

**CASE STUDY MATERIALS**

January 2021  
Level 3  
THE PRACTICE OF FAMILY LAW  
Subject Code L3-12



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 12 – THE PRACTICE OF FAMILY LAW\***

**CASE STUDY MATERIALS**

**Information for Candidates on Using the Case Study Materials**

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

**Instructions to Candidates Before the Examination**

- A clean/unannotated copy of the case study materials is attached to this examination.

You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.

- In the examination, candidates must comply with the CILEx Examination Regulations – Online Examinations or with the CILEx Examination Regulations – Online Examinations with Remote Invigilation.

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\* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS and LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

**CASE STUDY MATERIALS**

**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer employed by Kempstons, The Manor House, Bedford.

The firm has a busy matrimonial client department. Your supervising solicitor is Kasha Patel and she has just handed you the following:

- Document 1**          Attendance note – Ajay Clarke
- Document 2**          Attendance note – Katie Yates
- Document 3**          Note of telephone call with Katie Yates
- Document 4**          Attendance note – Gina Thomas
- Document 5**          Email from Gina Thomas

**DOCUMENT 1**

**ATTENDANCE NOTE**

**Client:** Ajay Clarke  
**File:** 2021/1/7/CHILD/AC  
**Attended by:** Yourself and Kasha Patel  
**Date:** 7 January 2021  
**Engaged:** 6 units  
**Attending:** Ajay Clarke, Flat 2, Wilkins Court, Kempston, MK0 2ZZ

Ajay Clarke and his ex-partner, Ebony Williams, separated in 2016, after eight years together. The separation was by mutual agreement and both parties were keen to ensure that it did not impact on their children: Jaden (born 12 July 2009) and Viera (born 3 October 2013).

Ajay and Ebony agreed that the children would live with Ebony and would stay with their father on alternate weekends. It was also agreed that the school holidays would be shared.

Initially, the arrangement worked well. Ajay had moved back home, to live with his parents, who loved seeing their grandchildren. However, Ajay's situation changed in 2019, when he met Bella. Their relationship developed and, in September 2020, Ajay moved out of his parents' home and set up home with Bella.

Bella is very good with the children and they enjoy spending time with her and Ajay. However, the children have told Ajay that their mother is not happy that Ajay has a new partner. This has impacted on the agreement for the children to see their father.

Since September, the arrangement for the children to stay with their father has become chaotic. Weekend visits have been cancelled by Ebony at very short notice for a variety of reasons, such as illness or going to a sleepover with friends. Ajay did see the children during the Christmas holiday, but only for a couple of days and not the week that had been previously agreed.

Ajay has not seen the children since Christmas, but has been receiving texts from Jaden. Jaden texts that he and Viera are missing their dad a lot. Jaden says that the reasons given to Ajay by their mother for cancelling visits are untrue. Also, they have heard their mother asking friends whether she should return to Jamaica to live, as there is nothing for her in this country. The children are very worried and want to see their dad.

Ajay has tried to make contact with Ebony to discuss the children, but she has not answered his calls or replied to texts.

Yesterday, Ajay did receive the following text message from Ebony:

'You left us. You didn't care. You have no right to any say about the children. I'm their mother. I look after them. I make the decisions. It's too upsetting for the children to keep seeing you while you're with that woman. Visits are stopping. Please stop messaging. I want you out of our lives.'

**Turn over**

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Ajay is very fond of his children and wishes to maintain contact. But he is now very concerned about his position, especially as he does not recall being named as father on the children's birth certificates.

**DOCUMENT 2**

**ATTENDANCE NOTE**

**Client:** Katie Yates  
**File:** 2021/1/8/DOM/KY  
**Attended by:** Yourself and Kasha Patel  
**Date:** 7 January 2021  
**Engaged:** 8 units  
**Attending:** Katie Yates, 12 Reynolds Close, Kempston, MK0 2XX

Katie Yates is in a relationship with Nick Lloyd. They have a daughter, Poppy, born in February 2020. They live at 12 Reynolds Close, which is owned by Nick.

Katie and Nick met at work in 2018. For Katie, it was her first job after completing her degree; Nick had just been promoted to Sales Director. For both, it involved a major change. Katie had to move 200 miles away from home, family and friends, which she found difficult. Nick, the recently divorced father of 16-year-old twins, was also adjusting to a new way of life.

Working together, they discovered that they shared a mutual interest in the theatre and started going to performances at the local theatre. Gradually, their relationship developed into an intimate one. In January 2019, Nick asked Katie to move in with him.

All went well, until Katie discovered that she was pregnant. After some thought, she decided to go through with the pregnancy. When she told Nick this, he was not happy. He said that he did not want any more children and enjoyed his new lifestyle. Katie was very upset. After some discussion, Nick reluctantly agreed with Katie.

Katie had problems with her pregnancy, and Poppy was not an easy baby. Nick found the changes to his previously orderly life hard to cope with. His job was challenging, and when he finished work, he just wanted to relax in a quiet environment. He also wanted to continue to enjoy theatre trips and meals out. These things proved difficult with a new baby. Poppy took up all Katie's attention and by the evening she was too tired to go out.

Nick felt frustrated and became increasingly critical of how Katie managed the house, her cooking, how she was not taking care of herself, and not giving him any attention. Katie's response was that he was being unreasonable and that he needed to accept that life had changed. Eventually, the rows started. Initially, these were just verbal exchanges, but these became increasingly more physical, with Nick grabbing Katie and holding her against the wall or shaking her to try to make her listen.

Yesterday, Nick was due to attend a business awards event in the evening. Katie had agreed to go with him and they were due to stay away overnight. But when Nick arrived home to collect Katie, she told him that the babysitter was ill and so she would not be joining him. Poppy started crying; Nick lost his temper and slapped Katie across her face, and then he grabbed her and threw her across the room. She fell and hit her head on a chair. Nick stormed out of the house, shouting that when he returned, things were going to change.

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A neighbour took Katie to hospital, where she had her head wound stitched, while another neighbour looked after Poppy.

Katie is very concerned for the safety of herself and Poppy.

**DOCUMENT 3**

**NOTE OF TELEPHONE CALL**

**Call Taker:** Yourself  
**Date:** 8 January 2021 2.45pm  
**Client:** Katie Yates

Katie Yates rang with further information.

After returning home from her appointment with us, Katie had called a locksmith to change the locks. She repeated that Nick's behaviour was beginning to frighten her, and that she had to protect herself and Poppy.

Katie had texted Nick to tell him to stay away until he had cooled down. She suggested that he look for alternative accommodation for the time being, as she and Poppy would have to stay in Nick's house.

Nick texted back: 'I've had enough. It's over. Told you I was too old to be a dad again. Can't go on like this. Won't go on like this. You'd better take Poppy and go. If you don't, I'll just have to come and sort you out.'

Nick had just turned up at the house, banging on the door and kicking it and shouting very aggressively that Katie had to let him in. Katie had told him to go away or else she was calling the police.

He did leave eventually, but she is now very worried for herself and Poppy.

**Turn over**

DOCUMENT 4

ATTENDANCE NOTE

**Client:** Gina Thomas  
**File:** 2021/1/6/MAT/GT  
**Attended by:** Yourself and Kasha Patel  
**Date:** 6 January 2021  
**Engaged:** 10 units  
**Attending:** Gina Thomas of China Cottage, Kempston Parva, MK0 0XZ

Gina met Harry Thomas when she moved to Kempston Parva in 2009, following her divorce. Harry was also recently divorced. They both have adult children.

Gina, aged 52 years, is a friendly and outgoing person. Although she was a newcomer to Kempston Parva, she was determined to become involved in the community, attending local events and meeting people, including Harry.

Harry, aged 62 years, lives in Chadlicote Manor, which has been the Thomas family home for five generations. Following his divorce, he found living alone in the Manor lonely and missed having company. He enjoyed Gina's company and a deep friendship soon developed between them. In July 2011, Harry and Gina married.

Marriage brought a change of lifestyle for Gina. She gave up her job and moved from China Cottage, a two-bedroom cottage, into a large, 400-year-old manor house, furnished with antiques. Gina had a housekeeper and a gardener and was able to enjoy a leisurely lifestyle with Harry.

All went well until July 2017, when Harry was diagnosed with a serious health condition. The diagnosis and the subsequent treatment had a serious impact on him. Harry became depressed and withdrawn, and no longer wanted to go out with Gina. The health issue also had a serious effect on the intimate side of their relationship, and Harry moved to sleep in a separate bedroom.

Gina worked hard to support Harry. She took him to hospital appointments and made every effort to ensure that his life was comfortable. However, she found it hard to accept the change in their relationship and the fact that Harry did not seem to appreciate her support. He became critical of everything she did – from her driving to her choice of clothes, which he considered 'vulgar'.

Gina found that an occasional evening out with friends helped her. Last week, after a particularly trying day with Harry, she went to the local pub. Damien, a close friend of Harry's, was there and Gina spent the evening talking to him. At the end of the evening, Gina told Damien that she hadn't enjoyed herself so much for months. He suggested that it might do her good to have a night away from Harry and offered her his spare bedroom, which Gina accepted. They had both been drinking heavily and Gina ended up sleeping with Damien.

The next day, when Gina realised what had happened, she returned home and immediately confessed to Harry, saying that she was really sorry, and it would never happen again. Harry was furious. He said that in hindsight, he should never have married Gina, as their backgrounds were so different. He had done it on the rebound and had regretted it ever since. He told Gina that she must move out immediately and said that he was going to instruct his solicitor to obtain a divorce.



## DOCUMENT 5

## EMAIL

**From:** ginat@brightmail.com  
**To:** kasha.patel@kempstons.co.uk  
**Date:** 7 January 2021  
**Subject:** Assets and Finances

Dear M/S Patel

Many thanks for your advice on my situation. It is a matter of great regret that my relationship with Harry has reached breakdown. I have tried again to talk things through with him, but he is adamant that he is not going to change his mind.

Splitting from Harry will result in another life change for me. I am very sad about this, as I have tried so hard to make things work and to support him through a difficult time. I am especially sad, as he had just been told that his treatment has been successful.

However, having reviewed your advice, I realise that I need to start focusing on myself. In particular, I need to know how it will affect me financially, so that I can start planning my new life. And I am concerned that Harry, having been divorced once, will try to ensure that he gives me as little as possible.

I have moved back into China Cottage and I plan to stay there, though paying the mortgage will be a challenge. I do plan to look for work, and from my initial enquiries I think that I should be able to get a job and to start supporting myself again. But currently I have no income – Harry provided everything. I will need money to live on and to pay my mortgage until I do get a job. And I do think that Harry owes me a bit.

I am listing below, to the best of my knowledge, information about our assets.

### Harry

Chadlicote Manor (no mortgage)	£5,000,000
Contents of Chadlicote Manor (including many antique items)	£2,350,000
Cars (Range Rover and Audi)	£97,000
Holiday home (in Cornwall)	£565,000
Investments	£1,460,000

Pension – Harry currently receives a pension of around £65,000 a year from his pension with the Crescent Group plc.

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### **Myself**

China Cottage (mortgage of £130,000) £340,000

Savings £5,000

Pension – I have a small pension fund that I started 20 years ago, but the fund is worth £60,000 currently, so it is only likely to pay a relatively small monthly amount.

Kind regards

Gina Thomas

**End of Case Study Materials**

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