular visits that actually happen.

Elton Williams

Turn over

DOCUMENT 5

ATTENDANCE NOTE RE JULIE BEYNON

Client: Julie Beynon
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/24038
Time taken: 1 hour

Attendance on Julie Beynon, who is a new client. The relevant identity and conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Julie Beynon
D.O.B. 14 September 2000
Address: Flat 6, Waterside View, Bedford, MK22 7ZZ
Contact: 0777484848 (Mob)
Occupation: None – currently caring for young children

Ms Beynon attended the office for advice regarding concerns for her safety as a result of the behaviour of her partner, Mick Fox.

Our client and Mick Fox began living together two years ago when she became pregnant. At the time they had been going out together for six months and our client was adamant, and continues to be adamant, that Mr Fox was the father of her baby, Tom.

Our client moved into Flat 6, a one-bedroomed flat owned by a housing association and rented to Mr Fox. Mr Fox works as a telecommunications engineer and is on a good salary. Ms Beynon was training to be a hairdresser but has not worked since Tom was born.

When Tom was born, Mr Fox had started to have doubts about whether he was the father, as the baby's appearance was totally unlike his or our client's. However, when he raised this concern, our client was able to put his mind at rest.

Living in a small flat with a baby created problems. Our client found caring for a baby was demanding, especially as Tom was an active baby and slept only for short periods at a time. This made our client very tired. When Tom did sleep, she expected Mr Fox to avoid making any noise; Mr Fox found this difficult. For example, Mr Fox, an avid football fan, could not watch matches on TV unless the volume was turned right down and could not cheer when his team scored a goal. He was discouraged from drinking beer in the flat because our client said that alcohol made him noisy.

Our client admits that she lacked energy and found it hard to keep the flat tidy, do the washing and prepare food. In the short periods when Tom did sleep, she herself fell asleep because she was exhausted. Mr Fox would return from work to find the flat in chaos and with no food ready.

This led to arguments between our client and Mr Fox, who had a short temper. Initially, the arguments were verbal but over time Mr Fox became angrier and began smashing household objects such as plates and glasses. More recently, he has begun grabbing our client and shaking her violently. She showed me pictures of the bruises stored on her phone.

CASE STUDY MATERIALS – VERSION 2

Yesterday, while they were out shopping together, they met a friend, Victor, who had not seen Tom before. Victor said jokingly “Wow, mate. He doesn’t look anything like you, does he?”. For Mr Fox, who had had yet another sleepless night because of Tom, this was the last straw. He exploded in anger, yelled that he had had enough and was “out of here”. He dropped the heavy bag of shopping he was carrying on our client’s foot, roughly pushed her out of his way and, ramming Tom’s pushchair hard against a nearby litter bin, stormed off.

Our client had never seen Mr Fox so angry and was too frightened to return to the flat. She spent the night with her mother but her mother lives in a one-bedroomed flat and she cannot stay there for long. She has no other relatives in the area. All her and the baby’s belongings are in the flat and she cannot afford to replace them. She visited the local Accident and Emergency department this morning to get her foot checked as it was swollen and very painful but was told that no bones were broken.

Mr Fox rang our client to apologise and to promise there would be no repetition but our client told him that it was one show of anger too many. He has apologised before but his promises to behave better are never kept. She suggested that he should go and stay with his parents, who live nearby, but he refused.

Mr Fox has continued to ring our client and to leave messages with more and more frequency; the messages are becoming increasingly more threatening. The last message was: “You’d better clear out of my life, and take your b.....d son with you. He ain’t mine!! If you don’t do as I’m telling you, me and my brothers will come and sort you both out good and proper!!!!”.

Our client is growing increasingly frightened for both her and Tom. She says that Mr Fox is related to a local family that is well known to the police for crimes involving violence and that two of his brothers have served prison sentences.

Our client wishes to return to the flat with Tom but does not feel that she would be safe if Mr Fox was there. She says that his parents live close by and have the room to accommodate Mr Fox.

End of the case study materials

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