



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 15 – CIVIL LITIGATION*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Explain, with reference to the SRA Code of Conduct, whether Kempstons may act for Perry Gibbs in relation to his employment concerns (**Document 2**).

(10 marks)

- (b) Explain the relevant timescale within which the defendant must respond to the letter of claim (**Document 1**).

(5 marks)

Louise Delaney requests that you prepare a note with regard to the relevant law, facts and evidence, preparatory to responding to the client's insurers (**Document 1**).

- (c) Outline the issues of law, facts and evidence that you should include in the requested note, and advise whether liability should be admitted.

(10 marks)

(Total: 25 marks)

Question 2

Reference: Question relates to **Documents 3 and 4** of the case study materials.

The steps in 1(c) above are taken and the insurers have received appropriate advice. Proceedings have not yet been issued, but a single joint medical expert has reported, providing a final prognosis, and it has been possible to evaluate quantum. A letter is received from Jacques and Russell LLP (**Document 3**).

- (a) Advise the client and their insurers in relation to the contents of the letter (**Document 3**), explaining the potential effectiveness of a step that might protect the client's costs position.

(10 marks)

Negotiations take place between the parties. These are successful and are confirmed in Kempston's letter dated 12 September 2019 (**Document 4**).

- (b) Explain what procedural step or steps must be taken, to give effect to what has been agreed between the parties.

(10 marks)

Louise Delaney asks you to prepare a consent order, to reflect the terms of settlement agreed between the parties.

- (c) Draft the following elements of the consent order that should be prepared:

- the parties;
- the contents of the order;
- the contents of the schedule.

(8 marks)

(Total: 28 marks)

Question 3

Reference: Question relates to the case of **Fred Grassington** in the **Advance Instructions to Candidates** of the case study materials.

(a) Advise Fred Grassington as to the remedies available to him. **(6 marks)**

(b) Explain how you would obtain an urgent remedy for Fred Grassington and what that would entail. **(9 marks)**

(c) Advise Fred Grassington as to how, if he seeks an urgent remedy, he may potentially be required to meet any loss incurred by Philip Robbins.

(5 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

Rahul Thandi has not served an acknowledgement of service, but has sent an email on 19 June 2019 (**Document 5**).

(a) Advise Talia whether Rahul's email (**Document 5**) amounts to a defence to her claim, and outline the options available to Talia in response. **(15 marks)**

In due course, Talia obtains a judgment against Rahul, with damages to be assessed. Those damages are later assessed by the court in the sum of £45,000. Judgment was entered in that sum to be paid within 28 days. Rahul does not pay the judgment sum, but sends a further email (**Document 6**).

(b) Advise Talia as to her options in these circumstances.

(12 marks)

(Total: 27 marks)

End of Examination Paper

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