

SUPPORTING MATERIALS

17 January 2018

Level 4

**INTRODUCTORY CONSIDERATIONS FOR
PERSONAL INJURY LAWYERS**

Subject Code L4-7



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

**UNIT 7 – INTRODUCTORY CONSIDERATIONS FOR PERSONAL
INJURY LAWYERS***

SUPPORTING MATERIALS

Information for Candidates on Using the Supporting Materials

- This document contains the supporting materials for your examination.
- You have **THIRTY** minutes' reading time to read these supporting materials and the question paper.
- It is strongly recommended that you use the reading time to read these supporting materials and the question paper fully. However, you may make notes on these supporting materials, the question paper or in your answer booklet during this time, if you wish.

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**

SUPPORTING MATERIALS

INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer assisting Sunil Patel in the Dispute Resolution Department of Kempstons LLP, The Manor House, Bedford, MK42 7AB.

Sunil has provided you with the following documents:

- Document 1** Notes in preparation for a meeting with Adrian Fearson
- Document 2** Extract from the medical report of Ms Christine Rubio, Consultant Orthopaedic Surgeon
- Document 3** Attendance note of telephone call between Tina Chan and Sunil Patel

DOCUMENT 1

NOTES IN PREPARATION FOR A MEETING WITH ADRIAN FEARSON

Re: Adrian Fearson v St John's Hall Youth Club
Fee Earner: Sunil Patel
Date: 23 October 2017
Time: 1 hour

Adrian telephoned these offices on 20 October. He wants to come in to discuss his personal injury claim.

Adrian sustained a personal injury on 2 December 2014, while attending the St John's Hall Youth Club. He was up a ladder pinning decorations to a wall, when the ladder gave way and he fell to the floor. Adrian landed heavily on his right side. He suffered a fracture to his right elbow and right wrist which required two surgical interventions. He also suffered several cuts and bruises.

Adrian was born on 18 February 1999. He was 15 years old at the time of the accident.

Adrian previously attended these offices with his mother in August 2015. My predecessor, Michelle Oman (MO), was dealing with the matter. Having read the previous papers I can see that liability was accepted by St John's Hall Youth Club on 1 October 2015. Adrian and his mother attended MO again on 12 October 2015. It was agreed at that meeting that no Part 36 Offer should be made at the current time, as the medical evidence was not complete. Adrian was due to undergo another operation to his right wrist as the bones had not set correctly. This operation was to take place on 15 December 2015. It was agreed that another medical report be sought after this date and, from that, hopefully a Part 36 offer to settle the claim could be made.

Adrian underwent his operation on 15 December. Unfortunately, Adrian and his mother became estranged soon afterwards and he moved out of the family home. MO tried to arrange a further medical report but there was no reply to her various calls and correspondence. The file was put on hold.

Adrian now wants to continue with his claim. He has recently failed his trial period with a building firm and is now unemployed. He was unable to carry heavy loads for any period, as his wrist would give way, causing him to drop the timber he was holding. He finds it very painful when any stress is put on his wrist.

Adrian feels that this situation may happen again, and he should not be penalised for having an injury which was not his fault. He now wishes to continue with his claim against the youth club.

Adrian will be attending these offices to discuss his claim and the next steps on 25 October 2017, at 10 am.

Matters to be discussed with the client:

- (i) Limitation period
- (ii) Funding of the claim
- (iii) Medical evidence

Turn over

DOCUMENT 2

**EXTRACT FROM THE MEDICAL REPORT OF MS CHRISTINE RUBIO,
CONSULTANT ORTHOPAEDIC SURGEON**

Re: Adrian Fearson
Date of Accident: 2 December 2014
Date of Medical Examination: 8 December 2017
Date of Report: 11 December 2017

Summary

I examined Adrian Fearson for the purposes of this medical examination on 8 December 2017. Adrian sustained a nasty injury to his right elbow and right wrist when he fell from a ladder on 2 December 2014. He continues to suffer symptoms from these injuries.

Following his accident Adrian was taken by ambulance to the Accident and Emergency Department at the Freeman Hospital. X-rays revealed he had sustained unstable fractures to both his right wrist and right radius. He was admitted for surgery for pins to be placed in both fractures. Adrian remained in hospital for two nights. On discharge he received physiotherapy treatment. Adrian says he thinks he had about five sessions.

While the fracture to Adrian's arm healed well, the wrist fracture did not heal. X-rays show that the bones did not align in their correct position. Adrian underwent a second operation to his wrist in December 2015. The bone was broken, realigned and re-pinned. The wrist was placed in a cast. This was removed six weeks later. X-rays were taken at this date and showed that the fracture had healed well. Adrian was due to attend a follow up appointment to assess how well the wrist was healing, but he failed to make this appointment.

It is just over three years from the date of the accident. My findings and prognosis are as follows:

Right Radius: X-rays reveal that the internal fixation was a success. The fracture has aligned very well. No symptoms remain. The screws used to align the bones will remain in place now. Adrian has been left with a surgical scar measuring about 2.5cm. This is in the middle of the back of the forearm. Unfortunately, it was not stitched together very well and has left a raised scar. It is dark in colour compared to the surrounding skin. It is noticeable. Adrian says the scar does become itchy.

It is likely that the appearance of the scar can be improved. However, this is outside of my expertise. I would recommend that Adrian be examined by a specialist who can provide a more definite prognosis on his surgical scars.

Right Wrist: Unfortunately, the fracture to the right wrist has not healed as well as one would expect. There is a slight misalignment, and this is causing a weakness in the wrist and a constant aching pain. This needs to be investigated further. It is likely that further surgery will be needed. A metal plate may need to be inserted to correct the alignment of the fracture. Due to the complexity of this injury I advise that Adrian should be examined by a surgeon who specialises in wrist injuries.

SUPPORTING MATERIALS

There is a 2cm scar running horizontally along the underside of the wrist. Again, this has been stitched badly. It has left an ugly, noticeable scar. If Adrian undergoes further surgery to his wrist there are likely to be more scars.

Turn over

DOCUMENT 3

**ATTENDANCE NOTE OF TELEPHONE CALL BETWEEN TINA CHAN AND
SUNIL PATEL**

Attendance Note: Tina Chan
Date: 4 December 2017
Re: New Client Instructions

Tina Chan wishes to bring a claim against her former employers, Simpson Bakers (SB). SB is a bakery. They make all their products on site. Ms Chan sustained an injury to her neck and left shoulder while working for SB in the period between 8 February 2017 and 17 August 2017.

On 8 February 2017, Ms Chan was driving SB's van when she collided with a wall. The police accident report shows the brakes had failed because they had not been properly maintained. Ms Chan sustained a whiplash injury to her neck and shoulders. She took two days off work.

Part of Ms Chan's role was to carry heavy sacks of flour. She was given no manual handling training. In the period between February and August 2017, Ms Chan noticed that carrying these sacks aggravated the whiplash injury symptoms in her neck and shoulders. She often needed to take painkillers to ease the pain. The symptoms became so bad that she was signed off sick from work on 17 August 2017. Her symptoms did not improve, causing Ms Chan to resign from her employment in November 2017. She told the owner of SB, Matthew Simpson, that she was resigning because of the symptoms she had suffered. He said to her: 'Don't be thinking of suing us. You will get nothing from us. There's no money in the business.'

Ms Chan now seeks to bring a claim for personal injuries and associated losses against SB. She has not been able to start work again because of her symptoms and she is worried how she will cope financially if this lasts much longer.

End of Supporting Materials

