

SUPPORTING MATERIALS

16 January 2019

Level 4

**INTRODUCTORY CONSIDERATIONS FOR
PERSONAL INJURY LAWYERS**

Subject Code L4-7



**CHARTERED INSTITUTE
OF LEGAL EXECUTIVES**

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

**UNIT 7 – INTRODUCTORY CONSIDERATIONS FOR
PERSONAL INJURY LAWYERS***

SUPPORTING MATERIALS

Information for Candidates on Using the Supporting Materials

- This document contains the supporting materials for your examination.
- You have **THIRTY** minutes' reading time to read these supporting materials and the question paper.
- It is strongly recommended that you use the reading time to read these supporting materials and the question paper fully. However, you may make notes on these supporting materials, the question paper or in your answer booklet during this time, if you wish.

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**

SUPPORTING MATERIALS

INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer at a firm of solicitors, Kempstons LLP, The Manor House, Bedford, MK42 7AB. You are assisting Ainsley Lyman, who is a partner in the personal injury department.

Ainsley is away on a course for the next few days. She has appointments to see new clients next week in conference. She has spoken with the clients on the telephone and has drafted an attendance note of each conversation. Each client raises issues that Ainsley would like to cover in her meeting with that particular client.

Ainsley would like you to prepare notes of responses to those issues, and matters in general, in preparation for the conferences.

You arrive at the office to find the following documents requiring your attention:

- Document 1** Telephone attendance note dated 18 December 2018 – Mr and Mrs Jones, re Susan Jones
- Document 2** Telephone attendance note dated 2 January 2019 – Hema Patel
- Document 3** Telephone attendance note dated 2 January 2019 – Magda Funar

DOCUMENT 1

TELEPHONE ATTENDANCE NOTE

Date: 18 December 2018
Present: Mary and Peter Jones; Ainsley Lyman

Telephone conference call with Mary and Peter Jones. Their daughter, Susan Jones, was injured in an accident on 16 September 2018. They have been advised that Susan may have a claim for personal injury damages.

Susan – born on 2 September 2013; currently 5 years of age.

Sunday 16 September, about 10 am – Mr and Mrs Jones took Susan to the Spinney Green playground. This is their local playground and they go there most weekends. The playground is owned and controlled by Harbeth Play Times Ltd.

The main attraction in the playground is a large climbing frame, which has a slide on one side. The climbing frame is made of wood from reclaimed trees. It is about 6 ft (1.83m) in height. The ground surrounding it is made from rubber. Susan has played on this climbing frame often, and she ran straight to it when they entered the park.

Several other children were playing on the climbing frame. A few had left their metal scooters resting against it.

Susan started to climb up one side of the climbing frame. She had almost reached the top, when she placed her foot on a rung that snapped. Susan lost her balance and fell. As she fell, she struck her face on one of the scooters at the foot of the climbing frame.

Susan's two front teeth were broken and a fragment cut deeply into her upper lip. She was taken to the local accident and emergency department. She had surgery to remove the upper front two teeth and the fragment that was embedded in her upper lip. The cut to the upper lip was glued.

Mr and Mrs Jones have been told that Susan will be left with a gap in her teeth, until her adult teeth grow through (it was her milk teeth that were damaged). The cut to her lip has left a noticeable keloid scar.

Susan remains tearful about the accident. If they go near any playground, she gets very distressed and starts to hyperventilate.

Mr and Mrs Jones want to know whether Susan can bring a claim for damages for personal injuries. If she can, they are concerned as to how they will fund the case and what would happen if she lost. Both Mr and Mrs Jones are low earners and would not be able to pay legal fees privately.

Turn over

DOCUMENT 2

TELEPHONE ATTENDANCE NOTE

Date: 2 January 2019
Present: Hema Patel; Ainsley Lyman

Telephone conference with Ms Hema Patel.

Accident at work – 18 January 2018. Hema was working as waiting staff at Jack's Pizza Joint (JPJ), when she slipped on a spillage in the kitchen. She left her employment following the accident, as the relationship became very strained.

Injuries – fracture to right wrist and bruising to lower back.

Brought a claim against JPJ. Hema represented herself. Matter went to trial on 24 September 2018. She was successful and was awarded damages in the sum of £26,000 plus costs.

JPJ failed to pay the judgment sum by the date in the order.

Hema telephoned JPJ's solicitors to find out why there was a delay. They advised her that JPJ had gone into liquidation and they were not hopeful that she would ever see any of the money. They no longer acted for JPJ.

She has tried to get in touch with JPJ directly, but the restaurant is now boarded up and she does not know how else to contact them.

Hema is concerned that she may never be paid the damages. She wants to know whether there is anything else she can do, to try and retrieve the money owed to her.

Arranged an appointment for her to come into the office to discuss further.

TELEPHONE ATTENDANCE NOTE

Date: 2 January 2019
Present: Magda Funar; Ainsley Lyman

Arranging for Ms Magda Funar to come into the office for a conference.

Brief details of issue:

Magda was riding her bicycle through central London, when a car drove too close to her. The car hit her bike, and she fell to the ground.

Magda suffered a sprained left wrist, sprained left ankle and multiple cuts and bruises. Her injuries caused her to be off work for two weeks. During this time, she had difficulty in getting around.

Magda's bike was damaged beyond repair. It will cost in the region of £1,000 to replace. She is a student and cannot afford to replace it.

Magda wants to bring a claim against the driver of the car. Unfortunately, she does not know the driver's details. The driver did not stop, instead driving off at speed following the accident. A witness to the accident did manage to get the car registration number plate details.

Magda wants to discuss the claim and what, if anything, her next steps should be.

End of Supporting Materials

