



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 **Holly Graves file**.

- (a) Explain, with reasons, whether the Pre-Action Protocol for Low Value Personal Injury Claims could be used in this case.

(4 marks)

- (b) Explain the procedure to be adopted in Holly's case, if the Pre-Action Protocol for Low Value Personal Injury Claims is not used.

(5 marks)

The procedure adopted is not successful and proceedings are issued on behalf of Holly Graves.

- (c) Explain which factors the court will take into consideration when allocating this case.

(7 marks)

As expected, the case is allocated to the Fast Track.

- (d) Explain how directions will be dealt with and list **three** relevant directions that would apply in this case.

(4 marks)

(Total: 20 marks)

Question 2

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

- (a) Draft the key points of the Defence Statement on behalf of Space Babies Clothing Ltd.

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

(6 marks)

You file the Defence, but in your opinion the Claim is weak and you consider making an application for Summary Judgment.

- (b) Explain the possible outcomes of an application for Summary Judgment.

(5 marks)

You decide not to make an application for Summary Judgment, and the case, having been allocated to the Multi-Track, proceeds to trial. At trial, Space Babies Clothing Ltd is successful in defending the claim.

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

(5 marks)

(Total: 16 marks)

Turn over

Question 3

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

(a) Explain whether the Defendant is required to provide a list of documents.

(5 marks)

The Defendant's solicitor is forthcoming with a list of documents and the matter proceeds to trial. The Listing Questionnaire (Pre-Trial Checklist) needs to be completed.

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

(4 marks)

Richard and Kerry Temple are successful at trial. However, the Defendant, Frank Harvey, has failed to pay the judgment debt.

(c) Advise Richard and Kerry Temple of the best way to enforce judgment in the following separate circumstances:

(i) the Defendant owns a house;

(2 marks)

(ii) the Defendant has a collection of vintage cars;

(2 marks)

(iii) the Defendant has substantial savings in his bank account.

(2 marks)

(Total: 15 marks)

Question 4

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

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

(4 marks)

(b) Explain whether Zofia Kowalski has to prove that the faulty wiring caused her injuries and, if so, to what standard.

(2 marks)

Unfortunately, the matter cannot be resolved through the Pre-Action Protocol, and you are instructed to issue proceedings.

(c) Identify the documents you will need to send to the court, in order to issue proceedings.

(4 marks)

A Defence is filed, denying liability. The Defence is confused in places.

(d) Outline the procedure you will adopt to clarify the Defence.

(5 marks)

The matter proceeds to trial and your client is unsuccessful.

(e) Explain how the matter of costs will be dealt with by the court, assuming that Zofia Kowalski paid from her own resources for your firm's services.

(4 marks)

(Total: 19 marks)

End of Examination Paper