



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 relates to **Document 1** of the supporting materials.

(a) Describe your role as Mr Kaur's lawyer. **(6 marks)**

(b) Advise Mr Kaur whether his injury falls within the definition of personal injury as set out in the Limitation Act 1980 and the Civil Procedure Rules. **(5 marks)**

Mr Kaur sustained a hairline fracture to his left wrist.

(c) Explain to Mr Kaur what a hairline fracture is. **(2 marks)**

(Total: 13 marks)

Question 2

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

(a) Explain the ordinary limitation period in personal injury claims. **(3 marks)**

(b) Explain why it is important that you, as a personal injury lawyer, have knowledge of limitation periods. **(5 marks)**

(c) Advise Mr Kaur how the limitation period may be disapplied with reference to the facts of the case. **(10 marks)**

(Total: 18 marks)

Question 3

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

Mr Kaur has heard that Luxury Kitchens is in financial difficulties and may go into liquidation. Mr Kaur is worried that, if he is successful in his claim against his former employer, he will not receive any damages.

(a) Explain how the law relating to employers' liability insurance may assist in this claim. **(4 marks)**

(b) Explain to Mr Kaur how any damages awarded can be obtained if Luxury Kitchens goes into liquidation. **(4 marks)**

(Total: 8 marks)

Question 4

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

Mr Tyler is concerned that Samantha will not be able to bring a claim, as they do not know the name or address of the driver.

Advise Mr Tyler how a claim for compensation can still be made.

(4 marks)

Question 5

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

After some investigation, Mr Tyler obtains the name and address of the other driver. You discuss starting the claim. Mr Tyler says that Samantha will be taking important violin exams in the next six months. She needs to pass these exams to gain a scholarship to a prestigious music school. He is concerned that this claim may be a distraction from her studies. But he is also concerned that if they delay further, then they will be too late to bring the claim.

(a) (i) State the date by when Samantha's claim must be issued.

(1 mark)

(ii) Explain your reasons for the date given in (a)(i) above.

(2 marks)

Mr Tyler decides that it would be better to start the claim now.

(b) (i) Explain to Mr Tyler why medical evidence needs to be obtained.

(2 marks)

(ii) Explain to Mr Tyler the types of medical expert you will ask to provide evidence to support Samantha's claim.

(4 marks)

Mr Tyler is concerned about how the claim will be funded. His niece, who is training to be a lawyer, said they could purchase an insurance policy, which would mean they would not have to pay for bringing and pursuing the claim. He would like to know more about this.

You advise Mr Tyler that this is an After The Event insurance policy. The policy would cost £550.

(c) (i) Explain to Mr Tyler what After The Event insurance is.

(5 marks)

(ii) Advise Mr Tyler as to who is responsible for paying the £550 policy premium.

(1 mark)

Turn over

Mr Tyler wants to know whether there are any other ways of funding the claim.

- (d) Explain to Mr Tyler the differences between a Conditional Fee Agreement (CFA) and a Damages-Based Agreement (DBA).

(8 marks)

Mr Tyler and Samantha decide to enter into a DBA with your firm. It is agreed that your firm will receive 20% of the damages recovered.

The claim goes to trial. Samantha is successful. She is awarded the following damages and costs:

- Pain, suffering and loss of amenity: £12,000
- Physiotherapy treatment sessions: £500
- Costs: £2,000

A bill of costs is drawn up and your costs are £3,000.

- (e) Explain to Samantha and Mr Tyler what sum will be deducted from Samantha's damages to cover your firm's costs. Show all your calculations in full.

(4 marks)

(Total: 27 marks)

End of Examination Paper