



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 7 – INTRODUCTORY CONSIDERATIONS FOR PERSONAL INJURY LAWYERS*

Time allowed: 1 hour and 30 minutes plus 30 minutes' reading time

Instructions to Candidates

- You have been provided with a copy of the supporting materials for you to use in this examination.
- You have **THIRTY** minutes to read through the supporting materials and this question paper before the start of the examination.
- **It is strongly recommended that you use the reading time to read the supporting materials and this question paper fully.** However, you may make notes on the supporting materials, 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 following CILEx qualifications: **LEVEL 4 DIPLOMA IN PERSONAL INJURY LITIGATION** and **LEVEL 4 EXTENDED DIPLOMA IN PERSONAL INJURY LITIGATION**

Question 1

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

Looking through Adrian's case file you can see that the claim has not yet been issued. This is one of the matters that need to be discussed at the meeting.

- (a) Advise Adrian on the limitation period for personal injury claims.
(5 marks)
 - (b) State to Adrian the last day on which his claim can be issued.
(1 mark)
 - (c) Explain what advice and information you would need to give Adrian if proceedings were issued after the date given in (b) above.
(6 marks)
- (Total: 12 marks)**

Question 2

Reference: Question 2 relates to **Documents 1 and 2** of the supporting materials.

- (a) Advise Adrian of the definition of a personal injury as set out in the Civil Procedure Rules and the Limitation Act 1980, and whether his injuries fall within the definition.
(4 marks)

In her medical report, Ms Rubio says that Adrian has sustained an 'unstable fracture' to his right radius.

- (b) Explain to Adrian what is meant by 'unstable fracture'.
(2 marks)

Ms Rubio advises that further medical evidence is obtained.

- (c) Advise Adrian, with reference to his injuries, which type of medical expert(s) you will need to instruct to finalise the medical evidence.
(2 marks)

Adrian is keen to have this matter settled quickly and believes seeing more medical experts will delay matters. He is currently unemployed, and the award of damages will help him financially.

- (d) Explain to Adrian why it is important to obtain the further medical evidence.
(4 marks)

(Total: 12 marks)

Question 3

Reference: Question 3 relates to **Document 1** of the supporting materials.

Adrian is concerned about funding his claim. From the file notes you read that the claim was initially funded by legal expenses insurance. This was through Mrs Fearson's (Adrian's mother's) household insurance. As there was no response to your firm's communication to Mrs Fearson after December 2015, the funding was cancelled. Adrian wishes to know what his options now are.

(a) Explain to Adrian:

(i) what a Conditional Fee Agreement is;

(4 marks)

(ii) what a Damages-Based Agreement is.

(4 marks)

(b) Explain what advice and information you will give Adrian on:

(i) his possible liability for the Defendant's costs following conclusion of the claim;

(4 marks)

(ii) how he can be protected against liability for the Defendant's costs.

(3 marks)

(Total: 15 marks)

Question 4

Reference: Question 4 relates to **Document 3** of the supporting materials.

The Claimant's lawyer is a key participant in a Personal Injury claim.

(a) Explain to Ms Chan the role of the Claimant lawyer in a personal injury claim.

(8 marks)

To support Ms Chan's claim for damages a medical expert will need to be instructed.

(b) Explain to Ms Chan the role and duties of the medical expert.

(9 marks)

(Total: 17 marks)

Turn over

Question 5

Reference: Question 5 relates to **Document 3** of the supporting materials.

You have advised Ms Chan that she has two claims against Simpson Bakers (SB): a road traffic accident claim and an employers' liability claim.

SB is not responding to any correspondence you have sent. Ms Chan informs you that their shop has been closed and locked up for the last few weeks. There is a notice on the door stating it has gone out of business. Ms Chan is very concerned as she has little funds and has had to borrow money. She wants to bring a claim against SB as soon as possible.

- (a) In respect of the road traffic accident claim, advise Ms Chan how SB's motor insurer may be sued directly.

(4 marks)

In respect of the employers' liability claim:

- (b) Explain to Ms Chan the law relating to employers' liability insurance.

(4 marks)

- (c) Explain whether Ms Chan can still recover damages for her claim.

(6 marks)

(Total: 14 marks)

End of Examination Paper