



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 **Document 1** of the supporting materials.

Assume that the value of Sam Larsson's claim exceeds £25,000.

Following your meeting with Mrs Larsson, you sort out the funding for the case and advise her that you will send a letter of claim to Mr Roberts. You also decide to instruct a medical expert. Your firm's policy is to follow the spirit of the Pre-Action Protocol for Personal Injury Claims, even where it does not strictly apply.

(a) Describe what steps would be taken under the Protocol in order to instruct the expert.

(6 marks)

(b) Describe what information concerning the claimant's condition you would expect the medical expert to include in their report.

(9 marks)

While you are waiting for the defendant to provide a full response to your letter of claim, you hear that Mr Roberts has been convicted of driving without due care and attention. Despite this, the defendant's lawyers indicate that they will not settle the claim. Therefore, Mrs Larsson instructs you to commence proceedings.

(c) Describe what matters should be dealt with in the Particulars of Claim that are specific to a personal injury claim.

(4 marks)

In his Defence, the defendant continues to deny liability. He also indicates that he disputes your valuation of the case. His lawyers therefore wish to obtain their own medical evidence, particularly as the long-term consequences of Sam's injuries are unclear.

(d) Outline the steps that the defendant's lawyers would have to undergo in order to be able to obtain their own report.

(6 marks)

As it will be some time before the issues around the medical evidence are resolved, you decide to make an application for an interim payment on Sam's behalf. This will fund the cost of private medical treatment.

(e) Identify which documents you will serve in support of the application.

(3 marks)

(f) Identify the information that should be contained in the evidence to be presented to court.

(4 marks)

(g) Explain, with reference to the law and the facts, the arguments which you would present to the court to support your application.

(8 marks)

Sam's psychiatric injuries are making her increasingly anxious about the prospect of going to trial. You have sent her a statement to sign as, in accordance with the court's directions, you are due to exchange witness statements next week. She is, however, refusing to do so, until she has spoken to her psychiatrist, who she has an appointment with in three weeks' time.

- (h) Explain the difficulties that this might cause your client and what action you would take to protect her position.

(5 marks)

The case has still not settled and is now coming up to trial. Mrs Larsson has asked you to write to Sam explaining what the procedure will be during the trial, as that would make her less anxious about attending.

- (i) Outline the key points that you would include in your letter to Sam.

(4 marks)

(Total: 49 marks)

Question 2

Reference: Question relates to **Documents 2 and 3** of the supporting materials.

Assume that the value of Danny Johnson's claim exceeds £50,000.

You apply to set aside the judgment that has been obtained against Exmouth Lighting Limited.

- (a) Explain, with reference to authority, the grounds of your application and the arguments that you would use to support it.

(5 marks)

You are successful in your application to set aside judgment and are given 14 days to file and serve your Defence.

- (b) Explain what further action you would take on behalf of your client.

(3 marks)

The court lists the matter for a case management conference.

- (c) Describe what actions you would have to take with respect to costs.

(5 marks)

After the case management conference, the court gives directions for the future conduct of the case, including an order for standard disclosure. You are in the process of preparing your list of documents, when Billy Taylor sends you an email he had previously received from his Safety Officer, Amarjit Singh (**Document 3**).

Billy indicates that he doesn't wish you to reveal this document to the other side, as it might put the firm's case in a bad light.

- (d) Explain what advice you would give to Billy on this point.

(8 marks)

(Total: 21 marks)

End of Examination Paper

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