



**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

January 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 Kempston. Your supervising lawyer is Sarah Mitchell. She hands to you a number of files and the following documents.

Document 1 Attendance note of a meeting with Graham Knight

Document 2 Attendance note of a meeting with Izabella Lopez

Document 3 Handwritten letter from Izabella Lopez

Document 4 Attendance note of a meeting with Peter and Vivienne West

ATTENDANCE NOTE OF MEETING WITH GRAHAM KNIGHT

Attending: Graham Knight
Date: [Yesterday's date]
Time: 45 minutes
Reference: SM/Knight

Attending Graham Knight in the office to review his Will. We dealt with the administration of Sylvia Knight's estate, Graham's late wife, 18 months ago and at the time Graham mentioned he would be in touch to review his Will when things had settled down. Also present at the meeting was Graham's niece, Sally, who I had not met before.

Graham was much frailer than when I last saw him 18 months ago. He looked a lot thinner and was now using a walking frame. I asked Graham how he was and Sally replied by explaining that Graham had a fall 10 months ago and was taken to hospital. He had fractured his hip and was in hospital for eight weeks. Social services assessed Graham while he was in hospital and concluded that he should not live in accommodation that has stairs, as this was not the first time he had fallen. They suggested that he go into a care home, which Graham refused to do. He therefore returned home but is not doing too well.

Since Sylvia died, Graham's home has become very untidy because he has not been able to keep on top of the housework. "There is stuff everywhere" explained Sally and "very little space for Graham to walk around the house because it is so cluttered."

Sally explained further that Graham is not willing to go into a care home. She lives close to Graham and feels she needs to look after him but the problem is that she has a young family of her own and cannot keep going round to check on Graham. Sally and her family have decided that it would be in Graham's best interest for Sally and her family to move into Graham's house so they can look after him. Sally's own home is too small to accommodate them all.

Sally plans to convert the downstairs dining room in Graham's house into a living area for Graham so that he does not have to worry about climbing the stairs.

Sally explained that because she and her family are going to be looking after Graham, he wants to update his Will and leave his house to her as a thank you. She explained that Graham's two sons never visit him and do not want to have anything to do with their father. Sally expressed her opinion by saying "They do not deserve to receive anything from Graham because they don't care about him at all and he no longer wants them to have his house."

Throughout the meeting Graham just sat nodding at everything that was discussed. I asked him if he would like to add to anything that Sally had said, he just smiled and said "I do not want to go into a care home because Sylvia died in one.". He did not say much more than that.

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CASE STUDY MATERIALS

I asked Graham about his sons and he replied saying that he could not remember their names. Sally explained that Graham's memory has deteriorated since Sylvia died and that the hospital had picked up on this when he had the fall. Graham has been referred to the memory clinic by his doctor and they are currently waiting for the results of the tests he recently had.

I could see that Graham was getting tired so I suggested we arrange another meeting for when he is less tired to discuss the Will in more detail.

ATTENDANCE NOTE OF MEETING WITH IZABELLA LOPEZ

Attending: Izabella Lopez
Date: [Yesterday's date]
Time: 45 minutes
Reference: SM/Lopez

Attending Izabella Lopez, an 85-year-old lady, in her home. Izabella lives alone and has done so for over 20 years since she divorced her husband, Pablo, who later returned to Spain.

Izabella has been independent all her life. She has no children and is a retired business owner. She used to run her own business teaching children Spanish. It was very successful but after the divorce, Izabella lost all passion for her work and gave it up.

Izabella needs money to help repair her home. She explains that it needs substantial repairs and she takes you round the house so that she can show you what needs to be done. She shows you her bathroom and explains that she can no longer climb into the bath easily and that, ideally, she needs a shower room. She then shows you her windows, where you feel a draft coming through. The electrics in her living room do not always work and Izabella often has to use a torch or candles in the evenings.

She receives £185 a week from her state pension, as well as pension credit and council tax reduction because of her low income. She also receives a winter fuel payment each year. Her savings do not exceed £8,000.

Izabella is worried that if she does not repair her home, she may no longer be able to live there as she gets older. Last winter the house was very cold because of the draft coming through and she cannot afford to keep the house warm this year with the increased energy prices.

I asked Izabella if she had obtained a quotation from a builder for the work that needs to be carried out. She said she had not but her neighbour next door is a builder so she can ask him to provide a quotation. We agreed that Izabella will contact me once she has the quotation so I can advise her of her options.

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HANDWRITTEN LETTER FROM IZABELLA LOPEZ

Mrs Izabella Lopez
12 York Road
Kempston
BR1 4DT

Dear Mrs Mitchell

Further to our meeting a few weeks ago, the builder has been round and quoted me £49,500 to replace my windows, fix the lighting in my living room and fit a shower room for me.

I do not have the money to pay for these works and I am very worried.

Please can you help me?

Yours sincerely

Izabella

ATTENDANCE NOTE OF MEETING WITH PETER AND VIVIENNE WEST

Attending: Peter and Vivienne West
Date: [Yesterday's date]
Time: 45 minutes Reference: SM/West

Attending Peter and Vivienne West in the office. They are long-standing clients of ours and first became clients of the firm when Peter set up an accountancy business based in Brighton.

Peter sold his accountancy business eight years ago and retired. They have £650,000 in savings and investments, and the house they live in is worth £450,000. Peter has a good pension, which he is currently receiving. Peter is 65 and Vivienne is 61. They are both in good health.

Peter and Vivienne have a son called Michael. Peter has a brother and a sister, each of whom has one child. Vivienne also has a brother, and he has two children.

Vivienne's Aunt died 18 months ago, leaving Vivienne her flat in Nottingham worth £180,000. The flat is a small one-bedroomed studio flat and it has been transferred into Vivienne's sole name. It is currently rented out but the tenants have served notice to leave in one month's time. Peter and Vivienne have never lived in the flat and do not intend doing so.

Vivienne has considered selling the flat as she does not want to deal with the hassle of renting it out again. She and Peter have decided they do not need the flat and are considering giving it to their son Michael instead. Peter explained that Michael is doing a Master's degree in business studies and wants to set up his own property-development company. Peter and Vivienne feel that Vivienne's flat would be ideal for Michael's first project and this is the main reason for them wanting to give the flat to him rather than selling it.

The flat is now worth £220,000. Approximately eight months ago there was a leak from the flat above, which resulted in the ceiling of the kitchen falling down. They spent £8,000 paying for uninsured losses and damage to the flat.

Peter and Vivienne want tax advice, as well as some information about Lasting Powers of Attorney. You explain that you will write to them with this advice.

End of the case study materials