

CASE STUDY MATERIALS

June 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.

Turn over

* 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 with Judy Walker

Document 2 Attendance note with Nyra Gupta

Document 3 Attendance note with Charlie Frampton

Document 4 Attendance note with Paul Thomas

DOCUMENT 1

ATTENDANCE NOTE

Client: Judy Walker
File: 2021/6/2/MAT/JW
Attended by: Yourself and Kasha Patel
Date: 2 June 2021
Engaged: 5 units
Attending: Judy Walker, 22 Lakeside Way, Kempston, MK10 2ZZ

Judy (aged 35 years) and Max Walker (aged 48 years) have been married for ten years. They do not have any children.

Max has two children from his previous marriage. He has always made it clear to Judy that he does not want any more children. Judy accepted this in the early years of their relationship. However, her feelings have changed in recent years, as she has seen her close friends marry and start families. She has increasingly felt that something is missing from her life and wants children of her own.

Judy has discussed this with Max on many occasions, but he is adamant that he does not want any more children. His views about not having any more children have strengthened as he has got older.

This issue, and the inability to resolve it, has put pressures on the previously happy marriage. Judy's desire for a family is causing frequent arguments. A couple of months ago, Max moved into the spare bedroom to sleep. He told Judy that he needed some space to think things through and that she would realise that he was right. He is happy to give their marriage a chance.

But Judy does not agree with Max. She is feeling increasingly unhappy. Judy knows that time is against her to start a family and that Max is not going to change his mind. She has reluctantly decided that there is no future for her in her marriage to Max. Judy wants to take action now and to move on with her life. She is currently planning to leave the family home and move in with a work colleague who has a spare bedroom in her flat.

Turn over

DOCUMENT 2

ATTENDANCE NOTE

Client: Nyra Gupta
File: 2021/6/3/MAT/NG
Attended by: Yourself and Kasha Patel
Date: 3 June 2021
Engaged: 6 units
Attending: Nyra Gupta, Kempston Manor, Kempston Parva, MK19 7XY

Nyra Gupta (28 years old) and her husband Hari (43 years old) have been married for 12 years. They have two children, Saira (aged 9 years) and Dalyeet (aged 7 years). Nyra has instructed us to start divorce proceedings, but she has raised some questions about the settlement of financial matters, which she wants us to explain.

Nyra is the daughter of Aalok Talwar, the millionaire owner of AT Electronics. She has never worked but does receive a substantial income from a trust fund set up by her father. She has remained at home caring for the children. Her husband, Hari, is a successful investment banker, currently earning £300,000 per annum plus bonuses.

Nyra and Hari wish to settle matters amicably, as they are concerned about the impact of their divorce on their young children.

Nyra is confident that, with her trust income, she can manage the normal costs of family life. However, she wishes to ensure that her children's financial future is secured and is slightly concerned that, after the divorce, Hari may spend his income enjoying a jet set lifestyle.

Nyra wishes to remain living with the children in the family home, Kempston Manor, as she does not want the children to experience the disruption that moving home would cause. Kempston Manor was recently valued at £7,500,000. It is owned by Hari in his sole name. Hari also has a penthouse flat in London.

Nyra is also concerned that the children's education should not be affected. Saira and Dalyeet both attend private schools. The total fees and costs for the children's education currently amounts to £45,000 per school year. However, the annual costs will increase as the children grow older. Nyra does not believe that her income would be sufficient to pay the school fees, and she wants to ensure that Hari will keep his promise to pay them.

DOCUMENT 3

ATTENDANCE NOTE

Client: Charlie Frampton
File: 2021/6/4/DOM/CF
Attended by: Yourself and Kasha Patel
Date: 4 June 2021
Engaged: 8 units
Attending: Charlie Frampton, 28 The Laurels, Kempston, MK10 ORP

Charlie lives with his husband Nathan and their two children, Alys (aged 8 years) and Bobby (aged 6 years). Charlie and Nathan have been together for ten years and married last year. The family home is 28 The Laurels, which is owned jointly by Charlie and Nathan.

Charlie is a website designer. He gave up work to look after the children, but since Bobby started school two years ago, he has returned to website design, working from home. Nathan is a sound engineer, who has specialised in the sound systems for big events, a job that involved a lot of time away from home.

Charlie and Nathan were doing well, until the Covid pandemic struck. With the lockdowns and restrictions in place, Nathan's work dried up completely. Luckily, demand for Charlie's work increased and he is now working full-time.

This led to a change in roles for Charlie and Nathan. With the children requiring home schooling for several months, Nathan had to take over the childcare, which he found very challenging. He missed his work and visiting different places.

Charlie and Nathan were able to manage on Charlie's income, but they did not have the spare cash that Nathan was used to. Nathan had hoped that he would be able to start working early in 2021 but had found that he was in competition with many other sound engineers and had failed to get any new work.

Nathan became increasingly depressed. His patience when dealing with the children was also limited. He and Charlie began to argue about money and about the children. These arguments gradually increased in regularity and became more and more angry. Recently, Nathan has started punching Charlie.

Yesterday, Charlie and Nathan had a fight in front of the children, who were terrified. Charlie suffered a black eye and cracked ribs. Charlie shouted at Nathan that he should leave the house and cool down. Nathan then packed some clothes in a bag and left the family home.

Since then, Charlie has received several very abusive texts from Nathan, threatening to 'come and sort you out properly'. Nathan has also texted stating that if Charlie locks the door or changes the locks, Nathan will come round and 'kick the door in'.

This morning, Nathan was outside the house at 6am, repeatedly shouting and threatening to sort Charlie out, and waving his fists aggressively.

Charlie is now very concerned for both his safety and that of the children. He wants Nathan to stay away for a period of time but is concerned that Nathan is now so angry that he will not stay away.

Turn over

DOCUMENT 4

ATTENDANCE NOTE

Client: Paul Thomas
File: 2021/6/4/CHILD/PT
Attended by: Yourself and Kasha Patel
Date: 3 June 2021
Engaged: 6 units
Attending: Paul Thomas, Sunnyside, Bedford Road, Kempston, MK10 3IH

Paul Thomas met his wife, Zuzanne, when he was backpacking round Europe 12 years ago. He returned to the UK with Zuzanne. They have two daughters, Gabriela (aged 9 years) and Patrycia (aged 7 years). Paul is registered on the girls' birth certificates as their father, although he and Zuzanne have never married.

Paul has developed a very good relationship with his daughters. Until recently, he thought that he and Zuzanne also had a good relationship. However, he has noticed a change in Zuzanne's behaviour. She has appeared quite miserable, and Paul has felt that things have been going on that she is not telling him about. He has tried to find out what is troubling Zuzanne, but she simply says that she's OK.

Last week, Zuzanne told Paul that she intended to visit her family during the summer holidays. She said that she planned to stay for a couple of weeks. When Paul asked if he could go with her, she said she wanted to go with just the girls.

Yesterday, Paul arrived home early and overheard Zuzanne taking a phone call from her mother in Poland. It was clear from the conversation that Zuzanne was seriously considering settling in Poland with the girls, and not returning to the UK.

When Paul confronted Zuzanne with his suspicions, she told him that she had been feeling very homesick for a long time and just wanted to return home to Poland. She said that she was going to take the girls with her. Paul tried to change her mind but could not. When he asked about how he would be able to keep in contact with the girls, Zuzanne appeared to suggest that that would not happen, as it would not be good for the girls.

Paul is very unhappy with the situation. Although he accepts that his relationship with Zuzanne may have come to an end, he does not want to lose contact with his daughters. He wants to come to some arrangement with Zuzanne before she returns to Poland, but she is not prepared to enter into discussions with him.

End of Case Study Materials