

21 January 2022  
Level 3  
CIVIL LITIGATION  
Subject Code L3-9

**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 9 – CIVIL LITIGATION**

**Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time**

**Instructions to Candidates**

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

**Information for Candidates**

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

## Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials and is concerned with the **Samsi Sanpo Ltd file**.

You suspect that Peter Trent may be in financial difficulty.

(a) List **three** sources of information which could be used to assist in assessing his financial resources.

**(3 marks)**

(b) Explain what action we are required to undertake, if any, before issuing proceedings for the recovery of the £22,000.

**(5 marks)**

You issue proceedings and Peter Trent files a defence. The matter is allocated to the Fast Track and the directions indicate that a Trial Bundle will be required.

(c) Explain who will be required to compile the trial bundle and what it should contain.

**(4 marks)**

Your client is successful at trial and judgment is given in favour of Samsi Sanpo Ltd.

(d) Explain how the court can assist in obtaining information to help the company enforce the judgment.

**(4 marks)**

**(Total: 16 marks)**

## Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials and is concerned with the **Detro Jenks Ltd file**.

- (a) Explain whether Louise Allard's claim would be suitable for the Pre-Action Protocol for Low Value Personal Injury Claims.

**(4 marks)**

The managing director, Rex Manning, is concerned that the company will have to prove that the machinery was not faulty.

- (b) Identify who has the burden of proof in this case and to what standard.

**(2 marks)**

Louise Allard, who has no legal representation, issues proceedings and the case is allocated to the Fast Track. You believe that because of her lack of legal representation, she may struggle to comply with the Standard Directions.

- (c) Explain what effect, if any, a failure to comply with Directions would have.

**(4 marks)**

The matter proceeds to trial and the Listing Questionnaire (Pre-Trial Checklist) needs to be completed.

- (d) Give **four** examples of the matters considered in the Listing Questionnaire.

**(4 marks)**

The matter proceeds to trial and your client is successful in defending the claim.

- (e) Explain how the matter of costs will be dealt with.

**(5 marks)**

**(Total: 19 marks)**

**Turn over**

### Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials and is concerned with the **Adaku Emecheta file**.

Mrs Emecheta has some concerns in respect of funding the claim.

(a) Explain **two** methods of funding that would be appropriate in these circumstances.

**(4 marks)**

You agree how the matter will be funded and, having followed the appropriate protocol, you issue proceedings.

(b) Identify how long the defendant has in order to submit a Defence.

**(2 marks)**

The defendant files a Defence, however it is merely a bare denial that he did not kick the football that hit Mrs Emecheta. You decide to make an application for Summary Judgment.

(c) Explain how an application for Summary Judgment is made.

**(5 marks)**

The application for Summary Judgment is **not** successful.

(d) Identify which factors the Court will take into consideration when allocating this case, explaining how they would apply.

**(5 marks)**

**(Total: 16 marks)**

#### **Question 4**

Reference: Question relates to **Documents 1 and 5** of the case study materials and is concerned with the **Tina Castle file**.

You are to make an application to the Court to set aside the Default Judgment.

- (a) Explain to your client on what basis the Court may grant such an application. **(4 marks)**

You are successful in setting aside the Default Judgment and you file a defence. The case is allocated to the Multi Track and one of the directions relates to Standard Disclosure.

- (b) Explain how documents are disclosed and the three categories which the documents are put into. **(5 marks)**

Expert witnesses will play an important part in the case.

- (c) Explain which rules will apply to the use of any expert witness in this matter. **(5 marks)**

Your client successfully defends the Claim.

- (d) Explain how the matter of costs was dealt with throughout the case up to, but not including, the final hearing. **(5 marks)**

**(Total: 19 marks)**

**End of Examination Paper**