



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 9 – PREPARATIONS FOR PERSONAL INJURY TRIALS*

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 relates to **Documents 1, 2 and 3** of the supporting materials.

Assume that the value of Mrs Hanson's claim exceeds £25,000.

(a) Describe what initial steps you will have to take under the relevant pre-action protocol.
(4 marks)

(b) Outline the time limits that apply to this case under the protocol.
(5 marks)

You are unable to settle Mrs Hanson's case during the protocol. You decide that you have sufficient evidence to take the matter further and so issue court proceedings.

(c) List the documents you are required to serve on the Defendant.
(4 marks)

The matter proceeds to disclosure and you receive the Defendant's List of Documents. You notice that there is no mention of the letters from Mr Grimshaw to the Council in the Defendant's List.

(d) Explain the steps you would take to obtain copies of the letters.
(6 marks)

You start preparing the necessary witness statements for exchange. Mrs Hanson rings you to say that Mr Grimshaw has had a heart attack and so is too ill to come to see you. He will, however, sign a statement based on the letter that he has sent you.

(e) Outline the changes that you would have to make to Mr Grimshaw's letter in order to make it suitable for exchange as a witness statement.
(8 marks)

You send the statement to Mr Grimshaw for him to sign.

(f) Explain the advice you should give to Mr Grimshaw about signing the statement.
(4 marks)

You are preparing the matter for trial when Kieren Whittington receives a telephone call from Mr Grimshaw. He passes you a copy of his attendance note of the conversation (**Document 3**). You decide that you need Mr Grimshaw to come to trial as his evidence is so helpful to Mrs Hanson's case.

(g) Describe the steps that you would take in order to ensure that Mr Grimshaw attends the trial.
(7 marks)

You resolve the issue of Mr Grimshaw's attendance and start to prepare the trial bundle.

- (h) List the documents that you would include in the trial bundle. **(6 marks)**

(Total: 44 marks)

Question 2

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

- (a) Outline the arguments that you would use in support of your application to set judgment aside. **(8 marks)**

The application is successful and the court orders that judgment should be set aside.

- (b) Explain what other step you would take on the Defendant's behalf. **(5 marks)**

Assume that you have undertaken the step referred to in part (b).

- (c) Explain which directions the court would be likely to give in this case. **(7 marks)**

The matter proceeds and the Claimant makes an application for you to make an interim payment of £5,000 to the Claimant.

- (d) Explain what grounds you would use to oppose the Claimant's application. **(6 marks)**

(Total: 26 marks)

End of Examination Paper

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