



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

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

Unit 20 – The Practice of Family Law

Case study materials

June 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 allowed to take your own unmarked copy of the following designated statute book into the examination – **Blackstone’s Statutes on Family Law 2021 -2022, 30th edition, Rob George, Oxford University Press, 2021.**
- 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 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.

Ms Bryan has supplied you with the following documents.

DOCUMENT 1: Memorandum from Ms Bryan

DOCUMENT 2: Attendance note of meeting with Ben Trent

DOCUMENT 3: Attendance note of meeting with Millicent Jackson

DOCUMENT 4: Attendance note of meeting with Leroy Williams

DOCUMENT 5: Attendance note of meeting with Freya Norton

MEMORANDUM

To: Trainee Lawyer

From: Nicola Bryan

Date: {Today's date}

Re: Matters requiring attention

I shall be out of the office for the next three days, attending a conference and have the following matters that will require your attention during my absence.

1. Ben Trent file

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

2. Millicent Jackson file

Millicent is a relatively new client who has separated from her husband and is in the process of applying for a divorce.

As you will see from the file note of our meeting yesterday (**Document 3**), she has some serious concerns about financial support and the family home. Please progress this matter as a matter of urgency.

3. Leroy Williams file

Leroy Williams is a new client who attended the office this morning. I attach a copy of my attendance note (**Document 4**). Please progress this matter in my absence.

4. Freya Norton file

Freya 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: Ben Trent

Client: Ben Trent
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/23/2134
Time taken: 1 hour

Attendance on Ben Trent, 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: Ben Trent
D.O.B. 25 January 1991
Address: Flat 5, No. 26 The Avenue, Bedford, MK11 7ZZ
Contact: 07776665454 (Mob)
Occupation: Teacher

Our client is seeking advice following the breakdown of his marriage to his wife, Eloise.

Our client met his wife while working at a school in Paris. He was born in England and she was born in France. They married on 15 July 2014 and lived in an apartment in Paris that our client had bought with an inheritance from his grandparents. They have two children, Nicole, aged seven years and Philippe aged six years.

In 2019, our client obtained a senior teaching job in a fee-paying school in England. The job provided a number of benefits, including a house, so our client was able to retain his apartment in Paris.

The new job involved moving his family to England. Eloise had never travelled outside of France and found it difficult to adjust to life in England. She also missed the family support network that she had in France.

On 15 July 2020, Eloise returned to France to visit her family and did not return after her holiday. She told our client that she was not happy living in England. She planned to stay in France, with the children, living in the Paris apartment.

Initially our client thought that he could work in England during the week and travel to France at weekends to be with his family. However, it soon became clear that this was a greater challenge than he anticipated and that relations with his wife were deteriorating.

By August 2021, our client realised that his marriage was not working. He suggested to his wife that they should seek a divorce but his wife, who has strong religious beliefs, did not agree.

Since August 2022, our client has been in a new relationship. He has just learnt that his partner is pregnant and he wishes to marry her. He seeks advice on starting divorce proceedings but has concerns that his wife may still not agree.

Attendance Note Re: Millicent (Milly) Jackson

Client: Millicent Jackson
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/23/2112
Time taken: 1 hour

Attendance on Milly Jackson, who is an existing client. You will see copies of identity documents on file. Conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Millicent Ann Jackson
D.O.B. 4 April 1995
Address: 4 Arthur Court, Kempston, MK99 1XX
Contact: 07777889900 (Mob)
Occupation: Currently caring for young children

Our client consulted us last week for initial advice on divorcing her husband, Thomas Jackson. They have been married for 10 years and have two children, George aged six years and Suki aged four years.

Thomas is a senior manager in a local logistics company. His annual earnings are £75,000, and he has a generous pension fund. The family home is registered in Thomas's name only.

Our client does not work. She is the full-time carer for George, who has serious health issues and learning difficulties.

The pressures of caring for a child with a disability have had a serious impact on our client's relationship with her husband. She recently discovered that her husband was involved in an intimate relationship with a work colleague, Kate Young, and consulted us for initial advice.

I had a further meeting with our client today. This arose from a conversation that she had with her husband, who has now left the family home and moved in with Kate Young who has a two-bedroomed flat. Thomas has told our client that she will have to move out of the family home as he plans to sell it. He has suggested that our client could go and live with her parents. However, our client wishes to remain in the family home with the children. She says that her husband's suggestion is not practical. Her parents' home is 200 miles away and is a small, terraced house. The property 4 Arthur Court is a bungalow and has been specially adapted for George. Also, our client wishes to remain in Kempston because she has good healthcare support for George and he is settled in a school that can provide for his needs.

When our client expressed her concerns to her husband, he told her that she had no choice. Either she moves out now or he would immediately stop giving her any financial support. Our client feels that her husband is being very unreasonable and is concerned to ensure that her husband provides the support that his family deserves, now and in the future.

Turn over

Attendance Note Re: Leroy Williams

Client: Leroy Williams
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/23/2152
Time taken: 1 hour

Attendance on Leroy Williams, who is a new client. Identity and conflict checks have been completed. No issues have been identified.

The client details are:

Full name: Leroy Williams
D.O.B. 31 October 1990
Address: 26 Milton Road, Bedford, MK22 3ZX
Contact: 07777 666222
Occupation: HGV driver

Our client, Mr Williams, attended to obtain advice regarding his children.

Our client was in a relationship with Chandice Clarke for 12 years. They did not marry. They have two boys, Devon Clarke aged 10 years, and Rohan Clarke aged eight years. Ms Clarke did not register our client as their father.

Mr Williams and Ms Clarke separated nine months ago. The separation was amicable. Ms Clarke agreed that the children could stay with their father on alternate weekends and that a trip to Jamaica, planned for three weeks in August 2023 to visit Mr Williams' parents, could go ahead. Mr Williams also continued to help out with school drop off and pick up.

The arrangements worked well until March this year when a new partner, Winston Walker, moved in with Ms Clarke. Weekend visits were cancelled at short notice and without reason. When our client asked why, he was told that the children had been invited to friends' parties. Then Ms Clarke said that her new partner thought that the visits to their father were not good for the children as they returned unsettled and behaved badly. He had told Ms Clarke that it would be better if the visits were stopped.

Our client challenged this but Ms Clarke told him that as their mother she alone would make decisions about what the children did, or did not do. She said that she would decide whether or not the visits could continue and how they would be organised. She made it clear that our client had no right to involvement in decisions affecting the children.

She has also told our client that the children would not be going to Jamaica as she did not want them to go away for an extended trip with their father.

Our client is very concerned. The children have been very excited about the trip, which our client has talked about for months. Devon has texted his father several times to tell him that he and Rohan are very sad that they are not seeing him.

Attendance Note Re: Freya Norton

Client: Freya Norton
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/23/2156
Time taken: 1 hour

Attendance on Freya Norton, who is a new client. Identity and conflict checks have been completed. No issues have been identified.

The client details are:

Full name: Freya Norton
D.O.B. 12 February 1990
Address: 12 Lime Walk, Kempston, MK22 1YV
Contact: 07777 222333 (Mob)
Occupation: Currently caring for young children

Our client, Freya Norton, has been in a relationship with Jack Hilton for 10 years. They live in a house owned by Jack and have twin girls, Olivia and Alice, born in May 2021.

Jack works in financial services. His earnings and bonuses have provided a good standard of living for both himself and our client. His last bonus paid for a flat in London, which he occasionally uses when working late.

The birth of the twins in 2021 coincided with Jack getting an important promotion, which changed the life they were used to. Jack agreed that our client could give up her job and look after the twins but this resulted in our client being totally dependent on Jack. She found that he was very controlling over the money he gave her and how she spent it. He was also dictatorial about all aspects of their life, causing her increasing anxiety.

Other behaviour raised concerns for our client. Jack became short-tempered. If the house was untidy or a meal was not ready when he expected it, he became verbally abusive. Recently, the abuse has become physical, with Jack throwing objects at Freya. He has no patience with the twins, shouting at them and threatening them when they will not be quiet. He regularly tells our client that he hates the way their relationship had been spoiled by the children.

Yesterday, our client and Jack had an angry argument when Jack told her that she was the real problem. He refused to explain why. In the end he flew into a rage and physically attacked her, causing serious bruising and a black eye. The twins witnessed this and were very distressed.

Our client was so frightened that she took the twins to stay with a friend for the night. She is very concerned about the situation. She has no money, nowhere to take the twins and no family support. Jack has since texted to say he will not let our client return to the family home and if she does he will "sort her out good and proper".

End of the case study materials