



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

Unit 12 – The Practice of Family Law

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 a trainee lawyer employed by Kempstons, The Manor House, Bedford, MK42 7AB. The firm is a private practice. It has a busy matrimonial client department. Your supervising partner is Kasha Patel and she has handed you the following.

Document 1 Attendance note for Reuben Meyer

Document 2 Attendance note for Shanyse Williams

Document 3 Attendance note for Morna Thomas

Document 4 Letter from Morna Thomas

DOCUMENT 1

ATTENDANCE NOTE

Client: Reuben Meyer
File: KP/YS/161123/Meyer/CHILD
Attended by: Trainee Legal Executive and Kasha Patel
Date: November 16 2023
Engaged: 6 units
Attending: Reuben Meyer of Flat 2, River View Mews, Kempston, MK42 7XX

Reuben Meyer and Barbra Simkins met in 2012. They lived together until six months ago. They have two children, David, aged eight, and Naomi, aged five. Reuben is named as their father on their birth certificates.

Barbra works for an events management company. Last year, her company won a contract to manage the hospitality for a major event taking place at the Green Hills Golf Course in Scotland. The event was a women's golf tournament, which attracts professional golfers from around the world. Barbra was chosen to organise the hospitality. This involved regular trips to Scotland and working with Tracey Forest, a former professional golfer who was managing the golf tournament. While working together away from home, Barbra and Tracey found that they had many shared interests. Their relationship developed to a more intimate one. When the tournament finished, Tracey told Barbra that she wanted Barbra to live with her.

When Barbra told Reuben that she was leaving him and taking the children with her, he was devastated. Although he tried hard to dissuade Barbra, he was unable to do so. For the sake of the children, with whom he had a close relationship, he decided to maintain an amicable relationship with Barbra. They agreed that he could see the children regularly and that Barbra would continue to involve him in decisions about them.

The arrangement worked until a month ago, when Barbra and Reuben took Naomi and David, and a group of their friends, to a popular tourist attraction to celebrate Naomi's birthday. The visit was a great success and Reuben posted photos on social media. When Tracey saw the photos she was furious because she had become increasingly jealous of any time that Barbra and the children spent with Reuben.

Since then, Reuben has found it increasingly difficult to see the children. Last week, he managed to have a telephone conversation with David, who was very upset. David said that he and Naomi were unhappy because they had heard that Tracey was arranging for them to go to boarding school. They both enjoyed attending their local school, where they had many friends. David said they were also worried that they would see even less of their father. Reuben knew nothing of this plan and became angry as he did not think that this was best for the children.

Reuben spoke to Barbra, demanding that the children continue to attend the school they had both chosen for them. Barbra refused to agree to his demand. She said that Tracey was finding living with young children very challenging and wanted time for herself and Barbra. It was Tracey who had suggested sending the children to boarding school and Tracey who would be paying the fees. Barbra said that the school Tracey had found was a very good school. Barbra told Reuben that she was not prepared to discuss the matter further and also told Reuben that contact with the children would stop immediately if he caused any problems.

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DOCUMENT 2

ATTENDANCE NOTE

Client: Shanyse Williams
File: KP/YS/171123/DOM VIOL
Attended by: Trainee Lawyer and Kasha Patel
Date: 17 November 2023
Engaged: 6 units
Attending: Shanyse Williams of 2 Manor Lane, Kempston, MK42 6ZZ

Shanyse and Kingston Williams married in January 2015. They are both qualified nurses. They have twins, Alvita and Jamal, who are six years old.

Shanyse and Kingston planned to work for a few years before starting a family as they had only recently qualified. However, soon after they bought their first home, which Kingston insisted should be in his sole name, Shanyse became pregnant. Shanyse was able to return to work when her maternity leave was finished as her mother offered to look after the twins.

In March this year, Shanyse's mother had a serious fall and was no longer able to look after the children. As the twins were attending school, Shanyse suggested to Kingston that she should work reduced hours to fit in with the school day. Kingston was concerned about how they would manage the substantial drop in income. Reluctantly, Kingston agreed.

Kingston and Shanyse were soon struggling to manage their monthly budget. Kingston was very disappointed when a planned trip to Jamaica to visit family became unaffordable.

Shanyse found juggling a part-time job and looking after her family challenging and tiring. She also had to find time to visit her mother, take her shopping and take her to medical appointments. Kingston did nothing to help but became increasingly critical of Shanyse. He criticised how she managed the home, calling her 'lazy' and 'idle'. Shanyse responded by pointing out the challenges and suggesting that Kingston could actually help more in the home, but Kingston simply continued his criticism. He seemed to feel that all their problems were Shanyse's fault.

They started to argue but over time the arguments became more and more angry. Initially, Kingston just shouted at Shanyse. Then he began throwing random objects such as mugs, drink cans and books at Shanyse, which sometimes hit Shanyse, causing bruising and cuts.

Yesterday, an argument ended with Kingston shaking Shanyse violently and then throwing her to the floor, causing serious bruising. When Shanyse said she was going to call the police, Kingston stormed out of the house. He said he was going to stay with his parents, who lived nearby, for a couple of days, to give Shanyse time to reflect. He said that he would be back and that when he returned, Shanyse would have to leave but the children would stay with him. Since then, Shanyse has received a number of threatening texts from Kingston.

Shanyse is worried both for herself and the children. Alvita and Jamal have become increasingly distressed by their parents' arguments. They are having nightmares that are disrupting their sleep and their performance at school is becoming a concern. They have told Shanyse that their father is 'really scary'. Shanyse is seriously worried as she has no family or friends nearby who are able to support her.

ATTENDANCE NOTE

Client: Morna Thomas
File: KP/YS/151123/THOMAS/DIV
Attended by: Kasha Patel and Trainee Legal Executive
Date: 15 November 2023
Engaged: 6 units
Attending: Morna Thomas of 24 Beech Grove, Bedford, MK45 1ZZ

Morna Thomas (DOB 13 July 1967)
Paul Thomas (DOB 12 December 1957)

Morna and Paul Thomas married in 1987. Paul trained as a heating engineer and worked with his father. After the birth of their first child, Morna became a full-time mother. They have three children, Leo, Oscar and Honor, who are all independent adults.

Shortly after his father retired, Paul started up a new business. He had identified that there was an increasing need for the provision of high-quality training for his profession. With his friend Victor, he established a training centre for heating engineers, PV Trainers Ltd. The centre quickly developed a good reputation and grew in size. Leo and Oscar, who are also qualified heating engineers, were able to join the business, working as trainers and assessors.

Paul and Morna enjoyed a good standard of living. They had an annual holiday abroad and they also invested in a holiday home in Devon but with the children leaving home and Paul working long hours, Morna found that there was a gap in her life.

Paul, who is ten years older than Morna, has always been clear about their respective roles. His was to earn a living and support his family, while Morna's was to look after the home and the family. He recognised that he was working long hours but said it was necessary to ensure success. However, he promised Morna that he would retire at age 65 and that they would then spend time together.

With Paul's 65th birthday fast approaching, Morna has become increasingly frustrated that he shows no sign of easing up on work. She had hoped that with Leo and Oscar becoming involved in the business, Paul would be able to gradually pass responsibility to them and would have more time to spend with her, but this is not happening.

A month ago at a dinner party with friends, Paul made an 'exciting announcement'. He said that he and Victor had just arranged the finance that would enable them to set up two new training centres. He said that he was really looking forward to working on the project. For Morna, who had not been told of the expansion plans, this was the final straw.

Morna tried to talk to Paul about his plans and her concerns, but he refused to listen. He said that he was not yet ready to retire and that Morna should just be grateful that he was continuing to provide her with a comfortable lifestyle. Morna is no longer prepared to go along with Paul's expectations.

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DOCUMENT 4

LETTER FROM MORNA THOMAS

24 Beech Grove
Bedford
MK42 1ZZ

16 November 2023

Dear Ms Patel

Many thanks for listening to me yesterday and for explaining my options.

Sadly, I still feel that the only option now is to accept the situation and end the marriage. Paul and I have drifted too far apart. He is comfortable in his life but I want to enjoy mine while I can. There are things I want to do.

However, I also need to consider how divorce would affect me financially. Paul has never allowed me to work and at my age - I am 56 in July this year - it would be difficult for me to find a way to earn money. I have no money of my own – Paul always managed the money. He gives me a generous monthly allowance but I will need to sort things out.

You asked me to give you some information about our assets. The following is the best that I can do:

- 24 Beech Grove, worth around £2,000,000 (no mortgage)
- Devon holiday home, £560,000, which we rarely use as Paul is too busy! There is no mortgage
- savings/investments, £275,000 (in Paul's name)
- pension with PSC plc – Paul has been paying into this pension scheme all his working life and has said that the pension predictions are impressive.

I do not have any savings of my own nor do I have a pension. I have always understood that I did not need a separate pension as Paul said that his scheme would continue to make pension payments to me if he died before me.

PV Trainers Ltd is a private company. Paul and Victor each own 50% of the company, which Paul said last year was a very successful one. The company made a significant profit and he said it was now worth about £3,500,000. With the planned expansion, the value should continue to increase.

Hope this is of some help.

Yours truly

Morna Thomas

End of the case study materials

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