



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) (i) List the injuries that Susan has sustained in her accident. **(3 marks)**
- (ii) Explain the legal definition of a personal injury. **(4 marks)**
- (iii) State whether Susan's injuries fit the legal definition for personal injuries. **(1 mark)**

Mr and Mrs Jones have told you that Susan has been left with a keloid scar.

- (b) Explain the characteristics of a keloid scar. **(4 marks)**

To progress the claim, medical experts will need to be instructed.

- (c) Advise Mr and Mrs Jones on:
- (i) the type of medical expert (or experts) you will need to instruct; **(3 marks)**
- (ii) the reasons for the choice of expert (or experts). **(4 marks)**
- (d) Explain the role and duties of a medical expert. **(7 marks)**
- (Total: 26 marks)**

Question 2

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

If Mr and Mrs Jones decide to pursue a claim:

- (a) state the date by which Susan's claim must be issued; **(1 mark)**
- (b) explain, with reasons, your answer to (a). **(5 marks)**
- (Total: 6 marks)**

Question 3

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

Mr and Mrs Jones are worried about how they will fund any potential claim and any adverse costs against them.

(a) (i) Advise Mr and Mrs Jones what a damages-based agreement is.

(6 marks)

(ii) Identify the legal provision which sets out the requirements for a damages-based agreement to be enforceable.

(2 marks)

(b) (i) Advise Mr and Mrs Jones what a conditional fee agreement is.

(5 marks)

(ii) Identify the legal provisions which set out the requirements for a conditional fee agreement to be enforceable.

(3 marks)

(c) Advise Mr and Mrs Jones how they can protect Susan from any adverse costs order.

(5 marks)

(Total: 21 marks)

Question 4

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

(a) Explain to Ms Patel the legal obligation that an employer has in relation to employers' liability insurance.

(4 marks)

(b) Advise Ms Patel, giving reasons, whether she can recover the damages due to her from her former employers.

(7 marks)

(Total: 11 marks)

Turn over

Question 5

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

You have succeeded in tracing the driver of the vehicle and the name of his insurance company. He is not responding to any correspondence, and a neighbour has told you that he has moved abroad.

Explain to Ms Funar whether it will be possible for her to bring a claim for damages against the driver's insurance company.

(6 marks)

End of Examination Paper

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