



## **Chartered Institute of Legal Executives (CILEX)**

### **Paralegal Apprenticeship End-Point Assessment**

#### **Wills and Probate Practice**

#### **Timed assessments — Sample Advance Materials**

##### **Information for the apprentice**

- This document contains the advance materials for your two timed assessments.
- You should read these advance materials carefully and complete the legal research before you sit the timed assessments.
- In the timed assessments, you will be presented with a set of tasks which will relate to these advance materials. You will be required to complete all the tasks in the timed assessments.
- You may discuss these materials with your tutor(s).

##### **Instructions and information to the apprentice during timed assessments**

- You are allowed to take your own annotated copy of this document into the timed assessments. Alternatively, you can access the electronic version of this document in the timed assessment.
- You are allowed to take into the timed assessments, clean or annotated copies of statutory authorities and decided cases that you used during your research.
- You are allowed to take your research notes into the timed assessments, however these notes must be on paper.
- You must comply with the CILEX Regulations for Timed Assessment with Remote Invigilation – Level 3 Paralegal Apprenticeship End-Point Assessment.

***Turn over***

## **Background Information**

You are a paralegal employed by the firm **Hedley, Smith & Cutler of 10 King Street, Milchester, MC1 4AZ**. Your supervising lawyer is Sinead Albright who is a partner in the firm.

Sinead Albright has asked you to conduct research on a client's case in preparation for advice to be given to the client and further work to be undertaken on the client's case.

In advance of the timed assessments, read through the documents found on the following pages **and** carry out the relevant research that your supervising lawyer has requested in the internal memorandum (**Document 1**).

## Document 1

### Internal memorandum

**To:** Paralegal

**From:** Sinead Albright

**Client:** Mrs Eileen Caldicott

**File reference:** SA/{this year}/121/Caldicott

I am instructed by Mrs Eileen Caldicott who has asked us to review her current will and advise on whether a new will is needed.

The client is a previous client of the firm's residential conveyancing department, having bought and sold property 3 years ago. She will proceed on a private paying basis.

I recently took initial instructions from the client over the phone, and she is due to attend the office next week to discuss matters further. Please review the telephone attendance note (**Document 2**) as it contains some important points which will be relevant to the research I am asking you to carry out.

The client has also emailed me this morning (**Document 3**) and I would like to reply to her email before we meet next week.

In order to assist me in progressing the matter, please undertake some research in preparation for further tasks.

**Please research the law on the following:**

- Capacity to make a valid will; the statutory and common law tests for capacity
- Requirements for the valid execution of a will
- Codicils; the benefits and risks of making amendments to a will by codicil
- Intestacy; meaning of intestacy and the order of beneficial entitlement on intestacy
- Revocation of a will; methods of revocation
- The circumstances in which a claim might be made under the Inheritance (Provision for Family and Dependants) Act 1975
- Letters of wishes
- Legal and regulatory frameworks; how lawyers are regulated and requirements relating to client due diligence and identification checks
- Money laundering; meaning, risks to the firm and ways to mitigate the risk

**In undertaking your research, you may wish to consider the following:**

- Banks v Goodfellow [1870]
- Wood v Smith [1993]
- Cheese v Lovejoy [1877]

ADVANCE MATERIALS

SAMPLE ADVANCE MATERIALS

- *Ilott v The Blue Cross & Others* [2017]
- *Miles & Shearer v Shearer* [2021]
- Ss9, 15 and 20 Wills Act 1837
- Ss1-3 Mental Capacity Act 2005
- Inheritance (Provision for Family and Dependants) Act 1975
- Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulation 2017
- Proceeds of Crime Act 2002
- The SRA Standards and Regulations and CILEx Regulation Code of Conduct 2019
- <https://www.thegazette.co.uk/wills-and-probate/content/103504>

Please ensure that, for billing purposes, you record the amount of time spent on research and preparation of your notes. Your research findings will be used to complete internal and external documentation. You will be expected to cite relevant legislation and case law to underpin your work.

Thank you.

Sinead Albright  
Partner

## Document 2

### Telephone attendance note

<b>Client:</b>	Eileen Caldicott
<b>File reference:</b>	SA/121/{this year}/Caldicott
<b>Date:</b>	[last week]
<b>Attended by:</b>	Sinead Albright (SA)
<b>Time spent:</b>	10 units / 1 hour

SA receiving telephone enquiry from Mrs Eileen Caldicott, a former residential conveyancing client regarding potential instructions to draft a new will. Discussing client's current personal circumstances and will.

Mrs Caldicott explaining that she is a widow of five years, having lost her husband Ted to a brief illness after 40 years of happy marriage. Ted and Eileen had three sons, Jack, Luke and Callum. Jack and Callum live near to Eileen, and she has good relationships with them both, but she describes Luke as being 'estranged' after a family rift following Ted's death.

When Ted died, Mrs Caldicott inherited the family home and Ted's estate comprising a significant sum of money and some treasured personal possessions including his wedding ring, an expensive watch and a vintage sports car.

Following Ted's death and her son's estrangement shortly after, which Eileen describes as 'devastating', and having found her experience as executrix of Ted's will very stressful, Eileen explains that she was keen to simplify her own affairs to save her sons any unnecessary stress after her death. She therefore asked her friend, Margaret, whom she describes as 'very organised and assertive' to help her write various 'codicils', setting out Eileen's wishes in relation to her own treasured possessions which include several pieces of jewellery and paintings as well as some specific cash gifts. She alone signed each codicil and also amended some sections of the will by crossing out and initialling the changes, to remove her son, Jack, as executor and, as the client explains, to 'cut Luke out'.

Satisfied with the additional instructions contained within these documents, she gave copies of the amended will and 'codicils' to her eldest son, Jack. She told Jack not to worry as Margaret had agreed to be the new executrix of her will. Eileen signed a declaration confirming that Margaret would now be the executrix of the original will and codicils, replacing Jack in that role. She explained that she also stapled the additional documents to her now amended will in order to keep everything together, as she likes to be organised.

ADVANCE MATERIALS  
SAMPLE ADVANCE MATERIALS

SA asking Mrs Caldicott the reason for her call today. Client explaining that her youngest son, Callum, had spoken to Jack about the 'codicils' and read them with his brother. Both boys came to visit their mum to express concern about her decisions to leave expensive jewellery to Margaret and other friends and acquaintances rather than to family members, which whom she enjoys good relationships.

The boys encouraged her to seek advice to make sure that she wasn't being taken advantage of. Mrs Caldicott describes being initially offended at their suggested that she was a 'frail old lady' who 'didn't know her own mind' but, on reflection, felt that some of the decisions might upset her sons, sisters and nieces, who might be pleased to have her personal items after she is gone.

Client explaining that she has already removed the staples and torn up some of the codicils as she has changed her mind about the jewellery gifts to friends. She would like us to review her current will and codicils with a view to making amendments to some of the gifts and ensuring that all documents are valid.

SA agreeing to meet with client next Wednesday in order to discuss her wishes and take formal instructions. SA advising client on valid forms of ID and proof of address for ID checks.

**Document 3**

**Email from Mrs Eileen Caldicott to Sinead Albright**

To:	Sinead Albright
From:	Eileen Caldicott
Date:	[today]
Subject:	Meeting next week

Dear Sinead

Thank you for your time on the phone earlier this week. It was good to get the ball rolling as, at 83, I don't like to waste any time!

You asked me to bring documents to prove who I am and my address. You may have forgotten that Hedley, Smith and Cutler dealt with my house sale not so long ago. So, I assume I don't need to bother gathering those documents together as John Hedley, who dealt with everything, can vouch for me.

I will bring my current will and codicils to the meeting. I'm afraid it all looks a bit messy what with the documents having been stapled a few times. I think my wishes are clear, but I am happy for you to tidy things up. I assume that some of the codicils I wrote with Margaret can be used to save time and reduce my bill.

I am keen to meet with you to straighten everything out, as I really do not want to risk any more family upset. Aside from this dreadful issue with my middle son, Luke, which I fear will never be settled while I am alive, we are a close family. Jack, Callum and my nieces are very dear to me and are always popping in to keep me company. I would take comfort in knowing that they will have some of the beautiful jewellery that Ted gifted to me over the years, and I don't know why I allowed myself to be railroaded into leaving pieces to other people. Margaret is a little older than me, very confident and assertive, perhaps a little pushy as my sons often say!

The last thing to mention is Ted's sports car. I forgot to explain that, during the arguments that led to Luke cutting ties with the family, Luke took the car which was worth around £45,000 at the time. I haven't seen Luke or the car since. I had also just given all three boys £20,000 each as that is what Ted wanted. I think Luke has had more than enough with the car and the £20,000; no doubt he has just squandered the money anyway. Ted would have hated what he has done to break our family apart, and as such I don't want to leave anything to Luke in my will. I realise this sounds harsh, and I know that, at my age, people might assume that I am not as sharp-minded as I once was, but I have given this a lot of thought and am sure it is the right decision.

Looking forward to meeting with you next week.

**Best wishes**  
**Eileen**

**End of the advance materials**  
© 2023 The Chartered Institute of Legal Executives