



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 15 – Civil Litigation

Question paper

June 2022

Time allowed: 3 hours and 15 minutes (includes 15 minutes' reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You are **not** allowed access to any statute books.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

Reference: Question relates to **Document 1** of the case study materials.

The day after you receive the email from John Jenkins you are contacted by Victoria Lumumba. She reiterates that SFSC is keen to resolve this matter as soon as possible and asks us to start court proceedings straightaway.

- (a) Explain what advice you would give to Victoria Lumumba concerning the commencement of court proceedings.

(9 marks)

You take the necessary steps to advance the case and at the same time, in an effort to resolve the matter, you make a Part 36 offer of £12,000. This is rejected by the defendant. The case proceeds and is allocated to the fast track with the court giving the standard directions.

You deal with disclosure and inspection, within the timetable, but experience a problem with exchange of witness statements. John Jenkins' wife is taken into intensive care because of complications with her pregnancy and so he takes immediate compassionate leave. At the same time, both you and Tania Williams are attending court for trials in other matters. You therefore miss the date for exchanging witness statements and eventually serve your statements a week late.

- (b) Explain the application that you now have to make and the possible arguments you would raise in support of your application.

(12 marks)

You deal with the above application and then take your client's instructions on the case as a whole. SFSC is confident that it will win at trial and instructs you to withdraw the existing offer and make a further Part 36 offer of £15,000.

- (c) Advise your clients as to the consequences of these instructions.

(6 marks)

(Total: 27 marks)

Question 2

Reference: Question relates to **Document 2** of the case study materials.

You make an appointment for Neelam and Mohinder to come to see you to discuss the accident. At the meeting, Neelam explains that they are worried about your fees and the possible costs of the case as a whole.

(a) Explain the advice that you would give to Neelam about her concerns.

(12 marks)

(b) Describe, with reference to the SRA Standards and Regulations, what professional conduct considerations you should take into account when advising Neelam on the issues she has raised.

(8 marks)

(Total: 20 marks)

Turn over

Question 3

Reference: Question relates to **Document 3** of the case study materials.

You take the necessary steps to investigate the case and enter into correspondence with the insurance company for the other driver. After pleading guilty (see **Document 3**), the defendant is convicted. Despite this, you are unable to settle the case and so decide to commence court proceedings.

- (a) Explain what steps you would need to take in order to rely on the other driver's conviction and the effect this would have on the case.

(12 marks)

You issue proceedings and the defendant admits liability for the accident but disputes the value of the case. They are given permission to obtain their own medical evidence. There is some delay whilst this evidence is obtained and so the case continues into October.

- (b) Describe what steps you would have to take when Mohinder becomes 18.

(8 marks)

The defendant discloses their medical evidence, and you try to settle the claim without success. The matter therefore proceeds to trial. You ring Mohinder to explain to him the arrangements for the day. He tells you that he is nervous about what will happen when the matter gets to court.

- (c) Advise your client about what will happen at the trial of the case.

(7 marks)

(Total: 27 marks)

Question 4

Reference: Question relates to **Documents 4 and 5** of the case study materials.

You prepare the Claim Form and Particulars of Claim, which are served by the court on Lincolnshire Decorations Limited (“LDL”) by first class post on Wednesday 1st June 2022.

(a) Explain the date by which LDL will have to respond to the case. **(6 marks)**

(b) Explain what other step LDL might take in the light of its attitude to the case. **(5 marks)**

The case is allocated to the multi-track and is listed for a Costs and Case Management Conference.

(c) Describe the steps you would have to take before this hearing in order to deal with the costs of the case. **(9 marks)**

The case proceeds to disclosure and inspection. As part of this process, you receive product data sheets relating to the paint that LDL used. These indicate that on this sort of job a particular undercoat should have been applied to the walls before the painting was begun. LDL’s defence gives details of the paint that was used but says nothing about an undercoat. You proceed to exchange of witness statements but there is no reference to the use of an undercoat in any of the statements.

(d) Describe what steps you would take in order to obtain details from LDL about what undercoat, if any, was used on this job. **(6 marks)**

(Total: 26 marks)

End of the examination

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