



## 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.**

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

## Question 1

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

- (a) Explain the procedure to be followed in this case, if liability is accepted by the employer.

**(7 marks)**

Unfortunately, liability is denied and despite following the appropriate procedure, the matter cannot be settled. You issue proceedings.

- (b) How long does the defendant have to submit a Defence?

**(2 marks)**

The defendant files a Defence, however it is unclear and confusing.

- (c) Explain what procedure you will adopt to clarify matters, including the contents of any documents to be drafted.

**(6 marks)**

The matter proceeds to trial and your client is **not** successful.

- (d) Explain fully how the matter of costs is likely to be dealt with by the court.

**(5 marks)**

**(Total: 20 marks)**

## Question 2

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

Peter Armitage has some concerns in respect of funding the claim.

- (a) Explain the methods of funding that would be appropriate in these circumstances.

**(6 marks)**

The witness, who also drives for QuickerbyRoad Ltd, has indicated that he is not prepared to attend court.

- (b) Explain how you would ensure that the witness attends.

**(4 marks)**

The case proceeds in the Fast Track and is approaching trial.

- (c) Give **four** examples of the matters considered in the Listing Questionnaire (Pre-Trial Checklist) form.

**(4 marks)**

**(Total: 14 marks)**

### Question 3

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

Colderidge House is a member of a trade body which provides an arbitration service between members and consumers.

- (a) Explain **two** advantages of Harry Bridges using arbitration in this particular case.

**(4 marks)**

Your client has declined the offer of arbitration and has instructed you to issue proceedings.

- (b) Advise Harry Bridges of the potential effects of refusing to go through arbitration on any claim he may bring.

**(5 marks)**

Having already sent a Letter of Claim, you issue proceedings on behalf of Harry Bridges. The case is subsequently allocated to the Fast Track.

- (c) Explain how directions will be dealt with in this case and list **three** relevant directions.

**(4 marks)**

- (d) Explain what effect, if any, that a failure to comply with directions would have on either party.

**(5 marks)**

**(Total: 18 marks)**

#### **Question 4**

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

- (a) Draft the key points of the Defence Statement on behalf of Felicity Stone.

**[NOTE TO CANDIDATES: Do not draft the formal parts of the Defence Statement, such as headings.]**

**(7 marks)**

Having filed the Defence, you are of the opinion that the claim is weak.

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

**(6 marks)**

The application for Summary Judgment is **not** successful and the case is allocated to the Multi Track.

- (c) Explain how the matter of costs would be dealt with throughout the case up to, but not including, the final hearing.

**(5 marks)**

**(Total: 18 marks)**

**End of Examination Paper**