



**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

June 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. 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, including a memo from Nicola Bryan providing you with instructions.

DOCUMENT 1: Memorandum from Nicola Bryan

DOCUMENT 2: Attendance note re Nisha Thompson

DOCUMENT 3: Attendance note re Sara Wilkins

DOCUMENT 4: Attendance note re Mr Matthew and Mrs Rosemary Cotton

DOCUMENT 5: Attendance note re Carla Downes

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. I would be grateful if you could deal with the following matters during my absence:

1. Nisha Thompson file

Mrs Thompson is a new client who attended the office yesterday. I attach a copy of my attendance note of this meeting (**Document 2**). This matter needs to be progressed urgently.

2. Sara Wilkins file

I have been dealing with Mrs Wilkins' divorce application and I am currently dealing with related financial matters.

Mrs Wilkins attended the office yesterday. She has some serious concerns about her financial position. I attach a copy of my attendance note (**Document 3**). Please progress this matter as a matter of urgency and keep Mrs Wilkins informed.

3. Matthew and Rosemary Cotton file

Mr and Mrs Cotton are new clients who attended the office yesterday. I attach a copy of my attendance note of this meeting (**Document 5**). Please progress this matter in my absence.

4. Carla Downes file

Mrs Downes is a new client who attended the office yesterday. I attach a copy of my attendance note of this meeting (**Document 2**). Mrs Downes wishes this matter to be progressed with some urgency.

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ATTENDANCE NOTE RE NISHA THOMPSON

Client: Nisha Thompson
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/0625/DA
Time taken: 1 hour

Attendance on Nisha Thompson, 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: Nisha Thompson
D.O.B. 12 August 1997
Address: High Trees, Cedar Close, Bedford, MK11 1ZZ
Contact: 0776924597 (Mob)
Occupation: Currently carer of young children

Mrs Thompson attended the office for advice. She has serious concerns about her husband's behaviour and its impact on the safety and wellbeing of her and her young children.

Mrs Thompson met her husband, Paul Thompson, eight years ago when she was a student at the University of Kempston. At the time, Mr Thompson was her tutor.

Mr Thompson is 20 years older than his wife. He took a keen interest in Mrs Thompson's studies and supervised her dissertation. When she graduated, his reference helped her to obtain a job working as his research assistant. Mrs Thompson was flattered by his interest and support, and their working relationship developed into a close personal relationship.

Mr and Mrs Thompson married in August 2018. They moved into High Trees, a house bought by Mr Thompson in his sole name. A year after their marriage, Mr Thompson became a professor at the university. However, this also led to a change in their relationship. Mr Thompson told her that he would need her to support him in organising and hosting a range of events, both work related and social, and so she would have to give up her job.

Mrs Thompson was unhappy with this suggestion because she enjoyed her work but she was unable to get her husband to change his mind.

The situation appeared to resolve itself when Mrs Thompson became pregnant. In June 2020, Mrs Thompson gave birth to a son, Dev, and a year later to a daughter, Eesha.

However, Mrs Thompson found juggling caring for two young children and living with Mr Thompson and meeting his expectations challenging. Mr Thompson expected her to do as instructed and to prioritise meeting his needs and wishes. He gave clear instructions as to how the home and the children should be managed. If his wishes were not met or if the children did not behave as expected, he flew into a rage. The frequency of these rages increased as Mrs Thompson found it impossible to meet her husband's expectations, particularly in relation to the children as he simply did not understand young children.

Mr Thompson also controlled all the family finances. Mrs Thompson had no income of her own, and relied on Mr Thompson for money. He gave her a weekly allowance but the bank account remained

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in his sole name. He expected to be in control of all aspects of his wife's life, discouraging her from meeting friends and making it very difficult for her to visit family who lived 150 miles away.

Mrs Thompson has become increasingly frightened by her husband's rages, which have become physical in recent weeks when he has resorted to hitting Mrs Thompson and shaking her very roughly. The children are also frightened by their father's anger and the upset caused to their mother.

Mrs Thompson has tried to reason with her husband but he simply says that if she is not happy she should just leave. However, Mrs Thompson has no money of her own and nowhere to take the children. She knows that Mr Thompson has a generous salary and some significant savings, and that there is university accommodation available to academic staff.

Yesterday, Mr Thompson returned home and told Mrs Thompson that he was flying at short notice to America to attend a conference; he would be away for a week. When Mrs Thompson asked him to leave her with some extra money for emergencies, he flew into a rage and pushed her, causing her to fall halfway down the stairs, banging her head. She needed paramedic attention to stitch a cut on her scalp and she suffered concussion.

Mrs Thompson is very concerned about what her husband might do when he returns home. She wants to take immediate action to protect herself and her children; her key concern being to minimise the impact on the children by remaining with them in the family home.

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ATTENDANCE NOTE RE SARA WILKINS

Client: Sara Wilkins
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/0418/FIN
Time taken: 1 hour

Mrs Wilkins attended to discuss developments since the First Directions Appointment at which a Consent Order was agreed. She had hoped that this would enable her to move on with her life. However, a recent meeting with her husband has raised concerns about whether he will comply with the order.

Mrs Wilkins' concerns relate to the provisions for the transfer of the former family home into her sole name, together with the payment to her of a lump sum of £150,000 and the transfer to Mr Wilkins of their investment property, a two-bedroomed flat.

The parties agreed these arrangements, which would allow Mrs Wilkins to remain in the family home with their two children, Ben (aged 15 years) and Holly (aged 11 years). Both children are at a critical stage in their education and Mr and Mrs Wilkins both recognised the importance of minimising any disruption that would affect their education.

The parties also agreed that the children should visit their father on alternate weekends. Mr Wilkins, who has moved into the investment property with his new partner, Verity, has found that the two-bedroomed flat is not suitable accommodation when his children visit. He now wants to sell the flat and buy a three-bedroomed property but to do this will need additional funds.

Mrs Wilkins met with Mr Wilkins this week, at his request, to discuss his dilemma. This meeting resulted in an angry argument. Mr Wilkins told his wife that he would not be signing the transfer deed and that he would not be making the lump sum payment. He threatened to simply spend his savings so that he would be unable to make the lump sum payment.

Mrs Wilkins should also be receiving child maintenance, following a CMS assessment. However, for the last two months this has not been paid.

Mrs Wilkins tried to reason with Mr Wilkins but without success. She cannot understand why he is being so unreasonable. He is in a good job and is not particularly challenged financially. She referred to his financial statement, which disclosed savings of £185,000 held in accounts with the Kempston Building Society.

Mrs Wilkins believes that Mr Wilkins' actions are due to the new relationships they have both entered into. She understands from the children (who visited their father last weekend) that Verity may have just discovered that she is pregnant, which will have led to Mr Wilkins reconsidering his financial responsibilities.

Mrs Wilkins also thinks that her husband may feel that her own new relationship has changed their respective circumstances. Her new relationship is with Anton Borges, who has moved in with her. Anton is an actor and is currently unemployed. He is looking for work but in the meantime is helping Mrs Wilkins by doing jobs around the house, some decorating and gardening, and is making a small contribution towards living costs.

Mrs Wilkins, who works part time as a receptionist in the local medical centre, is determined to ensure her financial security.

ATTENDANCE NOTE RE MR MATTHEW AND MRS ROSEMARY COTTON

Client: Matthew and Rosemary Cotton
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/0620/CH
Time taken: 1 hour

Attendance on Mr Matthew Cotton and Mrs Rosemary Cotton, who are new clients. The relevant identity and conflict checks have been completed. No conflicts have been identified.

The client details are:

Full name: Matthew and Rosemary Cotton
Address: Hill View, Kempston Park, Bedford, MK11 6ZZ
Contact: 07849253364 (Mob)
Occupation: Both are retired

Mr and Mrs Cotton attended to obtain advice regarding their grandchild, Lottie Madison, who is five years old.

Lottie's parents are Finlay Cotton, our clients' son, and Katie Madison. Finlay is named as the father on Lottie's birth certificate.

Lottie's parents met at university in Manchester and were in a relationship. However, Katie became pregnant and because of this she dropped out of university and returned to live with her parents in Bedford.

Finlay continued with his course. He told Katie that he was too young to commit to marriage, although he accepted that he would have responsibilities for Lottie and wanted to play an active role in her life. While he was at university, his parents provided Katie with regular financial support. However, when Finlay graduated and got a good job with a multinational company based in Scotland, he took on the financial responsibility for his daughter. He kept in regular contact with Katie and Lottie, and visited whenever he was able.

As well as giving financial support, Mr and Mrs Cotton visited Katie regularly and shared childcare responsibilities with her parents when she got a job. Mr and Mrs Cotton developed a close relationship with Lottie, who often stayed with them overnight when her father was visiting.

Six months ago, Finlay was offered a promotional opportunity by his employer which involved a two-year posting to America. He was very excited by the new job but also concerned that he would be a long way from Lottie. Mr and Mrs Cotton encouraged him to accept the offer, promising to maintain regular contact with Lottie.

Since Finlay's departure, relations with Katie have deteriorated. In March, Katie and Lottie moved out of her parents' house into a flat of her own. She also met a new partner, Jan Kowski, who has moved in with her.

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Since then, Mr and Mrs Cotton have been finding it increasingly difficult to see Lottie or have her stay over. A number of visits have been agreed but cancelled at very short notice for no apparent reason. Katie has said that Lottie's behaviour has changed and has become more challenging to manage since the move to the flat. Mr and Mrs Cotton believe that she is missing her dad and has not accepted Jan.

Last week, Katie told Mr and Mrs Cotton that she thought Lottie needed time to adjust and that it would be best to have a break from seeing them for a while.

Finlay has been having regular video calls with Lottie but he too is finding it more difficult to arrange them. He has told his parents that when he phones Katie to arrange video calls, it is frequently Jan Kowski who answers the phone and Finlay has increasingly felt that Jan Kowski is trying to get Katie to break off contact with Finlay and his parents.

Mr and Mrs Cotton are now very concerned and are seeking advice regarding their position.

ATTENDANCE NOTE RE CARLA DOWNES

Client: Carla Downes
Date: {Yesterday's date}
Fee earner: Nicola Bryan
File Ref: NB/YS/24/0613/MAT
Time taken: 1 hour

Attendance on Carla Downes, 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: Carla Downes
Address: Uplands Farm, Forest Lane, Kempston Parva, MK19 3ZZ
Contact: 07778 935726 (Mob)
Occupation: Currently unemployed

Mrs Downes attended to obtain initial advice following the breakdown of her marriage to Ian Downes.

Mr and Mrs Downes have lived together in a relationship for 25 years. They have two children, who are both independent adults.

Mr and Mrs Downes built up a business growing vegetables on Uplands Farm, a small farm that Mr Downes inherited from an uncle. The farm is registered in Mr Downes' sole name and he controls the finances.

In 2019, Mrs Downes had some serious health problems, which affected their relationship. Mr Downes found it difficult to cope with his wife's ill health and its impact. He confided in a family friend, Wendy Blake, whom he found very supportive, and this led to an affair.

When Mrs Downes learned of the affair, she was very upset. However, she agreed to have marriage guidance counselling with Mr Downes and as a result, agreed to give the relationship another chance.

Mrs Downes has recovered her health and the relationship appeared to be working well. Earlier this year to celebrate their 25 years together, Mr and Mrs Downes decided to take a trip to the USA, a country that they had always wanted to visit. They returned from the trip two weeks ago.

Their itinerary included two nights in Las Vegas. When they arrived, they decided they would finally get married in one of the many wedding venues there.

However, a couple of days later, Mrs Downes inadvertently discovered recent messages on Mr Downes' phone indicating that he had not ended the affair with Wendy Blake as he had promised. Mrs Downes sent copies of incriminating text messages to her own phone, as a friend told her that she would need evidence if she wanted a divorce.

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On their return home, Mrs Downes confronted her husband who admitted to continuing the affair. He told Mrs Downes that he had realised during their American trip how important their marriage was. He recognised that continuing the affair was a big mistake and had planned to end it on his return home. He begged Mrs Downes to give their relationship a final chance, especially as he had finally made the commitment she had wanted, i.e. marriage.

Mrs Downes can no longer trust Mr Downes. She believes that the marriage was a big mistake and wants to end it as soon as possible so that she can move on with her life.

End of the case study materials

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