



**CILEX Level 3 Certificate in Law and Practice/  
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 15 – The Practice of Law for the Elderly Client**

**Case study materials**

**November 2023**

**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 **not** allowed access to any statute books in the examination.
- 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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## **CASE STUDY MATERIALS**

### **ADVANCE INSTRUCTIONS TO CANDIDATES**

You are employed as a trainee lawyer by the firm of Foster Kemp Solicitors in Brighton. Your supervising lawyer is Andrew Taylor. He hands to you a number of files and the following documents:

**Document 1**        Memo from Andrew Taylor to you regarding Betty Langford

**Document 2**        Letter from Dr Raji Patal regarding Betty Langford

**Document 3**        Attendance note of a meeting with Zara Matthews

**Document 4**        Letter from Geoffrey Day to Andrew Taylor

MEMO FROM ANDREW TAYLOR TO TRAINEE LAWYER

To: Trainee lawyer  
Date: [Today's date]  
Reference: AT/Betty Langford

I had a meeting with Betty Langford (an 82 year old lady) a month ago when her daughter, Louise, arranged for me to see Betty at her home. Louise wanted me to see her mother, who is undergoing tests for dementia, as the memory clinic have recommended that Louise arranges a Lasting Power of Attorney for her mother. A formal diagnosis has not yet been made.

Louise told me that her mother has had memory problems for many years but has never had a formal diagnosis. Betty has good and bad days, and there are times when you would not even know she has problems with her memory.

At the moment, Betty lives in her own home. Louise has arranged carers to visit her mother twice a day. Louise is worried that if her mother's care needs increase, she will no longer be able to continue living at home and may have to go into a care home.

Betty has two other children, James and Christopher, who live in Canada.

When I visited Betty, she had only just finished having her breakfast. Her carers were there getting her dressed and they mentioned that Betty was not having a great morning. I asked them how Betty is generally and they said she is not good at all. She forgets most things and sometimes even forgets who the carers are.

I managed to speak with Betty alone and she seemed very tired. She told me that she had not slept well and wanted to have a nap. I did not feel there would be any benefit continuing the meeting so I told Betty that I would return to the office and come back to see her the next day.

The next day, on my second visit, Betty seemed much more alert. She had had a good night's sleep and her carers had just served her breakfast. Betty was happy to speak with me and she was able to tell me about her late husband and that she has a daughter called Louise. She could not remember her sons' names nor how many grandchildren she has.

After our meeting, I was not convinced that Betty has the capacity to make a Lasting Power of Attorney so I wrote to her doctor, Dr Patal, and he replied with the attached letter **[SEE DOCUMENT 2]**.

After this letter arrived, I received a telephone call from Louise. She informed me that while she was going through her mother's papers, she had found an Enduring Power of Attorney, appointing her as sole Attorney and asking if she can use it. I asked her to send the document to me so that I can advise her.

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**DOCUMENT 2**

**LETTER FROM DR RAJI PATAL**

Brighton Medical Centre  
Church Road  
Brighton  
BR4 7SA

Dear Mr Taylor

**Re: Betty Langford**

I thank you for your letter asking me to confirm if, in my medical opinion, Betty has the capacity to make a Lasting Power of Attorney.

Betty is currently undergoing various assessments to establish the cause of her short-term memory loss.

I will write to you again as soon as I have the results of these assessments with my opinion on whether Betty has the capacity to make a Lasting Power of Attorney or not.

Yours sincerely

Dr R Patal

**ATTENDANCE NOTE OF MEETING WITH ZARA MATTHEWS**

Attending: Zara Matthews  
Date: [Today's date]  
Reference: AT/Matthews

Attending Zara Matthews at her home in Brighton town centre. Zara was grateful that our firm offered home visits as in the last two years she has become less mobile and now finds it hard to leave her home.

Zara wanted to discuss her personal situation with me and explained that she is worried about her future care and her ability to continue looking after herself at home. Her husband died five years ago and her two daughters, Freya and Mia, live very busy lives with their young children.

Zara has had arthritis in her legs and spine for many years but in the last year she feels that her condition has got worse. She finds it difficult to climb the stairs now, especially if she is having a bad day with the pain. She has a toilet downstairs but it is not working, and she has been told that it needs to be ripped out and a new one fitted. She would benefit from a stairlift and a walk-in shower room so she does not have to climb into the bath.

Two years ago, Zara's daughter, Freya, and Freya's husband, Darius, decided to move home to be closer to Darius' parents so they can help look after their children when Freya and Darius are at work. Unfortunately, their move was not cheap and they needed some extra money to buy a house on the same street as Darius' parents. They needed £15,000 and Zara gave this amount to them, even though she only had £25,000 of savings at the time. Zara's savings are now in the region of £8,000. Zara's only income is from her state pension, totalling £10,600 a year.

Zara has always been an independent woman and wants to continue being that way despite her health condition. She is adamant that she does not want to go into a care home as this is against her family culture and her daughters will not allow it. Equally she does not want to move in with them either, which is something they have suggested to Zara.

Zara confirmed that when her husband was alive they made Lasting Powers of Attorney for both health and finance, copies of which she handed to me. I noted that they had appointed each other as Attorneys and their two daughters as replacement Attorneys to act jointly and severally.

Zara's late husband was certain that their Attorneys have the power to make life-sustaining treatment decisions for them but as time has gone on, Zara has decided that this is not what she wants. She therefore wishes to amend her Lasting Power of Attorney.

At this point in the meeting, Zara's neighbour arrived for their weekly catch up so I said I will write to Zara with her options and then arrange to meet with her again soon.

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**LETTER FROM GEOFFREY DAY**

Dear Andrew

I hope you are keeping well.

Last year you drew up my Will and at the time we discussed tax and you explained that my estate will be subject to Inheritance Tax because I own a lot of assets. I have been thinking about how I can reduce the tax payable on my death as I would like my children to benefit from my estate as much as possible.

I took your advice and spent some money travelling and completed various DIY projects in my home.

My estate is now worth £850,000, made up of the following:

1. My home at Birch Hill is worth £525,000. I paid off the mortgage when my wife Annette died two years ago.
2. I have a flat in Bristol worth £220,000 that I rent out to university students. It pays me a modest rental, which helps top up my income now that I am retired.
3. I have around £90,000 in savings and £15,000 in an ISA.

My wife and I bought the flat 10 years ago for £110,000 and I am thinking of transferring it into the names of my two daughters, Izzie and Sophie. I still want to continue receiving the rental income and when I no longer need the flat, I will pass it on to my daughters.

Perhaps we should arrange to meet to discuss this idea in more detail.

I look forward to hearing from you.

Best wishes

Geoffrey Day

**End of the case study materials**