



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 15 – CIVIL LITIGATION*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- A clean/unannotated copy of the case study materials is attached to this examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.**
- **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.
- Please read all the instructions given at the start of each section and the instructions prior to finishing the examination.

Do not start the examination until instructed by the Invigilator.

* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

Reference: Question relates to the **Advance Instructions to Candidates** and to **Documents 1 and 2** of the case study materials.

- (a) Explain the most likely funding option in your client's case and the implications, with reference to your professional duty in that regard.

(7 marks)

Assume that the necessary pre-action protocol and pre-conduct steps have been undertaken. The claim form (without the particulars of claim) was issued and served by the court on 13 January 2021 by first class post.

- (b) What would be the deemed date of service on the Defendant, and what would be the next step for the claimant to take and the time period in which to do so?

(5 marks)

- (c) Detail what needs to be incorporated into the particulars of claim, including the heading, in order to finalise it.

(13 marks)

(Total: 25 marks)

Question 2

Reference: Question relates to the **Advance Instructions to Candidates** and to **Document 3** of the case study materials.

- (a) Explain, with reference to relevant factors and the CPR, the court in which this claim should be issued and the track to which it will be allocated.

(7 marks)

The matter has now been allocated, and a directions order has been made. The parties are required to serve their list of documents by 4pm on 19 February 2021. On reviewing the list of documents from your opponents, you note that the minutes of a meeting where the opponent admitted they owed your client the invoice monies, has not been incorporated.

- (b) State what action you should now take on your client's behalf.

(6 marks)

Assume that the value of this claim had only been £24,000 and assume that all the directions have now been complied with by both parties. The trial has been set for 9 April 2021.

- (c) Explain the process and procedure at court on the trial date.

(5 marks)

The claim is successful, and a judgment is obtained for the monies due and owing, together with an award of costs. However, despite promises to pay, your client has only received part of the judgment monies.

- (d) Explain what options and method(s) of enforcement you would suggest to your client.

(7 marks)

(Total: 25 marks)

Question 3

Reference: Question relates to the **Advance Instructions to Candidates** and to **Document 4** of the case study materials.

- (a) State what interim application(s) you would advise your client to make in these circumstances and the procedural steps you would undertake to achieve this.

(6 marks)

- (b) Outline the submissions you would make on this application on behalf of your client, referring where relevant, to legal authority.

(14 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to the **Advance Instructions to Candidates** and to **Documents 5 and 6** of the case study materials.

- (a) Explain the pre-action evidential steps and procedural steps that you will undertake on your client's behalf, to ascertain whether the claim is viable and can progress.

(13 marks)

Assume that while preparing your N265 list of documents in this case, you receive a letter from your client [**Document 6**].

- (b) Explain, with reference to the SRA Code of Conduct for Solicitors, the implications and what action you should take.

(5 marks)

The parties have now exchanged medical reports. Assume that the defendant's medical report is unfavourable to your client's case.

[NOTE TO CANDIDATES: The medical reports referred to, are NOT required for this examination.]

- (c) Advise what action can be taken in respect of the report on behalf of your client.

(5 marks)

Your client has now instructed you that she would be happy to take £15,000, if the claim can be sorted out quickly and without having to go to trial.

- (d) State what step you can take on behalf of your client to put pressure on the opponent's insurers to settle the claim, including the financial consequences of this action.

(7 marks)

(Total: 30 marks)

End of Examination Paper