



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

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 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; fax (01234) 622965 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 David Petterson. The local family court is in Bedford.

Mr Petterson has supplied you with the following documents:

- Document 1:** Memorandum from David Petterson
- Document 2:** Attendance Note of meeting with Hubert Shumaker
- Document 3:** File Note of telephone call from Raul Samir
- Document 4:** Attendance Note of meeting with Clara Bellfont
- Document 5:** Attendance Note of meeting with Damien Shore

CASE STUDY MATERIALS

DOCUMENT 1

MEMORANDUM

To: Trainee Lawyer
From: David Petterson, Supervising Partner
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. Hubert Shumaker file.

Hubert Shumaker is an existing client and we met yesterday. I attach an attendance note of that meeting (**Document 2**). You will see that we need to progress this matter urgently and I would be grateful if you could liaise with the client in respect of the matters detailed in the attendance note.

2. Raul Samir file.

I attach a copy of a file note of a telephone call received earlier today from Mr Samir (**Document 3**). The file will require your urgent attention.

3. Clara Bellfont file.

Clara Bellfont is an existing client who is in the process of completing a divorce. The conditional order has been granted and the finances are currently being dealt with.

I attach an attendance note of my meeting with Clara last Thursday (**Document 4**). Should there be any queries with this file while I am out of the office, please deal with them accordingly.

4. Damien Shore file.

Damien Shore is a new client who attended at the office late yesterday afternoon. I attach a copy of my attendance note of this meeting (**Document 5**). Please progress this matter while I am out of the office.

Many thanks.

David Petterson

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ATTENDANCE NOTE RE: HUBERT SHUMAKER

Client: Hubert Shumaker

Date: [Yesterday's date]

Fee earner: David Petterson

File ref: DP/HS/22/1567

Time taken: 1 hour

Attendance upon Hubert Shumaker, who is an existing client. You will see copies of identity documents are on the file from his previous case file note, number DP/HS/21/1345.

Mr Shumaker needs some advice following a change in his circumstances that has occurred recently.

His details are as follows:

Full name: Hubert Shumaker

D.O.B: 02/12/1985

Address: 27 Tattling Road, Bedford, MK79 6AJ

Temporary address: 7 Gosney Close, Glasgow, Scotland, GL83 9SA (brother's address)

Phone number: 07791 268978 (mobile)

Occupation: former RAF pilot (recently retired through ill health)

Frances Smith is Mr Shumaker's ex-wife. Our firm handled his divorce last summer. As part of the financial settlement, it was agreed that the family property at 27 Tattling Road, which has a separate annexe, be transferred from their joint names into Frances' sole name. Until recently, our client had access to an RAF-owned property where he could live when he was on duty. Currently, he is living with his brother on a temporary basis. The couple have two children, Rosie and Zoey, who are six and eight years old respectively. The children are living with their mother.

Following the divorce our client reports that there have been a number of occasions when he has been collecting or returning the children when arguments with Frances have occurred. These have got very heated, with Frances making threats of violence. She has become increasingly agitated with Hubert every time she sees him. The last incident occurred yesterday and, although still verbal only, it has really frightened our client who now fears for himself and his children's safety.

Our client has recently been discharged from the RAF on grounds of ill health and he wishes to apply to live in the annexe of the family property, until he can sort out permanent accommodation. Owing to his increasing concerns for his children's safety, he feels this will also be best for his children. It will mean that he can see them regularly and stay near to them rather than having to continue to stay 400 miles away with his brother, which is his only other option.

FILE NOTE OF TELEPHONE CALL FROM RAUL SAMIR

From: Raul Samir

To: David Petterson

Subject: Simon Samir

Date: [Today's date]

URGENT

We acted for our client, Mr Samir, two years ago in his divorce from Desiree Plantsun. Our client has just telephoned the office. He was very upset as he believes his ex-wife is planning to take their son to Turkey to live. He saw his son Simon (aged seven) yesterday, who mentioned that his mother "took some pictures of him a few months ago for a form so they can move away" and that "they are going on a plane this weekend". Our client is not aware that they are due to go on holiday; indeed, he is due to have Simon again in a few days.

Ms Plantsun went on holiday to Turkey earlier this year (while Simon stayed with our client) and she met her current boyfriend there. Ms Plantsun's boyfriend has been to visit in the UK and our client is under the impression that Ms Plantsun wants to move to Turkey and take Simon with her. When Raul last spoke to Desiree and raised his concerns that she was planning to move abroad with Simon, she got very angry and told Raul that she was going to get on with her life and do what she wanted. And as Simon was her son, she was going to take him with her and no-one, not even Raul, was going to stop her.

Our client divorced his ex-wife almost two years ago and the agreement to equally share care of Simon was amicable. This firm handled the divorce for our client and it progressed easily, with neither party disputing any of the facts. A child arrangements order is in place to confirm the arrangements for the shared residence. Simon stays with our client every other week and Ms Plantsun on the alternate weeks. Simon also spends half of the school holidays with our client.

Our client considers that Simon is settled in the school that he currently attends. Our client recently refused a promotion at work so that he could continue to see Simon, on the agreed basis that Simon spends every other week with our client. The current shared care arrangement is that he spends every other week with Raul. Simon says that he likes his mother's new boyfriend, but our client gets the impression that Simon is a bit apprehensive about the new relationship and is worried that he will not see his father anymore.

Our client is concerned that he is not due to see Simon now for six days and that during that time Ms Plantsun will take Simon out of the country.

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ATTENDANCE NOTE RE: CLARA BELLFONT

Client: Clara Bellfont

Date: [Last Thursday]

Fee earner: David Petterson

File ref: DP/CB/2022/1470

Time taken: 1 hour

Attendance upon our client, Mrs Clara Bellfont.

Last week, the conditional order was pronounced in this matter following a joint application for divorce by our client and her wife Melissa Bellfont.

We discussed the fact that this is the first step and that she remains legally married until the final order is pronounced. We will apply for this order once financial matters are resolved.

Our client also asked for an update in relation to financial matters as she is currently struggling to cover all of her outgoings and bills.

We attended the First Directions Appointment a few weeks ago, and I was able to confirm to our client that we now have the joint valuation of the family home. The surveyors suggest a value of £600,000.

Our client was surprised at the high value of the property. I explained to her that the property market is currently volatile and following the COVID pandemic, property increased somewhat in value. The family home is a four-bedroomed detached property.

A summary of the parties' assets is given below:

Family home (held in joint names, as beneficial joint tenants) 34 Oak Tree Way, Bedford:

- Value of property £600,000
- Less mortgage of £175,000:
- **Net equity £425,000**

- Joint life assurance policy with a surrender value of £50,000

- Shares held in Melissa Bellfont's sole name: £165,000

- Savings held in Clara Bellfont's sole name: £133,000

- Savings held in Melissa Bellfont's sole name: £286,000

- Melissa Bellfont's pension: amount not yet discovered

- Clara Bellfont's pension: amount not yet discovered

Our client (aged 43 years) is currently working part-time as a paralegal earning approximately £19,000 gross per annum. Her wife (aged 45 years) works full time as a hospital manager and earns £68,000 gross per annum.

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Our client and Melissa Bellfont have been married for six years. They have two children, David and Esme, aged four and three years respectively. Our client would like to continue to work part time (12 hours a week) for a few more years in order to be able to support the children until they are fully settled in full-time school, at which point she will be able to increase her hours to 24 per week. She should be receiving child maintenance following a Child Maintenance Service (CMS) assessment. However, over the last three months, Melissa Bellfont has not been paying this, stating that she cannot afford it. While the CMS has conducted an assessment, it has not thus far been involved in collecting payments.

Our client and the children currently remain in the family home. Clara owned this property before the marriage and had approximately £200,000 equity in it at the point that she married Melissa and transferred the property into joint names. Melissa Bellfont is currently renting a three-bedroomed apartment locally and is able to see the children regularly; she has them to stay overnight once a week. Melissa Bellfont has seen a house that she would like to purchase for £195,000 locally, which although smaller than the family home has three bedrooms.

Our client would like to remain in the family home.

I confirmed that I would be in touch with our client shortly before the Financial Dispute Resolution appointment, to review the case with her.

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ATTENDANCE NOTE RE: DAMIEN SHORE

Client: Damien Shore

Date: [Yesterday's date]

Senior Partner: David Petterson

File Ref: DP/DS/2022/1456

Time taken: 1 hour

Attendance on client, Damien Shore. Damien is a new client and I have already completed the relevant identity and conflict checks. Money Laundering Regulations have been complied with. No issues have been identified.

Our client's details are as follows:

Full Name: Damien James Shore
D.O.B: 14/07/1990
Address: 23 Acorn Close, Bedford, AB12 3DR
Phone number: 07780 656543 (mobile)
Occupation: secondary school teacher

Our client is seeking advice following the breakdown of his marriage to his husband, Geoffrey. The marriage has been in difficulty for some time and the couple have agreed to bring it to an end. Our client moved out of the matrimonial home a few months ago and went to live with his parents locally (address as above for correspondence).

The two men entered into a marriage on 15 August 2019, having been in a relationship for 10 years prior to this. There are no children of the relationship.

The parties own the matrimonial home, in which Geoffrey is currently residing. The address of this property is:

15 Juniper Avenue
Bedford
AB2 1PT.

It is a two-bedroomed, terraced property currently held in joint names as beneficial joint tenants.

Geoffrey is currently employed as an accountant in a junior role, earning approximately £35,000 per annum.

Our client explained that in early September last year, he became suspicious that Geoffrey was having a relationship with a female colleague, Jaio, with whom he shares an office at work. He confronted Geoffrey, who admitted his feelings for Jaio and stated that he wanted to make a new life with her.

On hearing this, our client moved out of their home and went to live with his parents.

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When asked, our client admitted that he had ignored the problems that the couple had been facing over the last few years. These problems had been made worse by the COVID pandemic, which meant that our client and Geoffrey were both working from home in a small space, all the time. The impact of this on the mental health of both parties was evident and Geoffrey, particularly, had struggled. Four months later, Geoffrey's GP prescribed him antidepressants, which had helped a little. Our client had hoped that the return to the office would make Geoffrey feel better, which appeared to be the case. However, our client now understands that this improvement may have been because of Geoffrey's new relationship with Jaio.

Although the affair with Jaio had shocked Damien, there have been problems for some time.

In early 2021, Geoffrey had wanted to move to London to pursue his accountancy career. This was a move that our client did not want to make as he was settled and happy in his teaching role. Geoffrey became resentful of the missed opportunity and he began to complain about how much time our client spent working, saying that "they did not do things 'together' enough".

In an effort to make Geoffrey happy, our client had arranged a six-week trip to the United States over his summer break. Geoffrey said that he could not go because he needed to study for his final exams the following September. Our client went on his own as this was the only time of the year that he could make this trip. However, this upset Geoffrey greatly.

By late 2021, the couple were socialising separately and growing apart. They attended a few weeks of counselling sessions but both felt that these were of little help.

Our client is of the opinion that he would like to seek an end to the marriage as Geoffrey is obviously happy in his new relationship and our client wants to move on with his own life. The couple are trying very hard to ensure that the end of their relationship is as amicable as possible.

I have explained the law to our client and await his instructions to proceed.

End of the case study materials

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