

## CASE STUDY MATERIALS

June 2018  
Level 6  
THE PRACTICE OF FAMILY LAW  
Subject Code L6-20



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 20 – THE PRACTICE OF FAMILY LAW\*

#### CASE STUDY MATERIALS

#### Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

#### Instructions to Candidates before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEX Examination Regulations.

*Turn over*

\* This unit is a component of the following CILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

## CASE STUDY MATERIALS

### ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer employed by the firm Kempstons LLP of The Manor House, Bedford MK42 7AB. The firm's telephone number is (01234) 622964; fax (01234) 622965; and DX address Bedford 3721. The firm is a high street practice and one-third of the firm's caseload consists of matrimonial work. The matrimonial team at Kempstons LLP is headed up by the matrimonial partner, Elliott Vaughan. The local family court is in Bedford.

You arrive at work to find the following documents on your desk:

- Document 1**      Memorandum from Elliott Vaughan
- Document 2**      Attendance Note re: Luke York
- Document 3**      Attendance Note re: Dorcas Charles
- Document 4**      Email from Rory Bennett
- Document 5**      Attendance note re: Trudy Ingham

**DOCUMENT 1**

**MEMORANDUM**

**To:** Trainee Lawyer  
**From:** Elliott Vaughan  
**Date:** [Today's date]  
**Re:** Matters to be attended to in my absence

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I am going to be absent from the office for the next fortnight on annual leave. Could you please attend to the following cases during my absence:

**1. Luke York**

Mr York is a new client. I saw him for a first appointment yesterday and attach a copy of the attendance note of this meeting (**Document 2**). Please deal with this case in my absence.

**2. Dorcas Charles**

I have been dealing with Mrs Charles' divorce proceedings and am currently trying to resolve the related financial case. I attach an attendance note of my meeting with her last Thursday (**Document 3**). Please deal with any queries that Mrs Charles has while I'm on leave.

**3. Rory Bennett**

I attach a copy of an email I received from Mr Bennett yesterday (**Document 4**). Please can you progress the case for me.

**4. Trudy Ingham**

Mrs Ingham is a new client, who attended at the office late yesterday afternoon. I attach a copy of the attendance note of this meeting (**Document 5**). Please take any action required on this case during my absence.

Many thanks,

*Elliott*

**Turn over**

DOCUMENT 2

ATTENDANCE NOTE RE: LUKE YORK

**Client:** Luke York

**Date:** [Yesterday's date]

**Fee earner:** Elliott Vaughan

**File ref:** EV/LR/Y160

**Time taken:** 1 hour

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Attendance on Mr Luke York, who is a new client. I obtained the proof of identity documentation and carried out the usual conflict checks. There are no issues. His details are as follows:

Full Name: Luke York

D.O.B: 15/03/1977

Address: 10 Haughton Drive, Clayton, Barnardshire, BH12 7ZB

Phone number: 07630672035 (mobile)

Occupation: Retail Buyer

Luke wanted advice about his options following the breakdown of his relationship with his civil partner, Jared York.

The parties entered into a civil partnership in June 2010. They have no children. The former family home is 10 Haughton Drive, Clayton, Barnardshire, BH12 7ZB. It is a three-bedroom, detached property, held in the couple's joint names. At present, Luke is living there alone. Jared moved out last month to a rented property at 3 Belton Crescent, Clayton, Barnardshire, BH10 5SO. Jared works as a Restaurant Manager in a local restaurant.

Luke explained that in early May this year, Jared admitted that he was having an affair with a work colleague of his, called Chris. Luke said that Jared had told him that he no longer loved him and that he wanted to make a new life with Chris. The following week, Jared moved out of their home into his current accommodation, and the parties have lived separately since that time.

Although Jared's affair had come as a shock to Luke, he admitted that they had been experiencing problems with their relationship for some time. In February 2016, Luke began his current job as a Retail Buyer. He explained that he had been delighted when he got the job, but the nature of the job meant that he had to travel regularly. At first, Jared had been supportive of this, but by the end of 2016, Jared's attitude had changed and he started to complain about Luke not spending enough time with him.

In the summer of 2017, the couple had booked to go abroad for a fortnight's holiday. However, a week before they were due to travel, Luke was told that he needed to go on a business trip to Asia. Luke suggested to Jared that they rearrange their holiday, but Jared refused and instead took a mutual friend of theirs with him in place of Luke. Luke expressed to Jared how upsetting he found this, but Jared just told him to get another job.

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By late 2017, Jared would regularly socialise without Luke and would not include Luke in his plans, even when he was available. Luke was concerned that he and Jared were growing apart and he suggested that they attend counselling sessions together. Jared agreed to this, and the sessions did appear to improve their relationship.

In February 2018, Luke was confident that their relationship was back on track and he suggested to Jared that they convert their civil partnership into a marriage. Jared initially seemed keen to do this, but when Luke tried to discuss making the necessary arrangements, he avoided committing to a date to do so. Luke now believes that this was because Jared started the relationship with Chris around this time.

I explained the relevant law to Luke. He confirmed that he would think over his options and let me know how he wants to proceed.

***Turn over***

**ATTENDANCE NOTE RE: DORCAS CHARLES**

**Client:** Dorcas Charles

**Date:** [Last Thursday]

**Fee earner:** Elliott Vaughan

**File ref:** EV/LR/C205

**Time taken:** 1 hour

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Attendance upon Mrs Dorcas Charles. She expressed sadness at the ending of her 14-year marriage. She is aware that the decree nisi was pronounced in relation to her two years' separation petition last week. I noted that her husband, Kingsley, would also have received a copy of the pronouncement via his lawyers. I explained that I would contact her with the necessary application forms in respect of the final stage of her divorce in due course.

Mrs Charles wanted an update on her application for financial orders. I confirmed that after our attendance at court for the First Directions Appointment, we had now received the joint valuation of the former family home from the surveyors. They suggest a figure of £350,000, which she thought sounded fair for a three-bedroom, semi-detached property in the local area. I ran through the current summary of the parties' assets following disclosure:

- Former family home: 2 Rowton Road Clayton: held in the parties' joint names as joint tenants and valued at £350,000 less mortgage of £125,000: net equity £225,000
- Joint life assurance policy with a surrender value of £40,000
- Shares in Mr Charles' sole name: £55,000
- Savings in Mrs Charles' sole name: £23,000
- Savings in Mr Charles' sole name: £76,000
  
- Mr Charles' pension: C.E. £62,000
- Mrs Charles' pension: C.E. £32,000

Mrs Charles (37) is currently still working part-time and earns approximately £22,000 net per annum. Mr Charles (39) earns £45,000 net per annum. Mrs Charles confirmed that she is receiving Child Maintenance from her husband via the CMS.

The parties' two children, Solomon (12) and Melody (10), remain with Mrs Charles in the former family home. Mr Charles is still living in rented accommodation, but wants to purchase a property, once the finances are resolved. He has told Mrs Charles that he has seen a three-bedroom, semi-detached property in the area for £300,000.

I confirmed that I would be in touch with Mrs Charles shortly before the Financial Dispute Resolution appointment, to review the case with her.

DOCUMENT 4

EMAIL FROM RORY BENNETT

**To:** Elliott Vaughan  
**From:** Rory Bennett  
**Date:** [Yesterday's date]  
**Subject:** Octavia

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Hi Elliott,

I've got a couple of issues that I need your help with, please.

There have been some developments (sadly not positive!) since I last came into see you about the difficulties I was having seeing my daughter, Octavia. Her mum, my ex-wife Grace, has now married her new partner, Hugh Norris, and they are expecting a child together. They've moved into a new house at 27 Nicholls Street, Clayton.

When I collected Octavia for her usual visit last Saturday, she had her school bag with her and I noticed that Grace had written Octavia's name on her bag and on some books inside, as Octavia Norris.

As soon as I got home, I telephoned Grace and asked her what she thought she was doing, as she knows that Octavia's registered surname is Bennett. She said that she wants Octavia to have the same surname as the new baby. I said there was no way I was having Octavia known by Hugh's surname. Grace told me I'd better get used to it, as she had gone to a lot of trouble and expense in getting a change of name deed and notifying the school, doctor and dentist, so she wasn't changing it back.

When I asked Octavia about it, she told me she doesn't like having a new name. I know that she is only six, but she did seem upset about it. Anyway, I don't want her growing up with Hugh's surname, she's my daughter, not his!

The other issue is that, unfortunately, I'm still having difficulties with seeing Octavia regularly. Ever since Grace got remarried, she started messing me around again, cancelling at the last minute and not suggesting an alternative day. Last Saturday was the first time I'd seen Octavia in six weeks, despite us having agreed with Grace's lawyers that I should be seeing Octavia every Saturday. I'm concerned that this is going to become a pattern, as I had difficulties over Easter, and since then Grace has cancelled at least three visits.

I know you're busy, but I'd appreciate it if you could give me a call to let me know where we go from here?

Many thanks,

*Rory*

**Turn over**

DOCUMENT 5

ATTENDANCE NOTE RE: TRUDY INGHAM

**Client:** Trudy Ingham

**Date:** [Yesterday's date]

**Fee earner:** Elliott Vaughan

**File ref:** EV/LR/I151

**Time taken:** 1 hour

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Attendance upon Trudy Ingham, who is a new client. She was seeking advice following incidents of domestic abuse. I completed the necessary conflict checks and obtained the proof of identity documentation. I saw that Mrs Ingham had bruising to her wrists and a red mark on her face.

Her details are as follows:

Full Name: Trudy Ingham

D.O.B.: 21/10/1982

Address: 5 Weaver Way, Clayton, Barnardshire, BH11 3FP

Temporary address: Flat 2, Henwood House, Bryn Drive, Clayton, Barnardshire, BH11 3GE (Mother's)

Phone number: 07823564891 (mobile)

Occupation: Flight Attendant

Mrs Ingham has been married for 12 years. Her husband is Pierce Ingham. They have one daughter, Abigail Ingham (d.o.b. 28/04/07).

The matrimonial home is 5 Weaver Way, Clayton, Barnardshire, which is held in Mr Ingham's sole name. Mr Ingham is a Finance Manager for a national company and earns approximately £75,000 gross per annum. Mrs Ingham currently works as a Flight Attendant and earns £29,000 gross per annum.

She explained that her husband had always been a possessive man, but that his behaviour towards her had started to worsen in the last year, due to him drinking heavily on a regular basis. She thinks that the heavy drinking started as a result of the pressure that he was facing at work.

The first incident occurred over the Easter period this year. Mrs Ingham explained that she can be called into work at short notice, if cover is needed for her colleagues. She received a call to go into work late on Easter Sunday, after Abigail had gone to bed. Her husband had been drinking heavily all day. As she was about to leave the house, he lost his temper and barred her way out, shouting that she loved her work more than him. She tried to get past him, but he grabbed her travel bag and then slapped her across the face. Mrs Ingham said that she was shocked and worried that Abigail would hear the argument and come downstairs, so she took her bag back into the house and telephoned work to say that she wouldn't be able to go in. Mr Ingham stayed at his brother's house that night. His brother lives locally in a three-bedroom house, and Mr Ingham's parents also have a three-bedroom property in the area.

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When he returned the following day, Mr Ingham was apologetic and promised to cut down on his drinking. Mrs Ingham hoped that it was a one-off incident. Things did calm down for about a month but, unfortunately, by early May, Mr Ingham had resumed his heavy drinking when he got home from work at night. This often resulted in him losing his temper, and shouting and swearing at her. He became critical of Mrs Ingham's appearance, and would question her about who she had been working with on the flights, accusing her of being unfaithful to him.

On the bank holiday weekend in late May, Mrs Ingham arranged to go out with some of her work colleagues on the Saturday night. Abigail was away on a sleepover at one of her friend's houses. As Mrs Ingham was getting dressed, her husband came into the bedroom. It was clear that he was already very drunk. He told her that she looked like a tart and should put on something more suitable. She tried to calm him down, saying that she was just meeting some friends for a meal out. He stepped towards her and punched her in the face. She managed to get past him, ran downstairs and out of the house and drove to her mother's, where she stayed the night. The following morning, when she returned to the house, Mr Ingham apologised for the incident and promised that it wouldn't happen again. Mrs Ingham said that Abigail had noticed that she had a black eye and had asked if dad had done it.

The latest incident occurred last night. Abigail was in bed. Mrs Ingham was in the kitchen, preparing a meal, when she received a call from work asking her to go in. Mr Ingham overheard the phone call and came into the kitchen. He screamed at Mrs Ingham that he was sick of her choosing work over him and that she wasn't going anywhere. She tried to get past him, but he grabbed her by the wrists and pushed her into the kitchen counter, and then slapped her repeatedly across the face. At this point, Abigail came into the kitchen. Mr Ingham stopped hitting Mrs Ingham and ran out of the house. Mrs Ingham quickly packed a bag for herself and Abigail and drove them to her mother's apartment. Her mother lives in a one-bedroom retirement apartment, so cannot accommodate them for long.

This morning Mrs Ingham received a text from her husband, saying that if she came back, he would finish what he had started. Mrs Ingham telephoned the local police station from her mother's, but was told that unfortunately the domestic abuse liaison officer was out dealing with another matter. The police officer told her that, as the matter was urgent, she should see a lawyer instead.

I used devolved powers to grant Mrs Ingham emergency legal representation. As the court had already closed for the day, I advised her to remain at her mother's today and asked her to return to the office first thing tomorrow.

## **End of Case Study Materials**





